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THE UNITING CHURCH IN AUSTRALIA

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The Hon. John Howard  
Prime Minister  
Parliament House  
CANBERRA 2600

1 November 2005

Dear Prime Minister,

**RE: The *Anti-Terrorism Bill 2005***

I write on behalf of the Uniting Church in Australia, to express our deep concern about the proposed *Anti-Terrorism Bill 2005*. We believe these laws, in seeking to curb terrorism, do so at the expense of key democratic values of the very society they aim to protect.

We note the increasing weight of legal opinion that these laws violate human rights obligations recognised by Australia, and undermine the rule of law and the constitution. We note particularly the concerns expressed by such eminent Australians as Sir Anthony Mason and Sir Gerard Brennan, former Chief Justices of the High Court of Australia, which were published in the *Sydney Morning Herald* recently.

We would bring to your attention four problems raised by the proposed legislation:

1. Even those accused of terrorist activities are entitled to human and legal rights. In particular, the rights to presumption of innocence, habeas corpus and a fair trial should be preserved. If we cast off these rights, we lose the very rights and freedoms we are striving to protect.
2. People caught up in investigations who are not suspected of terrorist activities deserve to be treated far better than is allowed for under this legislation. The criminalisation of revealing one's whereabouts to one's own family is particularly disturbing, as it has the potential to undermine family relationships. The inability to explain an absence is also likely to create serious problems with one's employer and provide grounds for dismissal. Furthermore, if one is not able to tell others about an instance of detention, it is effectively impossible to seek legal redress for wrongful detention.
3. The general effect of the expanded definitions of 'sedition' and 'seditious intent' will be to undermine the ability of the people to debate serious issues openly, which is at the heart of democracy. We note that while these terms are defined very broadly, the 'good faith defence' is extremely tightly defined, and is applicable only to individuals, not associations.

4. The lack of judicial scrutiny, both of initial and ongoing control and preventative detention orders, breaches the public trust. The failure to require evidence to be rigorously tested in a court of law is not only unjust, but also dangerous. In the event of a genuine terrorist threat, mistakes can be made as to who is detained, leaving real terrorists free to continue their activities. Testing evidence is about effective crime control, as well as human rights.

We are particularly concerned with the haste and secrecy with which these laws are being passed. In particular, we consider that a senate inquiry of only one day's duration is insufficient to examine the myriad legal and social implications of this bill. Removal of civil liberties, including the introduction of administrative detention, should not be undertaken in haste and without adequate community consultation.

Since the publication of the draft by ACT Chief Minister John Stanhope, significant legal and human rights problems have been identified. Good laws require serious and lengthy consideration by the community and by a broad range of expertise. We note in this context that the UK Government is undertaking a rigorous process of consultation and review around their corresponding legislation.

With the threat level remaining at 'medium', we feel that the Government's haste is unnecessary in this matter, and could have the most serious consequences. We urge you to take the time to consider the legislation more fully and to allow for rigorous public debate.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Rev. Dr. Dean Drayton', with a long horizontal flourish extending to the right.

Rev. Dr Dean Drayton  
National President  
Uniting Church in Australia