



ATTORNEY-GENERAL
THE HON PHILIP RUDDOCK MP

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Mr Philip Lynch
Director and Principal Solicitor
Human Rights Law Resource Centre Ltd
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Dear Mr Lynch

I refer to your letter of 3 August 2006 about your correspondence to United Nations Special Rapporteurs on the conditions of detention of thirteen remanded prisoners in Victoria.

As you are aware, Australia is party to all the major international human rights instruments, including the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights and the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment. Australia has implemented these human rights obligations through a number of measures.

The Government recognises that human rights are universal, equal and indivisible. However, they are not and never have been unqualified. Indeed, restrictions on the exercise of many of the individual rights in the ICCPR may be made for the protection of national security.

The Government does not consider that protecting national security is inconsistent with protecting human rights. Australia's counter-terrorism laws are aimed at protecting our community from the threat of terrorism without unfairly or unnecessarily encroaching on the individual rights and liberties that are fundamental to our democratic system. The Government believes that Australia's counter-terrorism legislation is a necessary and proportionate response to the threat of terrorism and that the security objectives of such legislation are not in conflict with human rights, but supportive of them.

Although the detention of federal offenders is dependant on authority from Commonwealth law, the day-to-day management of prisoners is primarily a matter for the States and Territories. Section 120 of the Commonwealth Constitution provides that States are required to make provision for federal offenders within their correctional facilities.

Thank you for bringing your concerns to my attention.

Yours sincerely

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

Philip Ruddock