

## POLICY RESOLUTIONS FOR AGM CONSIDERATION

The NSWCCCL Committee proposes the following policy resolutions to the 2014 AGM for consideration.

### 1. Senate Electoral Reform

1.1. NSWCCCL calls on the Australian Government to ensure that our Senate electoral system is consistent with the following democratic principles:

- the body that is elected must have legitimacy – i.e. popular acceptance of its authority
- the body that is elected must reflect the collective expressed intention of voters
- voters must be freely able to easily cast a formal vote that reflects their preferences
- voters should not have to register a vote for candidates they oppose or do not wish to support
- voters must be able to easily understand the potential effect of their vote
- barriers to new candidates and parties contesting an election must be sufficiently low so that they are not material barriers to new candidates and parties contesting an election
- the administration of electoral systems and conduct of elections must be conducted transparently

As the current Senate electoral system is not consistent with these principles, NSWCCCL urges the Australian Parliament to act on the recommendations of the Interim Parliamentary Committee on Electoral Matters report on .... which recognises the undemocratic aspects of the current system and proposes sensible solutions.

### 2. Democratic local government election processes:the City of Sydney Elections Amendment Act 2014

2.1. The NSWCCCL calls on the NSW Government to ensure that no elector should have more than one vote in any election for the Lord Mayor of the City of Sydney or the City of Sydney Council or in any election for any NSW local council.

2.2. The NSWCCCL records its strong opposition to the City of Sydney Elections Amendment Act 2014 passed in September 2014 which arbitrarily breaches this core democratic principle and calls on the Parliament of NSW to repeal this repugnant law.

### 3. Asylum Seekers

3.1. NSWCCCL notes that the Australia Government has failed to respond to the 2013 **UN Human Rights Committee** report by the due date of February 2014 and calls on it to do so immediately in relation to the key findings including that:

- Australia has committed 143 serious violations of international law by indefinitely detaining 46 refugees for four years, on the basis of their 'adverse security assessments' issued by ASIO
- That Australia must provide these refugees with an **effective remedy**, including **release from detention on appropriate conditions, rehabilitation and compensation**
- Australia should **review its migration laws to prevent future violations**
- Australia should report within 180 days on the steps it has taken to remedy these violations of international treaty law.

#### **4. Fundamental legal principles**

NSWCCL notes that grave concerns are held that fundamental principles have been infringed, or are in jeopardy, through recent and proposed New South Wales legislation concerning: “show cause” offences in bail legislation and mandatory minimum sentences and at the Commonwealth level in legislation enabling detention without trial.

- 4.1. NSWCCL calls upon Australian governments to adhere to the fundamental principles of the separation of powers and independence of the judiciary in the making, administration and enforcement of laws.
- 4.2. NSWCCL also calls upon lawmakers in the criminal justice process to honour :
  - the right to liberty
  - adhere to the principles of the presumption of innocence, the onus being on the prosecution to prove any matter carrying adverse consequences for any person and
  - proportionality in sentencing.

#### **5. National School Chaplaincy and Student Welfare Program**

Consistent with the policies endorsed at the 2011 AGM in relation to the secular character of public schools and the Chaplains in Public Schools program the NSWCCL:

- 5.1. Strongly condemns the unjustified and arbitrary decision by the Prime Minister and the Minister for Education to specifically exclude secular welfare workers from the revamped Australian Government funded Schools Chaplaincy Program
- 5.2. Reaffirms its opposition to the commonwealth government funding a religious based chaplains in schools program with public funds
- 5.3. Reaffirms the basic principle that public schools are centrally important sites for maintenance and strengthening of democracy and should be secular, free and open to all residents.

#### **6. Protection of Privacy from telecommunications surveillance**

- 6.1. The NSW Council for Civil Liberties resolves that only law enforcement agencies and intelligence and security organisations should be able to access telecommunications information (tapping telephones, accessing stored communications such as emails of accessing “metadata”).
- 6.2. Such access must only be on a warrant granted by a judge, and warrants should only be issued where it can be shown on reasonable grounds they are likely to assist in an investigation of an offence involving a risk to life and where there are no other reasonable methods available to the agency to obtain the information.