



## **NSWCCL Context: Annual Dinner 26<sup>th</sup> September 2014**

Welcome all. I am going to make a few contextual comments about our 51<sup>st</sup> year.

It has been extraordinarily tough year. I have been around for 9/10 years and none have been as intense, and probably none as depressing on the political front for civil liberties, as this year.

To give you some sense of the range of issues we have grappled with over the last 12 months, I will quickly flag some key areas.

1. It began with us moving into new territory: around electoral processes:
  - 1.1. senate electoral reform. The 2013 Senate electoral process breached important democratic principles. NSWCCL deeply engaged with the Parliamentary review – which delivered an intelligent and reasonable report with recommendations to fix the problem in May 2014. To date, sadly, there is no sign that either major party wants to act on this.
  - 1.2. In recent weeks, NSWCCL intervened to oppose the ‘Borsak Bill’ - the truly dreadful City of Sydney gerrymander-now law and able to be extended to other councils without return to parliament. No success –though early protests did have the bill slightly amended.
  - 1.3. We tried to influence the hasty, unwarranted and ill-conceived changes to the NSW Bail Act. No success.
  - 1.4. Our interventions against mandatory minimum sentencing laws (the ‘one punch’ furore) had some success because of support of ALP, Greens and others.
  - 1.5. We continued our campaign for independent review of police critical incidents – no progress and an unhelpful review by Robert McLelland
  - 1.6. We joined the ground swell of anger and opposition to the Brandis proposed changes to the Racial Discrimination Act - with grand success !
  - 1.7. We expressed our deepest opposition to Australia’s shameful asylum seeker policies and practices- and intervened wherever we can...

### **AND**

- 1.8. We have expended immense effort around the veritable avalanche of new counter-terrorism laws.

We have been scrambling for much of this year to try and temper the Government’s agenda around national security. Much of this was a carry-overs from Labor’s unfinished agenda – with a few alarming additions.

Despite near unanimous opposition to many controversial provisions in the National Security Legislation Amendment Bill 2014(1) from all organisations who responded – with the unsurprising exception of ASIO and the federal Attorney-General’s Department - we gained only minor amendments. Now that the Bill is through the Senate it will be passed and we will soon have as law:



- ASIO officers authorised to act unlawfully (4 exclusions) with immunity from civil or criminal prosecution when involved in a covert Special Intelligence Operation (small concession: the AG will approve these 'special intelligence operations' ---and not- as ASIO strongly wanted- the DG of ASIO. But not as we and many others wanted- and external independent authorisation.
- A new offence for the unauthorised disclosure of **any** information relating to these special operations –applying to **any** person – and carrying a maximum penalty of 5 years gaol - no exemption for media – no public interest disclosure in the Act.
- ASIO with extraordinary expansive access –on the basis of a single warrant – to computers of suspects and non-suspects alike – as the definition of computer in the bill included 'a computer network', which in common parlance means anything from a local network, a university/company network, or indeed the global internet. Be assured - the decision to not define this any less expansively was considered and deliberate.

These are alarming new laws. They are unwarranted. They will have a chilling effect on journalism and whistleblowing .

It is not clear they will make our community any safer- but they will certainly make it less open. And they chip away, yet again, at our freedoms.

And as you would know, Tranche 2 (The 'Foreign Fighters' Bill) landed in parliament a day or so ago. This bundle has some apparently reasonable (though not all necessary) proposals and a larger number of very disturbing new proposals. It has been referred to the PJCIS so the public and parliament can consider it and put forward their views.

One small hitch. I was informed today that submissions must be received by midday next Friday and that if we want to give evidence before the Committee it is to at 2.30pm on the same day!!!

This is a scandalous timeframe – and deeply disrespectful of the Australian public. But we will register our views in the best form we can in the time frame.

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Stepping back from the political context and the frightening world context...

NSWCCL as an organisation has travelled well this year.

- We have been considerably invigorated by an influx of younger members and supporters
- our committee now has a far more youthful complexion – and we hope this trend will strengthen at our AGM next month
- we have an impressive committee
- a strong media profile and connections
- and- generally speaking - good connections with the NSW and Australian Parliaments both up front and in our private negotiations



- strong and effective connections with the other CCLs across Australia and a host of other civil liberties, human rights, legal and community organisations
- and, at last, an effective web site and a growing web presence.

And we are certainly relevant!

As always – we invite those of you who are not members to think about joining. And those of you who have let your membership slip – to thin about renewing it. And because it is a fundraising night – as a determinedly non-party partisan organisation - we tonight offer you two tremendous silent auctions opportunities: you can choose between some rare Labor Party wines commemorating grand historical moments the Party's history; or lunch with the leader of the Australian Greens party in a splendid Sydney location!!!

I am going to wrap up with some words sent to me a few hours ago by our absent President Stephen Blanks who is in China:

*'The freedoms that the CCL champions are vital freedoms and are to be celebrated. I wish you a fabulous celebration tonight. Next week it is back to the hard work of thwarting the further degradation of Australia's freedoms.'*

Enjoy the evening.

Dr Lesley Lynch  
Secretary