



2 August 2010

Mr. Alan Shearan MP,
Chair, the Legislation Review Committee,
Parliament House,
Macquarie Street,
SYDNEY NSW 2000

Dear Mr. Shearan,

Re: Public Interest and the Rule of Law

I refer to your letter dated 11 May last, in which you provided the Public Defenders with an opportunity to comment upon the contents of the Discussion Paper titled *Public Interest and the Rule of Law*.

I have read the submission of the NSW Bar Association, and agree with its contents. I would only add the following:

In relation to questions 3 and 5 in the Discussion Paper, a statement of the rights to a fair trial and procedural fairness appears in Arts. 10 and 11 of the Universal Declaration of Human Rights and Arts. 9, 10, 14 and 15 of the International Covenant of Civil and Political Rights ("the ICCPR"). It should be noted that Arts. 5 and 6 of the European Convention of Human Rights ("the ECHR") are in similar terms to provisions of the ICCPR, and since this founds the jurisdiction of the European Court of Human Rights, its judgments, particularly as they relate to appeals from the common law jurisdiction of England and Wales, can be valuable material in understanding how these principles have been applied to particular fact situations and member-state legislative provisions.

Yours faithfully,

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

Mark Ierace SC
Senior Public Defender