

Senate Legal & Constitutional References Committee
Senate, Parliament House
Canberra, ACT 2600

J.W.Peter
Airlie Beach, QLD

12 July 2005

Dear Senators,

The Australian High Court decisions in 2004 have highlighted the need for legislation that will make it unlawful to detain asylum seekers indefinitely and to hold children in mandatory detention. The High Court's decisions did not imply approval of the activities by the government, but pointed out that there was no legislation concerning these issues; so we call on the Senate to introduce protective legislation as soon as possible.

It is appalling that people in Australia can be imprisoned indefinitely without access to lawyers and without any provision for an independent judicial review of their cases. Mandatory detention itself should be re-examined for its impact on the detainees, the prison staff and the civil society of Australia--- and its 'cost effectiveness' should be looked at, in comparison to less draconian methods. Privately managed detention centres have put into question the adequacy of health care and other services in these centres, and such 'concentration camps' have cast a dark shadow over Australia's international reputation and our domestic civil society.

Under international agreements Australia has an obligation to provide permanent protection to all recognised refugees, but the Temporary Protection Visa (TPV) program denies permanent protection to refugees. By denying people refugee status this TPV regime would allow the government to forcibly send people to countries where they may still be at risk, and it is imperative that holders of TPVs should be included in the Refugee Convention.

It is also important that you examine the role of the Anti-Terrorism Bill 2004 in breaching Australia's obligations under the International Covenant on Civil and Political rights and the Convention on the Rights of the Child. The National Security Information (Criminal Proceedings) Bill restricts a defendant's access to information and allows for a trial to be conducted based on evidence the defendant's legal representatives may never see or hear! While these Bills may be outside the scope of your present enquiries, they point out the need for legislation specifically outlining and protecting our Civil Rights in Australia. The cases of David Hicks and Mamdouh Habib and hundreds of others held in Guantanamo Bay outside the internationally recognised rule of law by our ally emphasizes the erosion of civil rights in our democratic societies; and it is up to our Legislative branch in government to correct these imbalances.

Thank you for seriously considering these issues and acting to ensure our civil rights for future generations.

Respectfully Yours,
Jonathan Peter