



New South Wales  
Council for  
Civil Liberties

## NSW COUNCIL FOR CIVIL LIBERTIES

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## Welcome to the May 2016 issue of the NSWCCL Newsletter

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## National Issues

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### Federal Election

The election will be held on Saturday 2 July. There are many civil liberties issues to raise in an election context. Fill in a [quick survey](#) to let us know the issues of most interest to you!

### Asylum Seekers

Australia's treatment of asylum seekers and refugees continues to shame us. We applaud the announced closure of several mainland detention centres. The situation on Manus Island remains unclear after the announcement by the PNG Prime Minister that the detention centre on the island will close. We noted with interest the fact that the PNG Constitution gave more protection to the asylum seekers held on Manus Island than they would have

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### Upcoming Events

We are planning some lectures and will have more details soon

Our Annual Dinner is  
on **Friday 26th August**

received in Australia. An appeal has commenced seeking removal of the asylum seekers and refugees from Manus Island to Australia. In addition, Broadspectrum (previously Transfield) which provides services at the offshore processing centres, will almost certainly be taken over by a Spanish company, Ferrovial, which has announced that providing services at regional processing centres will not form part of its services offering in the future. These developments call into question the continued operation of the offshore processing policy. We are appalled at the deteriorating situation on Nauru, which is receiving nowhere near the attention that it should. Help make this an election issue by writing to your member of Parliament demanding closure of the offshore processing centres and a more humane approach to asylum seeker policy, consistent with our international obligations. Our Asylum Seeker and Refugee Action Group will convene its next meeting shortly, so please contact us at [office@nswccl.org.au](mailto:office@nswccl.org.au) if you would like to attend.

## National Integrity Commission

NSWCCL had intended making a submission to the Select Senate Committee considering a National Integrity Commission but time overtook us. The Select Committee has been disbanded following the proroguing of Parliament.

This is a complex issue for the NSWCCL. Our default position is to oppose bodies with extraordinary powers which exempt them from important principles of justice. Nonetheless, the disturbing prevalence of systematic corruption within the NSW government and (to a lesser extent) its agencies over recent times, has led us to support the work of the NSW ICAC as valuable and not able to be done by more conventional law enforcement agencies.

We have formed a preliminary view, for the same reasons, that there is justification for a carefully designed and constrained national integrity commission. We will take advantage of the parliamentary hiatus and do some further work to develop a possible NSWCCL position on this issue with the intention of putting forward a submission to the Government or Parliamentary committee at a later time.

We would be very interested in the views of members on this issue. (Contact Lesley Lynch – [Lesley.lynch@nswccl.org.au](mailto:Lesley.lynch@nswccl.org.au))

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## NSW Issues

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### Forum on new police powers

2016at Sky Phoenix- Save the Date!

Attend the forum on new police powers in NSW

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### Past Events

Our action groups have been meeting regularly- let us know if you would like to come along to our meetings.

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### NSWCCL in the Media

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

On Wednesday 11 May, we will be joining a forum organized by David Shoebridge to discuss the proliferation of laws controlling public behavior in NSW. We will discuss the Bills creating Serious Crime Prevention Orders and Public Safety Orders, which are outlined below. We will also discuss the [Inclosed Lands, Crimes and Law Enforcement Legislation Amendment \(Interference\) Bill 2016](#), which has been referred to as the 'Anti-Protest' Bill. More information is available on the [Facebook page](#), or [RSVP Directly Here](#).

## Serious Crime and Public Safety Bills

Despite vigorous opposition from the Labor Party and the Greens, the NSW Parliament last week passed extraordinary new controls on the right to protest, on freedom of movement and association and a wide range of other constraints using police powers conferred by *Serious Crime Prevention Orders* (SCPO) and *Public Safety Orders* (PSO). If that was not enough, the Premier and Police Minister simultaneously introduced a disturbing new counter-terrorism bill into the Parliament, [The Terrorism \(Police Powers\) Amendment \(Investigative Detention\) Bill 2016](#).

These come hot on the heels of the equally unwarranted and extreme *Inclosed Lands, Crimes and Law Enforcement (Interference)* law passed in March. This law is a blatant attack on the right to peaceful protest in NSW; motivated it would seem by the Government's wish to deter protests against CSG projects and other environmentally motivated protests.

NSWCCL is not alone in noting that these four initiatives are part of an accelerating and disturbing trend in legislation to impose serious controls – including detention – on persons who have not been found guilty of any criminal offence (indeed under the SCPOs they can have been found NOT guilty). However, if they breach the controls that are placed on them they will be guilty of a criminal offence, with a penalty of up to 5 years imprisonment under some of these control regimes.

These controls are justified as 'preventative' of serious and organised crime or terrorism. It is a moot point as to whether they are effective in preventing offences, but they certainly impose punitive conditions. They greatly increase the powers of police and, more generally, the power of the State to encroach on rights and liberties. They are a growing threat to our justice system and to long held principles underpinning the rule of law in Australia. This trend must be resisted. See our [detailed statement](#) on these Bills, as well as [more information here](#).

[Anti-protest Laws 'draconian and oppressive'](#)  
(21/03/2016- The New Daily)

[Concerns for Heritage, the Law, as WestConnex protests escalate](#)  
(21/04/2016- Alt Media)

[Kingscliff cyclist slapped with fine that hasn't come into effect](#)  
(30/04/2016- Gold Coast Bulletin)

[NSW terror laws allow police to question, detain suspects for 14 days without charge](#)  
(04/05/2016- ABC Online)

[NSW terror laws a recipe for disaster](#)  
(04/05/2016- Channel 9)

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News from CCL

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## Annual Dinner

We are delighted to announce that Bernard Collaery, renowned lawyer, will be the speaker at our Annual Dinner on **Friday 26 August** at Sky Phoenix. Bernard has a distinguished career, with an international profile in civil rights and criminal law. He is a visiting fellow at Trinity College Cambridge. He is known as the lawyer acting for Timor-Leste in the proceedings in The Hague relating to the negotiation of a petroleum and gas treaty between Australia and Timor-Leste. Join us for an entertaining evening.

## Honouring Jim Staples

Jim Staples, a founding member of CCL and a staunch defender of civil liberties, has passed away.

As a barrister, he often acted on a pro bono basis in cases related to conscientious objection to conscription for the Vietnam War, abortion law reform and prison reform. He played an important role in the process of desegregation and the end of White Australia. He was appointed to the Conciliation and Arbitration Commission in 1975, was sent overseas to investigate human rights, and returned only to be dismissed by the Hawke government, due to what many later referred to, as an attack on judicial independence.

Staples was well regarded as a civil libertarian in NSW; he described his work on abortion reform as his most proud contribution. During the early 1970's jail riots in NSW, Staples was chair of the NSWCCCL's committee on prison reform, organising statutory declarations from prisoners detailing brutality by warders and making them public. After sustained public pressure, the NSW Coalition government announced a royal commission headed by Justice John Nagle, whose recommendations led to a much more humane prison system. "Personally, I think that was [Staples'] biggest achievement," said barrister Jeffrey Miles.

His contributions to civil liberties will not be forgotten, and NSWCCCL is proud to have had him as a member and leader in the community for so many years. He leaves behind his wife Margot, sons Paul and Michael and daughter Brigitte.

## An Evening with Edward Snowden

We are looking forward to attending an Evening with Edward Snowden in Sydney, which is being staged by ThinkInc. NSA whistleblower Edward Snowden will be appearing via video link. We are running a competition for supporters who are yet to join CCL. The first 2 supporters to join CCL as members will receive a complimentary ticket to the event. Please email us at [office@nswcccl.org](mailto:office@nswcccl.org) when you sign up as a member to enter the competition. Supporters and members may also obtain a discount on the

ticket price by entering the code NSWCCCL when booking. See you on the 28<sup>th</sup>!

## Submissions

NSW CCL has been busy making submissions and statements on a variety of subjects. Here is a list from the last few months:

- NSW Law Reform Commission review of the Guardianship Act
- Independent review of the impact of liquor law reforms
- Qld Legislative Assembly Committee inquiry into a Human Rights Act for Qld
- NSW CCL Statement in opposition to Crimes (Serious Crimes Prevention Orders) Bill and Criminal Legislation Amendment (Organised Crime and Public Safety) Bill

In the next few months of 2016 we expect there to be fewer inquiries, due to the Federal election.

## Congratulations to Hannah Ryan, Fulbright Scholar!

We are excited to announce that convenor of CCL's Privacy and Data Retention Group and Vice President, Hannah Ryan, has been announced as Sydney University's Fulbright Scholar for 2016. Hannah is planning to study in the United States. We are very pleased for Hannah but will be sad to see her go! See more on the University of Sydney [webpage](#).

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## Update from the Civil Rights and Justice Action Groups

Last month saw the first joint meeting of the Civil Rights and Justice Action Groups, which took place at the CCL office on Pitt Street.

The Action Groups deliberated on the state government's proposed crime prevention orders, mobile drug testing and the continued lockout laws. Despite the difficult outlook in these, and other areas, there were a lot of positives to come out of the meeting, and we are working on some exciting initiatives. We were glad to have some fresh new faces involved in the Action Groups, as well as a couple of more seasoned campaigners.

The Action Groups developed some ideas for working towards a charter of rights for New South Wales, so look out for that, and come along to our next meeting!

There has never been a better time to get involved in human rights work in NSW...unfortunately.

If you are interested in joining please email us at [office@nswccl.org.au](mailto:office@nswccl.org.au). NSWCCCL members and supporters are welcome.

*Jackson Rogers and Eugene Schofield-Georgeson  
Action Group Convenors*

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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](#), [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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## **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](#).

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