



New South Wales  
Council for  
Civil Liberties

**NSW COUNCIL FOR CIVIL LIBERTIES**

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**Welcome to the December 2015 issue of the  
NSWCCL Newsletter**

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**We wish all of our supporters and members a safe and happy holiday season. We look forward to further interesting civil liberties work in the New Year!**

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**National Issues**

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**800 Year Anniversary of the Magna Carta**

In June it was the 800 year anniversary of the signing of the Magna Carta. Many see this document as the beginning of recognition of fundamental human rights. The anniversary was a timely reminder of

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**Upcoming Events**

We are already in the planning stages for our annual dinner, which will again be held in the middle of the year.

the tyranny that can result from unchecked executive power, an issue that is as relevant today as it was 800 years ago.

## Counter-terrorism

### *Yet More Counter-Terrorism laws*

The tsunami of counter-terrorism laws has continued unabated to year's end.

In early December the Government and the ALP combined to pass the contentious Australian Citizenship Amendment (Allegiance to Australia) Bill 2015.

Following intensive criticism of what has been called "one of the most poorly drafted and ill-conceived pieces of legislation ever introduced into the Federal Parliament" (George Williams SMH 15/11/15) and an unusually strong report by the parliamentary intelligence and security committee, the Bill was significantly amended. Its scope and general looseness was greatly reduced, but the core concept of stripping persons of their citizenship for terrorist related offences was kept.

NSWCCL was very active around this Bill. We joined with other councils for civil liberties in a strong submission to the PJCIS and when the Bill came into Parliament, in lobbying members of parliament through a [public statement](#) calling for citizenship-stripping to be abandoned.

Simultaneously, we were racing to lodge yet another urgent submission to the Government's 5th tranche of counter terrorism laws over the last year – Counter-Terrorism Legislation Amendment Bill (No 1) 2015.

This bill will expand the coercive and punitive Control Orders regime to cover 14 years old children; with calls for inclusion of 12 year olds. It will also: significantly expand highly intrusive monitoring and surveillance powers over adults and children subject to these orders; greatly increase the secrecy provisions relating to evidence and witnesses in control order processes thereby further excluding the subject person/child and their legal representatives from critical information on which to defend the person from allegations; expand the definition of an 'imminent' terrorist act as a basis for imposition of arbitrary detention under the controversial preventative detention orders regime and expand the definition of 'advocates' a terrorist act within the Classifications Act.

In mid-December, NSWCCL coordinated a joint CCLs submission arguing against many of the provisions in the bill. Once again our overall arguments are that: many if not most of these new laws are not necessary since sufficient powers already exist; these laws will not make us or the world safer. Arguably they will have the contrary

Watch out for details of our crypto-party next year!

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### Past Events

In July we held a forum Citizenship Stripped Bare: When is it Dangerous to be Australian? Bret Walker, Chris Berg and Lydia Shelley spoke at this thought provoking evening.

We hosted a very successful annual dinner in July, with Gillian Triggs as our guest speaker. Gillian spoke eloquently on the importance of the rule of law and that vigilance in safeguarding our civil liberties is of critical importance.

In October our Justice Action Group held a forum on the COPS database which was well attended and raised many interesting issues.

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### NSWCCL in the Media

effect and therefore the very significant undermining of Australians' liberties and rights are not justified. It remains our view that much of this counter-terrorism legislative frenzy is driven by electoral politics.

We had hoped that the transition to Malcolm Turnbull as PM would stop this extraordinary torrent of counter-terrorism legislation. Alas Senator Brandis has flagged we can look forward to a new bundle very early in the new year. As the Government is now getting cold feet on its earlier proposal to also strip citizenship from sole Australian nationals for terrorist offences, it is now floating the idea of keeping convicted terrorists in gaol after they have served their sentence.

So February should bring us the dual joys of reacting to a new version of the current counter-terrorism bill simultaneously with a brand new one on sole citizens. If only all this energy was directed to meaningful community programs to counter all kinds of violent extremism.

*Dr Lesley Lynch*  
*Convenor- Counter-terrorism*

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## NSW Issues

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### **Police oversight reform in NSW- Real or a Political gesture?**

NSWCCL has long campaigned for the independent investigation of police critical incidents in NSW. The need for this has been increasingly visible with the intense controversy around recent high profile critical incidents and there appeared to be growing support under Premier Baird and in the leadership of the police force for more effective civilian oversight of NSW Police.

In November the Government released Andrew Tink's Review of Police Oversight report and indicated that it would accept its recommendations. The core recommendation is to create an integrated civilian oversight body with royal commission powers to replace the Police Integrity Commission, the Police Division of the Office of the Ombudsman and the Inspector of the Crime Commission.

While this is a significant reshaping of police oversight in NSW, it is very disappointing that the report recommends that the Police Force should continue to investigate police critical incidents.

Our president Stephen Blanks has had a busy time as usual in the media discussing civil liberties issues. In fact, the day the 5<sup>th</sup> tranche of counter-terrorism laws was publicly aired, reducing the age for control orders to 14 and providing for detention without charge for 28 days, was the busiest day he has ever had with 14 media interviews. There was real public concern that this proposal was going too far.

You can see a listing of these stories and our other media appearances on our [facebook page](#), or on our [website](#).

Here are some selections:

[NSW Police To Rollout Random Drug Testing Statewide](#)  
(12/09/2015, The Huffington Post Australia)

[Civil libertarians question police cameras](#)  
(17/09/2015, Channel 9 News)

[Tasers now used by police to subdue more mentally ill people than drunks](#)  
(27/09/2015, The Daily Telegraph)

[NSW looks to toughen up anti-terror laws](#)  
(13/10/2015, AAP)

Tink argues that “only the NSW Police Force has the appropriate investigative skills, and is the only agency that could maintain these skills at a sufficiently high level at a reasonable cost”. He does however, balance this with recommendations meant to give teeth to a more effective monitoring role for the new body including the statutory power to monitor critical incident investigations in real time. This may improve the integrity and the transparency of police critical incident investigations- if all recommendations are implemented.

The inclusion of both the corruption and the complaint handling functions runs counter to the 1996 recommendations of the Wood Royal Commission. NSWCCCL raised its ongoing uncertainty about this in its submission to Tink. However, Tink indicates he has discussed the issue with Woods and is confident that things are sufficiently different now for this model to be the preferred one.

A bill to establish a Law Enforcement Conduct Commission is promised for the new year and only then will we see how many of the Tink recommendations will be actually picked up by the Government. NSWCCCL will be discussing the report and its implications with other organisations in the new year and will join with them to try and influence the bill.

*Dr Lesley Lynch*

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## News from CCL

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### NSWCCCL Annual General Meeting 2015

At our [AGM](#) this year we welcomed a new [Executive Committee](#), updated our Constitution and approved some new [policy statements](#). Our AGM is a chance for members to get together and discuss NSW CCL's plans for the next year. We also have monthly Committee meetings which members are invited to attend. If you have not already joined, why not become a member – the cost is nominal and it allows us to continue our important work.

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[Debate continues on tougher terror laws?](#)  
(14/10/2015, The Australian)

[Churches fight against gay marriage gains momentum](#)  
(16/10/2015, The Sydney Morning Herald)

[Privacy commissioner calls for new protocols before spy agencies get access to citizens' photographs](#)  
(19/10/2015, The Sydney Morning Herald)

[ICAC's Margaret Cunneen SMS leak sparked prosecutor feud](#)  
(23/10/2015, The Australian Business Review)

[Action against ex-lovers who distribute 'revenge porn' will be a focus of NSW inquiry today](#)  
(30/10/2015, ABC News)

['National security interest inmate': fresh terrorism crackdown in prisons](#)  
(31/10/2015, The Sydney Morning Herald)

[Parents left out in the cold over plans to combat 'violent extremism' in schools](#)  
(11/11/2015, The Sydney Morning Herald)

[NSW police get 'shoot now' discretion;](#)  
(17/11/2015, Sky News)

[Australia passes anti-terrorism law to strip](#)

## Submissions

NSW CCL has been busy [making submissions](#) on a variety of subjects. Here is a list of submissions from the last 6 months:

NSW Review of Police Oversight by Mr Andrew Tink 12 July 2015

Parliamentary Joint Committee on Intelligence and Security Review of the Australian Citizenship Amendment (Allegiance to Australia) Bill 2015 19 July 2015

NHMRC Draft Ethical Guidelines on Assisted Reproduction Technology 17 September 2015

Combined CCL's Submission to the inquiry on Traditional Rights and Freedoms: Encroachments by Commonwealth Laws 18 October 2015

NSW Legislative Council Committee and Law and Justice – inquiry into remedies for the serious invasion of privacy in NSW 25 November 2015

PJCIS Inquiry into the Counter-Terrorism Legislation Amendment Bill (No1) 2015 16 December 2015

We have already started on various submissions for next year. In the first few months of 2016 we will be preparing submissions on privacy, internet regulation and legislative processes. If you have an interest in these areas or any areas covered by our Action Groups, and would like to contribute to our submissions, please [contact us](#).

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## Update from the Free Speech, Privacy and Open Government Action Group

This [action group](#) works across several clusters of issues around free speech, privacy and open government. Join us in defending privacy, free speech and transparency in government and the fight against censorship.

[citizenship](#)

(4/12/2015, AFP)

[Dr Harry Melkonian and Stephen Blanks on Gun Control in USA and Australia](#)

(22/12/2015, Benchmark TV)

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We have had a busy year following developments in these areas. We've written a submission to the NSW Legislative Council Committee on Law and Justice Inquiry into Remedies for the Serious Invasion of Privacy in NSW, appeared at the hearing and answered some follow up questions.

Next year, we'll be organising a cryptoparty. Watch out for more details.

The action group meets monthly and has an active Facebook group. If you're interested in joining please email me at [hannah.ryan@nswccl.org.au](mailto:hannah.ryan@nswccl.org.au). NSWCCCL members and supporters are welcome.

*Hannah Ryan*  
*Action Group Convenor*

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## **Make a difference: join an Action Group**

**NSWCCL is busier than ever with continued attacks on basic rights and liberties** at federal and state level.

You can help the push back by [joining one of our Action Groups](#).

The **hard work of CCL is done in the Action Groups**, and we need members and supporters to participate for our organisation to make an impact.

**There will be something you can contribute no matter your skills, knowledge or time commitment.**

The Action Groups include [Asylum Seekers and Refugees](#), [Freedom of Speech, Privacy and Data Retention](#) (featured in this newsletter

just above!), [Criminal Justice, Police Powers, and Mental Health, Civil and Human Rights](#), and other organisational groups including Communications, Events and Membership.

**[Sign up now to get involved.](#)**

Not sure? [Email our office to discuss.](#)

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You can keep up to date on [NSWCCL in the media on our website.](#)

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