



New South Wales
Council for
Civil Liberties

NSW COUNCIL FOR CIVIL LIBERTIES

STREET ADDRESS: SUITE 203, 105 PITT ST, SYDNEY, NSW 2000 AUSTRALIA
POSTAL ADDRESS: PO BOX A1386, SYDNEY SOUTH, NSW 1235

e: office@nswccl.org.au
p: 02 8090 2952
f: 02 8580 4633

www.nswccl.org.au

Welcome to the March 2016 issue of the NSWCCL Newsletter

In this issue:

National issues | Senate voting reform | Fundamental Freedoms Report | Counter terrorism issues

NSW Issues | Anti-protest Bill | Privacy reform | Lock-out Laws

CCL Issues | Strategy Meeting | Submissions | Action Group Profile: Asylum Seekers and Refugees | Join an Action Group

office@nswccl.org.au

nswccl.org.au

02 8090 2952

PO Box A1386
Sydney South
NSW 1235



JOIN NSWCCL

GET INVOLVED

DONATE

RENEW

National Issues

Senate voting reform

The Senate electoral reform bill passed through all stages of Parliament on 18th March after a marathon sittings – including a 28 hour non-stop Senate session. This is a very good outcome for democracy in Australia. NSWCCL supports the new electoral process and is relieved Australia does not have to go to another election under the current broken and distorted system.

Sadly the Parliament was bitterly divided on this Bill which emerged from a unanimous Joint Committee on Electoral Reform (PJCEM) report over two years ago – though the only cross-bench representative on that Committee was Nick Xenophon.

Given the huge role that then Labor Senator John Faulkner had in supporting this reform, it is particularly disappointing that the ALP felt it had to oppose the Bill with such vehemence.

Upcoming Events

We are planning some lectures and will have more details soon

NSWCCL understands the very real pressure of possible adverse electoral outcomes for individual parties in any changes to electoral processes. Nonetheless, we had hoped that Parliament could have approached this vital legislative reform with much greater consensus about underlying electoral principles.

It has been very dismal listening: much abuse, much nonsense, and very little intelligent analysis. And all happening in a last minute dash. Not Parliament at its best.

But the bottom line is a significant reform has been achieved.

NSWCCL made submissions to the Joint Committee on Electoral Matters supporting reform in 2013, 2014 and 2016.

For more information on CCL's position and our submissions to the JCEM, [follow the links here](#).

Fundamental Freedoms Report

We read with interest the Report of the Australian Law Reform Commission on traditional rights and freedoms unjustifiably breached by Australian laws commissioned by Senator Brandis.

The Report is a significant achievement and provides a riveting compendium of Australian laws which breach fundamental rights. It provides a shorter- but still rivetingly numerous- list of those laws which it considers may not be justified in these breaches.

It is a careful and even cautious report. It remains within its terms of reference in its definition of 'fundamental rights' to be encompassed although many submissions argued for a broader set. It does not come to any conclusions as to which laws ARE unjustified. It goes no further than to identify those that require further review.

Nonetheless, in our view all Australians who care about democracy and core rights and liberties should be very worried by the what is so clearly revealed in this report. All Parliamentarians should be made to study it and ponder their role as lawmakers.

NSWCCL joined with other CCLs to make a submission to the review. We urged a finding that went further with some particularly disturbing laws- calling for them to be reviewed with a view to their repeal.

It will be extremely interesting to see what the Attorney General decides to do with this very revealing report.

We are completing our detailed analysis, but note that section 18(c) is identified as needing further review. The review conveniently lists laws identified for review and acts as a compendium of laws that overreach.

Our annual dinner will be held in the middle of the year...watch out for more announcements!

Past Events

Lesley Lynch spoke at the large rally against the Anti-Protest Bill. The was passed by Parliament 16th March, 2016.

Our event on the COPS Database was held last year, but the Report has now been released- see [full report here](#).

President of NSWCCL Stephen Blanks and Greens MP David Shoebridge discussed the 'Gagging of Public Servants' at Politics in the Pub on 17 March. See [their website](#) for more info and videos of this event.

NSWCCL in the Media

Our president Stephen Blanks has had a busy time as usual in the

See more on final ALRC report on [their website](#).

Click here to see the [Joint CCLs submission](#)

Counter-terrorism

The report by the Independent National Security Legislation Monitor, Roger Gyles QC, on the controversial section 35P provisions of the ASIO Act was tabled in the Senate on 2nd February. These provisions create draconian offences with penalties of 5 and 10 years imprisonment for disclosure by any person of any information relating to ASIO 'Special Intelligence Operations' (SIO) at any time.

NSWCCL, along with the other councils for civil liberties, strongly opposed both the SIO regime and these provisions for their chilling effect on the media and on reasonable scrutiny of ASIO. The controversy around these offences forced the Prime Minister to ask the INSLM to review their impact on journalists.

The report is thorough and suggests the INSLM gave proper and serious consideration to the informed criticisms of the SIO regime and the obnoxious disclosure offences. His findings on the offences are consistent with our views. His recommendations remedy some of the worst aspects of the offences – but sadly fall short of repealing them.

The Government has said it will implement the INSLM's recommendations in full. For more on these recommendations and the Joint CCL response [click here](#).

NSW Issues

NSW Government forces through outrageous anti-protest Laws

On Tuesday 8th March, 2016, the [Inclosed Lands, Crimes and Law Enforcement Legislation Amendment \(Interference\) Bill 2016](#) was introduced into the NSW Parliament. The aim of the bill was to "amend and clarify the laws in relation to unlawful interference with mining and other businesses", however wide concern was expressed

media discussing civil liberties issues.

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:

[China sentence for Perth murder sets dangerous cross-border precedent](#)

(08/02/2016, Australian Financial Review Australia)

['Nanny state' laws are what ISIS wants, says Tyler Brûlé](#)

(23/02/2016, The Sydney Morning Herald)

[Crime commission secretly interrogated Australian who was allegedly tortured by foreign agency](#)

(04/03/2016, The Guardian)

[Victim of NSW hospital privacy breach calls for change to Government legislation](#)

(07/03/2016, ABC News Online)

['A form of intimidation': inside Australia's most](#)

at the harsh new criminal offences and penalties and the further expansion of police powers in relation to protests and search and seizure powers.

It was quickly dubbed the 'Anti-Protest' Bill.

CCL joined many other groups and citizens in actively opposing this Bill. Stephen Blanks publicly declared the Bill to be “completely unnecessary and disproportionate” to the challenges thrown up by protests against CSG activities and big mining.

In a wave of community outrage, NSW Greens led a rally outside Parliament to protest this bill and despite bad weather, many showed up to voice their objection to these draconian measures. Vice-President of NSWCCCL Dr. Lesley Lynch spoke passionately at the rally in defense of the right to protest as a core democratic right.

Notwithstanding extremely strong opposition, the Government with the support of the Shooters and Fishers Party and the Christian Democrats in the LC forced the bill through Parliament with little time for debate or community consultation.

A sad few days in Parliament for civil liberties.

More information on this new anti protest bill can be found on [our website](#).

Privacy Report

NSWCCCL made a submission and appeared at the hearing into the proposal for new laws to deal with serious invasions of privacy. We were pleased to be quoted at length in the final report of the NSW Legislative Council Committee on Law and Justice. [See the full report here](#).

Lock-out Laws

The debate on the effectiveness and impacts of these laws on Sydney's night life has been heated. We are considering the many arguments for and against. If any supporters are interested in contributing to our policy formulation, please [contact us](#).

[secretive law enforcement body](#)

(07/03/2016, The Guardian)

[Mike Baird's Anti-Protest Laws – What Are They And Who Hates Them](#)

(08/03/2016, The New Matilda)

[Digital Rights: A New Lobby Group Uniting the Greens and the IPA](#)

(14/03/2016, The New Matilda)

[Removal of Rights in NSW, An Exclusive Interview](#)

(18/03/2016, Sydney Criminal Lawyers)

JOIN NSWCCCL

GET INVOLVED

DONATE

RENEW

News from CCL

Strategy Meeting 2016

In February we held a strategy meeting of the Committee to discuss our direction this year and beyond. Thank you to all of those who attended and who give their time to considering role that we play and how we can be even more effective.

Submissions

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

Crimes Legislation Amendment (Proceeds of Crime and Other Measures) Bill 2015

- Criminal Code Amendment (Firearms Trafficking) Bill 2015
- Electoral Amendment Bill 2016
- Migration Amendment (Character Cancellation Consequential Provisions) Bill 2016
- NSW Legislative Council Committee System March 2016

In the next few months of 2016 we will be preparing submissions on guardianship, detention of people with psychiatric impairment and the establishment of a national integrity commission. 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](#).

Update from the Asylum Seekers and Refugees Action Group

So far this year, we have:

- Signed on to a letter calling for an end to offshore processing
- Signed on to a letter calling for improved educational access for asylum seekers
- Prepared a submission on the Migration Amendment (Character Cancellation Consequential Provisions) Bill

- Written to cross bench Senators regarding proposed changes to the Complementary Protection regime.

The action group will meet on 30 March. If you are interested in joining the group or coming to the meeting, please email me at therese.cochrane@nswccl.org.au

Therese Cochrane
Action Group Convenor

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.](#)

Thank you to our members and supporters- we could not continue with our important work without you!

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

NSW Council for Civil Liberties · 105 Pitt St, Suite 203, Sydney, NSW 2000, Australia