



New South Wales  
Council for  
Civil Liberties

#### NSW COUNCIL FOR CIVIL LIBERTIES

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

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## National Issues

### Census

We join with many other groups to criticize the unwarranted extension of retention of census data, which raises serious privacy issues. Stephen Blanks has given numerous media interviews over the past weeks. The changes permit the ABS to retain names and addresses. Similar changes were rejected in 2006 and 2011. The changes have been brought in now with extremely limited public consultation, which is wholly inadequate in view of the seriousness of the changes. Visit the website of the Australian Privacy Foundation to see its research on this issue. Concerns have also been raised about the level of security around collection and retention of the data. Census night is Tuesday August 9, but the ABS has indicated that people will have additional time to complete the Census this year. Remember you are entitled to ask for a paper Census form to complete.

### Upcoming Events

We are planning some lectures and will have more details soon

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

## Asylum Seekers

We welcome the action brought by Doctors for Refugees in the High Court against the secrecy provisions of the Border Force Act. These provisions allow for the imprisonment for 2 years of people such as doctors, nurses and social workers who disclose protected information regarding the conditions in immigration detention centres. Such provisions have a chilling effect on transparency and are contrary to basic democratic principles. The case argues that the secrecy provisions are contrary to the implied right of political communication in the Constitution. See our website for more. We will keep you updated on progress.

We were disheartened to see the report by Human Rights Watch and Amnesty International into the conditions on Nauru. The conditions are as bad as ever. We note that it took covert action by Human Rights Watch and Amnesty International to prepare this report.

We need to keep the pressure on the Government regarding Nauru and Manus Island and the secrecy provisions in the Border Force Act. Take action by calling or writing to your member of Parliament. We have heard that snail mail often generates more interest from our elected representatives than email.

## Royal Commission into NT Juvenile Detention

We were distressed to see the footage on Four Corners of the abuse of children held in the Northern Territory Don Dale detention facility. It is difficult to believe such abuse occurs in Australia in 2016. We welcome the establishment of a Royal Commission. We believe abuses such as those shown in the Four Corners report are contributed to by a culture of secrecy and lack of transparency, as well as a “tough on crime” attitude. We hope the Royal Commission is set up with appropriate terms of reference and can do its work quickly and independently.

## NSW Issues

## Anti-Protest Legislation

As we mentioned in our last newsletter, extraordinary controls on the right to protest, on freedom of movement and association and a wide range of other constraints using police powers have been passed under new legislation: *Serious Crime Prevention Orders* (SCPO), *Public Safety Orders*

**2016 at Sky Phoenix-** See more below!

## Past Events

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

## 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:

['Invasion of privacy': Household credit ratings made public online](#)  
(12/05/2016- Channel 7)

(PSO) and the *Inclosed Lands, Crimes and Law Enforcement (Interference)*. These laws are a blatant attack on the right to peaceful protest in NSW.

The public is very interested in this issue and Stephen Blanks has had many media interviews. We are working on a booklet and possibly an app with some information on what to do if you are arrested in these circumstances. More details soon!

## Euthanasia Bill

We welcome the moves towards dealing with the issue of euthanasia. We have provided a submission to the NSW Parliamentary Working Group on Assisted Dying. We hope that the draft Bill will encourage debate and reform in this area.

## News from CCL

### Annual Dinner

We are delighted that the 2016 key note civil liberties address will be given by Bernard Collaery, internationally renowned barrister, lawyer and former politician in the field of civil rights and criminal law.

*Is the right to truth central to the rule of law in a democracy?*

[If You Thought NSW Had Enough Shitty Police Laws, Here's Four New Ones](#)

(26/05/2016- VICE)

[Hornsby Westfield shooting: Police defend their tactics amid questions about other options](#)

(12/06/2016- Telegraph)

[NSW Police officer criticised for pointing gun at man after pursuit](#)

(13/07/2016- Sydney Morning Herald)

[Turnbull says terrorist threat in Australia is real as he pushes for indefinite detention](#)

(25/07/2016- The Guardian)

[Legal experts divided on Turnbull government's latest terrorism laws](#)

(25/07/2016- Sydney Morning Herald)

[Stephen Blanks Chats with John and Garry about the 2016 Census](#)

(07/08/2016- 2UE Radio)

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Throughout his career as attorney, advocate and politician (including ACT Attorney General), Bernard Collaery has been a fearless advocate for human rights on many fronts.

Bernard is well known for his advocacy work on behalf of Timor-Leste and currently acts for a former ASIS officer ('witness K') who claimed Australia unlawfully bugged the Timor-Leste Cabinet during negotiations on oil and gas treaty rights in 2004. Witness K's home was raided, his passport removed and he was threatened with a criminal charge.

*"Professional public servants who are prepared to take a stand and speak truth to power are every bit as crucial to a healthy democracy as an independent media and judiciary. Such people are often left with an unbearable personal cost and increasingly risk serious criminal charges. It is beyond time we gave them the protection they need and deserve. " (Bernard Collaery)*

Bernard can speak with experience and authority on Australia's legislative trend towards silencing whistleblowers and journalists and on what we can do to protect positive civil rights and hold governments properly accountable.

Date: Friday 26 August, 6:30pm for 7pm sit down

Venue: Sky Phoenix Restaurant, Westfield Plaza, Sydney

Ticket prices: \$150 per person, or \$1400 for a table of 10, \$1680 for a table of 12

Don't miss out – [buy your tickets now!](#)

Not able to attend but want to support the dinner? [SPONSOR one or more places](#)

Every year we seek sponsorship for students, young lawyers and other interested supporters who cannot afford to attend this important civil liberties event.

## Submissions

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

- Child Protection Legislative Reforms
- Voluntary Assisted Dying Bill
- Protected Disclosures Amendment (Public Interest Disclosures) Act
- Consultation on Statutory Guidelines on research: Use of Personal Information

See more details on [our website](#).

## Update from the National Security and Counter-Terrorism Action Group

The National Security and C-T area continues as a central concern for CCL. Government has responded to recent increased terrorist activity overseas and in Australia in its usual way, by introducing still more counter-terrorism laws with extraordinary provisions. CCL continues to object.

The Australian Government – after a brief pause – has surfaced with its next major tranche of C-T laws. Immediately on Parliament's return it will introduce two bills. One will create a post-sentence preventative detention regime for convicted terrorists still considered to be a risk at the end of their sentence. The *Counter-Terrorism Legislation Amendment Bill (No. 1) 2016* will bring back the bill introduced in November and referred to the Security and Intelligence Committee for review. This will extend the control

orders regime to children of 14 and over and a new offence of advocacy of genocide.

The extension of detention/control order powers to 14 year olds has been under discussion for some time across the states and are now COAG approved. So we can expect to see similar legislation also passed at state level very soon. The NSW Government has pre-empted the Commonwealth and already acted. In May - with ALP support – it introduced a new Investigative Detention counter-terrorism law allowing children from the age of 14 to be detained and interrogated for up to 14 days.

NSWCCL will continue to resist those aspects of these laws which unwarrantedly undermine longstanding rights. We do not support the extension of the detention and interrogation powers to children.

Our Counter-Terrorism action group has been extremely busy over the past few years. If you are interested in joining please email us at [office@nsw.ccl.org.au](mailto:office@nsw.ccl.org.au). NSWCCL members and supporters are welcome.

*Dr Lesley Lynch  
Action Group Convenor and CCL Vice President*

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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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