



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 2018 issue of the NSWCCL Newsletter

In this issue:

National issues | Espionage, foreign influence and the attack on civil society and public discourse| Religious freedom review| Attacks on unions| Citizenship| Universal Basic Income|

NSW Issues | Lack of transparency on Taser Use| Boiling Frog

News from CCL | Submissions | Successful Annual Dinner | Join an action group | Note change of venue for March Committee meeting

office@nswccl.org.au
nswccl.org.au
02 8090 2952

PO Box A1386
Sydney South
NSW 1235

**JOIN NSWCCL
GET INVOLVED
DONATE
RENEW**

President’s Message

The start of 2018 has seen an unprecedented range of complex Bills presented over the Christmas period, with extremely short time frames for comment. Sadly, this appears to be the new “normal” whereby legislation is rushed through for no apparent reason, drafting is poor and the opportunity for reasoned and critical debate is stifled. The result is bad legislation and increasing assaults on our civil liberties. More detail is below. In these circumstances, the debate provided by a vibrant civil society voice is more important than ever. Have your say by joining NSWCCL, or coming to a Committee meeting. **We need your support!** [Join NSWCCL](#)



Image: NSWCCL President Stephen Blanks

Coming Events

ANNUAL DINNER

Save the date! Our annual dinner in 2018 will be held on Friday 10 August.

More details soon...

PALM SUNDAY RALLY

‘Declare Peace on Refugees’

Rally with CCL members

Hyde Park North

Sunday 25 March 2018

National Issues

Espionage, foreign influence and the attack on civil society and public discourse

The avalanche of national security legislation was renewed with unprecedented vigour in late 2017.

On 12 December the PM introduced five major Bills into Parliament, all of which were supposedly related to national security and foreign intervention. The PM said they would deliver *'the most important overhaul of our counterintelligence legislative framework since the 1970s'*. The package is unlikely to protect us from malign foreign interference or deliver much needed reform and transparency to electoral funding - but it will certainly be transformative.

The Bills reach beyond foreign intervention and national security. They encompass an extraordinary multi-faceted attack on civil society's right to participate in public political discourse and public access to information about government activity.

This attack includes a massive expansion of general secrecy laws capturing not just public officials (as is now the case) but also any person who makes an unauthorized disclosure of information covered by these laws. Journalists rightly protested that these new secrecy laws effectively criminalised every phase of journalists' work.

Charities and independent advocacy bodies like GetUp are targeted with deliberate intent to constrain their participation in public political discourse and, in the case of GetUp and similar organisations, to discredit their independence and reputation.

Many of these offences carry very serious penalties – in the case of general secrecy offences, more than doubling current penalties.

The reaction from civil society (including of course the councils for civil liberties), the media and the Law Council of Australia has been ferocious. So much so that the Attorney-General Christian Porter has wisely responded with a package of amendments to lessen the impact of the secrecy offences on journalists.

But these amendments to one part of one of the bills, while positive, do not come close to solving the many major problems across these bills.

We await reports from two Parliamentary Committees on these bills. The bills will probably come back to Parliament in May. In the meantime, we will continue to advocate against these bills in every available forum.

For details of the Bills read more [here](#)

The Religious Freedom Review

We submitted to the Attorney General's review on religious freedoms. We remain highly critical of the fact that submissions are still not public. We believe the review is an ill-disguised attempt to deflect attention away from more important anti-discrimination issues. In our submission we highlighted the fact that what is needed in Australia is comprehensive human rights protection through bills of rights in both the State and Federal spheres. Some States and territories already have these rights protected; we are the laggards in NSW. You can read our submission: [Religious Freedom Review](#).

Look out for the white CCL banner near the eastern stone wall on Elizabeth St side of Belmore Park at 1.45pm

Visit the Palm Sunday Rally [event page](#) for more information.

INQUIRY APPEARANCE

Our President Stephen Blanks gave evidence before the PJCIS inquiry into counter-terrorism laws related to the stop, search and seizure powers, the control order regime and declared area provisions in December 2017

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](#).

Here is a selection:

[Number of ministers able to approve terrorism control orders doubles](#)

[Call to lift secrecy around police Taser use after mentally ill man's death](#)

[Call for secret search warrants lashed by civil libertarians, security experts](#)

Attacks on Unions

NSWCCL is concerned at the continuing attacks on unions which have escalated over the past few years. We were critical of the ABCC legislation when it was introduced. Towards the end of 2017 we were dismayed when the office of the TWU was raided by the AFP in order to pursue allegations of impropriety surrounding donations to GetUp as part of a Registered Organisations Commission investigation. An AFP investigation was established to look into the role of Michaelia Cash's office in leaking the details of the raid to the media, but the investigation is not expected to be completed for several more months. The AWU has an action before the Federal Court relating to the ROC investigation. One wonders whether this saga is a futile waste of resources... Early in 2018, the Australian Fair Work Commission found a planned 24 hour strike by the Rail, Tram and Bus union to be unlawful. This judgement appears to render future lawful strike action relating to major service delivery almost impossible. The right to strike is a fundamental civil liberty and human right. This decision imposes unacceptable restrictions on the right of workers to withhold their labour. In an environment of wage stagnation over a long period of time, we view this as a most unwelcome development.

Citizenship

Although Peter Dutton's attempt to impose egregious limits on citizenship was defeated last year, Pauline Hanson has now presented her own Bill which would require people to wait for 8 years before becoming an Australian citizen. A Senate Committee is looking into this Bill and has taken the unusual step of setting up a short survey to find out whether people oppose or support her bill. Please go to the Senate Inquiry website to register your opposition:

[Australian Citizenship Legislation Amendment \(Strengthening the Commitments for Australian Citizenship and Other Measures\) Bill 2018](#)

Universal Basic Income

At our February Committee meeting we discussed the concept of a Universal Basic Income (UBI). This policy has been adopted in a few countries around the world. With large scale unemployment possible in the future as a result of technology changes, it is a subject worth considering. We are in the process of developing a policy on this initiative. If you would like to contribute, come along to a Committee meeting or register your interest with the [Civil and Human Rights](#) Action Group.

NSW Issues

Lack of transparency on Taser use in NSW

President Stephen Blanks has called for greater transparency in the use of Tasers in NSW. No updated statistics on Taser use have been released by the NSW Police for 6 years. A mentally ill man died during a police arrest in February 2018 during which a Taser was used. In a NSW Ombudsman report in 2012 it was noted that approximately one third of people Tasered by police were suffering from mental illness and three quarters were unarmed. NSW CCL calls on NSW Police to release updated statistics immediately. The current Taser procedures are scheduled for review on 1 July 2018. We have written to the NSW Police Commissioner in this regard.

[Cafe app that knows how you take your coffee sparks security concerns](#)

JOIN NSWCCL
GET INVOLVED
DONATE
RENEW

Boiling Frog

We congratulate Vice President Pauline Wright on her time as NSW Law Society President in 2017. She focused attention on civil liberties issues including rule of law and indigenous over-representation in the criminal justice system. She ended the year with a fantastic initiative: [Boiling Frog](#), which is aimed at engaging younger people with civil liberties issues. It was an extremely busy year for Pauline and we thank her for the focus she brought to civil liberties issues.

News from CCL

Submissions

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

PJCIS Review of the Identity-Matching Services Bill 2018 and The Australian Passports Amendment (Identity-Matching Services) Bill 2018 (Joint CCLs) 21 March 2018. Main author: Michelle Falstein (convenor NSWCCCL Privacy Action group).

[PJCIS Inquiry - submission in relation to AG's amendments to Espionage and Foreign Intervention Bill 2018 12 March 2018](#) Main author: [Dr Lesley Lynch NSWCCCL VP](#)

[PJCIS Inquiry into National Security Legislation Amendment \(Espionage and Foreign Interference Bill\) \(Joint CCL's\) 14 February 2018](#). Main author: [Dr Lesley Lynch NSWCCCL VP](#)

[PJSCM Inquiry into Electoral Funding and Disclosure Reform Bill \(Joint CCLs\) 25 January 2018](#). Main authors: [Dr Lesley Lynch \(NSWCCCL VP\)](#) and [Michael Cope \(President Qld CCL\)](#)

Joint Standing Committee on electoral Matters inquiry into matters relating to s44 of Constitution 9 March 2018. Main author: [Dr Eugene Schofield-Georgeson Convenor Human Rights Action Group](#)

[Submission to Religious Freedom Review 14 February 2018](#). Main author: [Dr Martin Bibby NSWCCCL Committee member](#)

[NSW Law Reform Commission draft proposals for review of Guardianship Act 9 February 2018](#). Main author: [Dr Eugene Schofield-Georgeson Convenor Human Rights Action Group](#)

[NSWCCCL Submission: The Role and Function of the Legislation Review Committee](#) 30 November 2017 Main author: [Dr Martin Bibby NSWCCCL Committee member](#)

[Sentencing Council consultation on victims' involvement in sentencing](#) 15 November 2017. Main author: [Dr Lesley Lynch NSWCCCL VP](#)

NSW Government Options Paper on Short term Holiday Letting in NSW 31 October 2017. Main author: [Hans Heilpern, NSWCCCL Committee member](#)

[Migration Amendment \(Prohibiting Items in Immigration Detention Facilities\) Bill 2017 13 October 2017](#). Main author: [Dr Martin Bibby Convenor Asylum Seeker and Refugee Action Group](#)

[PJCIS Review of Police Stop, Search and Seizure Powers and The Control Order Regime and Preventative Detention Order Regime. \(joint CCLs\)](#) 31 October 2017. Main authors Dr Lesley Lynch (Vice President NSWCCCL) and Michael Cope (President Queensland CCL), with significant input from Jack Maxwell (Liberty Victoria)

[PJCIS Review of Declared Area Provisions \(Joint CCL's submission\)](#) 30 October 2018. Main authors Dr Lesley Lynch (Vice President NSWCCCL) and Michael Cope (President Queensland CCL)

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.

Annual Dinner



Image: Michael Kirby AC CMG, Bret Walker SC

The keynote address at our 2017 Annual Fundraising Dinner held on Friday 24 November 2017 was given by Bret Walker SC, a distinguished senior counsel and an active participant in the Australian legal and wider community. Bret was introduced by Michael Kirby AC CMG and thanked by Nick Cowdery AM. With such a stellar array of legal talent, the dinner was well attended and the speeches were fabulous. You can see the video here: [NSWCCL 2017 dinner](#) and read our report here: [Annual Dinner Report](#)

Planning is underway for this year's dinner. Save the date: Friday 10 August 2018. More details to follow.

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](#), [Counter-terrorism and National Security](#), [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](#).

Change of venue for March Committee meeting

Our Committee meeting on Wednesday 28 March will be at a different venue this month – we will be meeting at our office at Suite 203, 105 Pitt Street Sydney.

**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](#).

