

29 April 2008

Dear Mr Clarke,

Re: Preliminary Submission on behalf of the Australian Lawyers Alliance

The Australian Lawyers Alliance is the only national association of lawyers and other professionals dedicated to protecting and promoting justice, freedom and the rights of individuals. The Alliance has some 1,500 members and estimate that they represent up to 200,000 people each year across Australia. The Alliance promotes access to justice and equality before the law for all individuals regardless of their wealth, position, gender, age, race or religious belief. The Lawyers Alliance started in 1994 as the Australian Plaintiff Lawyers Association.

The Australian Lawyers Alliance is a company limited by guarantee, with branches in every state and territory of Australia. The organisation is governed by a board of directors, comprising of representatives from around the country (the National Council). The elected office-bearers are supported by 10 staff the head office in Sydney.

The Alliance takes an active role in contributing to the development of policy and legislation that may affect the rights of individuals, the injured and those disadvantaged through the negligence of others. It is a leading national provider of Continuing Legal Education/Continuing Professional Development, with some 25 annual conferences and seminars.

The objectives of the Australian Lawyers Alliance include, inter alia:

- promoting access to justice
- protecting and preserving the common law system of justice
- encouraging informed debate in the community concerning individual rights
- promoting, protecting and enhancing of the rights and freedom of individuals
- promoting and protecting democratic systems of government
- promoting and preserving of the continued separation of powers and the independence of the judiciary
- promoting equality before the law for all individuals regardless of wealth, position, sex, age, race or religious belief
- promoting and preserving the right to the presumption of innocence and the right to silence of accused persons

The Australian Lawyers Alliance has played a significant role in the public, legal and governmental debates relating to many key issues that involve the rights of individuals and is recognised as a key national stakeholder in this area.

The Australian Lawyers Alliance therefore has a direct interest in the matters that are the subject of this inquiry.

The Alliance has significant concerns that have been addressed to government at all levels in relation to the circumstances surrounding the treatment of Dr Haneef, his detention and charging, the actions of the Department of Immigration and the then Minister for Immigration, the actions of the Australian Federal Police, the actions of the Queensland Police, and the actions of the Commonwealth Director of Public Prosecutions.

The Alliance also has significant concerns, which have also been addressed with government at all levels, in relation to the commonly termed 'counter-terror laws', specifically:

- the powers to question (and, if necessary to ensure that the questioning power is effective, to detain) persons; and
- the making of control orders and detention of persons without trial.

The impact of the suite of counter terror laws on the rights of individuals involve the erosion of long-standing principles, including:

- the prohibition on detention without trial
- the presumption of innocence
- freedom of speech and association

The Australian Lawyers Alliance accordingly seeks the leave of the inquiry to appear and to make appropriate submissions.

Yours faithfully,



Mr Ian Brown
National President, Australian Lawyers Alliance