



MEMBER FOR ADELAIDE

93 Frome Street, Adelaide SA 5000

Phone (08) 8223 5442 Fax (08) 8223 5570

Kate.Ellis.MP@aph.gov.au

Date: 07 September 2005

Dr U Ne Oo
18 Shannon Place
ADELAIDE SA 5000

Dear Dr Oo

Thank you for your email dated 27 September 2005 regarding the proposed new police powers as part of Australia's response to terrorism, and in particular raising your concerns about the need to protect individual rights and civil liberties.

I share your concern that it is vital for Australians to preserve the fundamental rights and freedoms upon which our society is based and believe that we need a balanced response to the threats posed by terrorists.

Protecting Australians from the threats of terrorist incidents such as those we have witnessed in Bali, Madrid, London and New York present a free and democratic society with great challenges. Labor believes that it is possible to meet those challenges and provide protection for Australians, at the same time as we preserve our civil liberties and freedoms.

In the lead up to the Council of Australian Governments (COAG) meeting, Labor leader Kim Beazley released a statement setting out practical measures that need to be taken to enhance our security together with the safeguards required to ensure these powers are not open to abuse.

For example, the statement proposed that these powers:

- only be activated where the Police Commissioner has credible evidence that a terrorist act is likely to be committed and where the use of these powers would prevent that act or, following a terrorist act, for the purposes of investigation and apprehension.
- be further subject to safeguards that require both ministerial and judicial concurrence as soon as practicable but within twelve hours of the authorisation of these powers.
- on each and every occasion be required to be reported to the Parliament. This will ensure that transparency and public accountability apply in the exercise of these powers.
- specifically exclude lawful industrial, political and peaceful protest activity. Clearly it is inappropriate for peaceful, political and industrial protest to be subject to restriction.

The statement issued by the Leader of the Opposition restated Labor's views that special powers of this sort should be subject to a sunset clause.

Whilst the communiqué issued from the COAG meeting on 27th September 2005 is in broad terms, it does seem that a number of Kim Beazley's proposals have been adopted.

It is likely that changes to State laws will flow from the COAG agreement, together with some Federal laws. Labor will look closely at the details of the enabling legislation to ensure that the principles we have previously set out are adopted. As is often the case in these matters, the devil is in the detail.

Regrettably, whilst Mr Howard seems focused on wanting to create new laws for more offences, he has failed to take the basic practical steps necessary to make Australians more secure.

The recently released report into airport security by Sir John Wheeler chronicles a long list of mismanagement and failures by the Howard Government, four long years after September 11.

The Wheeler report exposed the government's mismanagement, sighting a system that was "dysfunctional" and had completely inadequate information sharing arrangements, shortcomings in baggage x-raying, cargo x-raying, command and control structures and regional airport security.

Similarly, there are serious shortcomings with respect to maritime security which Labor has pursued. For example, the government routinely allows hazardous and dangerous cargo to be shipped around our coastline by flag of convenience ships with overseas crews and little or no effective checking of the background of either.

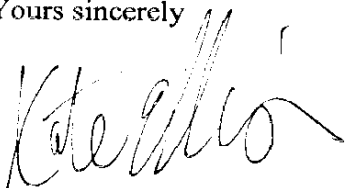
In addition, the Government has failed to apply its own laws requiring ships coming to Australia to identify their cargo and crew at least 48 hours before arrival. What is more, nearly 90% of containers on ships are not x-rayed.

These major weaknesses in our border security have been largely ignored by the Howard Government.

Labor will continue to play a constructive role in ensuring that we get the balance right in both protecting our civil liberties and responding effectively to terrorist threats.

Thank you again for keeping me informed of your views in relation to this important matter.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Kate Ellis', written in a cursive style.

Kate Ellis MP
Federal Member for Adelaide