



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 May 2017 issue of the NSWCCL Newsletter

In this issue:

National issues | Citizenship and Australian Values | Migration Act changes | A national integrity commission? | No access to telecommunications data in civil proceedings

NSW Issues | Decriminalisation of abortion in NSW | Revenge Porn Bill

CCL Issues | Join our new Submissions group | 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

Citizenship and Australian values

We are dismayed by the recent debate on “Australian values” and potential changes to the citizenship test. As many commentators have noted, there does not appear to be a live issue that requires a legislative change, so we query why this debate has been started...

Nonetheless, we are in the process of crystallizing our views on Australian values and their application to determination of citizenship. If anyone is interested in contributing to this debate within CCL, please contact us at office@nswccl.org.au

Migration Act Changes

Not content with the Migration Act in its current form, the Government continues to put forward changes designed to increase the power of the Minister and further constrain avenues available to asylum seekers and refugees. Our Asylum Seeker and Refugee Action Group has considered these bills and asks you to contact your local members of Parliament to oppose the proposed changes to the Migration Act. If you have a Coalition member of

Coming Events

Join President Stephen Blanks and CryptoAustralia for “Basic rights protected by law in Australia (or not!)” on 21 June at 6pm.

[Click here for details!](#)

We are planning our annual fundraising dinner – watch out for more details soon!

the Federal Parliament, you can urge them to rethink these Bills. If you have a local or nearby ALP member of the Federal Parliament, you can contact them, or one of the NSW ALP or Green Senators—to urge them *to maintain their opposition to the following bills*. Two of these Bills have been passed by the House of Representatives but, so far, been rejected or delayed by the Senate (the third of the Bills listed below has not yet passed the House of Representatives):

Migration Amendment (Visa Revalidation and Other Measures) Bill 2016

This bill gives extraordinary powers to the Minister, which are not reviewable by Parliament or the courts, to target a particular class of persons and require them to revalidate their visa. Any information can be considered in the revalidation process and reasons need not be given.

Migration Legislation Amendment (Regional Processing Cohort) Bill 2016

The purpose of this bill is to prevent adults who were taken to a regional processing country (Nauru or Papua New Guinea) from ever receiving a visa to enter Australia. Again, extraordinary powers are granted to the Minister and this bill is contrary to the Refugee Convention.

Migration Legislation Amendment (Code of Procedure Harmonisation) Bill 2016 Provisions

This bill will have the consequence of diminishing the fairness of the procedures within the Administrative Appeals Tribunal as they apply to asylum seekers.

These bills contain shameful features which would undermine the rights, not only of asylum seekers and of recognised refugees, but of permanent residents and temporary visa holders across the board. They give unprecedented, non-compellable, non-reviewable powers to the Minister for Immigration and Border Security.

[Full details](#) of objections to these bills are made in submissions made by the Law Council of Australia or by the CCL and minority reports by ALP senators and by Green senators on the Legal and Constitutional Committee of the Senate (LEGCON).

You can see a summary of these bills on our [website](#).

We should oppose these bills. The more pressure we can apply through communications from constituents (especially written, rather than by email) the better.

Dr Martin Bibby, Convenor, Asylum Seekers and Refugee Action Group

A National Integrity Commission?

NSWCCL has made a submission to the Parliamentary inquiry as to whether there should be a national integrity or anti-corruption body akin to ICAC in NSW and similar bodies in other states. On the basis of our experience with ICAC we have put forward an argument that we urgently need such a body for the protection of the public good against both known and undetected forms of corruption in and relating to public administration.

We have argued for a wide definition of public administration, covering external undermining of the public good (eg collusion around tenders) and parliamentary and electoral funding issues.

As such a body will of necessity have extraordinary powers, we have argued the need for strong protections and constraints to minimize unwarranted intrusion into the liberties and rights of individuals and to ensure the tension between the public good and individual rights is carefully managed.

Central to the balance issue is the debate as to whether these bodies should conduct their investigation publicly or secretly with only a public report at the conclusion. NSWCCL has argued strongly in support of public hearings as an essential element if a NIC is to be trusted and effective.

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 these stories and other media appearances on our [Facebook page](#), [Twitter](#), or on our [website](#).

[Concerns for new police unit](#)

(26/04/2017 - ABC News)

[AUSTRAC should define types of sensitive information.](#)

(26/04/2017 - Daily Telegraph)

[Welfare groups may 'vilify the unemployed'](#). (10/05/2017 - ABC Radio)

[NSW police complaints in limbo as LECC falls behind schedule.](#)

(12/05/2017 - The Guardian)

[NSWCCL VP and Law Society President, Pauline Wright featurette.](#)

(11/05/2017 - The Justinian)

The inquiry is to report in August.
(The NSWCCCL submission will be listed on our website as soon as it is posted by the Parliamentary Select Committee)

Dr. Lesley Lynch, Convenor Justice Action Group

No access to telecommunications data in civil proceedings - a welcome decision

We lodged [a submission](#) with the Attorney General's Department and the Department of Communications and Arts in January 2017. We reiterated our view that the current metadata scheme is an affront to civil liberties and oppose its extension into civil proceedings. We are pleased that the Attorney General recommended in April that no changes be made to extend access to telecommunications data.

It is timely to note the incident whereby a member of the AFP accessed a journalist's metadata without proper authorisation. The AFP was forced to make a public and embarrassing statement. The dangers of this scheme in its current form are manifest.

NSW Issues

Decriminalisation of Abortion in NSW

We attended a gathering outside Parliament House recently, on the day that Mehreen Faruqi's bill was debated in the Legislative Council. Unfortunately, once again the Parliament chose to retain the status quo and we remain in the shameful situation in 2017, that abortion is still a criminal offence. We will continue to oppose this situation and hope that one day we may see progress. This is a women's health issue, not a criminal law issue.



CCL Secretary Therese Cochrane, Dr. Mehreen Faruqi MP, and CCL VP Lesley Lynch

JOIN NSWCCCL

GET INVOLVED

DONATE

RENEW

Revenge Porn Bill

We welcome the announcement by Attorney General Mark Speakman on the weekend that legislation to criminalise the non-consensual distribution of intimate images (known as "revenge porn") will be introduced.

However, we are disappointed that the NSW Government has not adopted the unanimous cross-party [Standing Committee on Law and Justice recommendations](#) that there be an effective civil remedy for serious invasions of privacy. Laws imposing criminal penalties for distributing intimate images only address one aspect of deficiencies in the existing privacy laws.

News from CCL

New Submissions Group

We are setting up a new group within CCL which will work across the subject areas covered by our Action Groups and concentrate on producing submissions and reports on issues of civil liberties interest. We encourage younger members and supporters to join. This group will be mentored by more experienced CCL members, with expertise in specific subject areas and familiarity with CCL policy positions. We aim to publish these reports and submissions on our website. If you would like to gain experience writing submissions, with the prospect of having your work published, please contact us at office@nswccl.org.au.

ies and a major figure in the NSWCCCL for many years. In the decades since John was President, the need for vigilance in defending civil liberties remains and is perhaps even more critical. We are still taking action on many fronts, which were thought to be resolved during the years of John's involvement with NSWCCCL. Michael Kirby's speech concluded with a list of issues that were important to John. Sadly, these issues are still not protected and require greater efforts than ever to protect.

Make a difference: join an Action Group

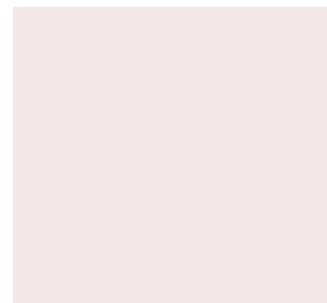
NSWCCL is busier than ever with continued attacks on basic rights and liberties at federal and state level. You can help the push back by [joining one of our Action Groups](#).

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](#).

**Thank you for your support – 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