



New South Wales
Council for
Civil Liberties

NSW COUNCIL FOR CIVIL LIBERTIES
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Mr. Graham Ashton AM,
Chief Commissioner
Victorian Police Force.

Dear Chief Commissioner,

The New South Wales Council for Civil Liberties was concerned to read that Chris Breen, a member of the Refugee Action Collective, was arrested and charged with incitement for his alleged involvement in organising a protest involving a car convoy, and that fines totalling \$43,000 have been issued to those engaged in the protest. Those involved in the convoy did not leave their cars, so maintained social distancing throughout the protest.¹

Dr. van Dieman's Stay at Home Directions (No 4) permit people to leave home because of matters relative to another person's health.² You will be aware of the concerns expressed by Mr. Ed. Santow, the Australian Human Rights Commissioner, about overcrowding inside the Mantra Hotel in South Preston, Victoria. According to Mr. Santow, social distancing is not possible while so many are detained there, and the lives of the detainees are at risk.

In addition, than 1180 health-care professionals have signed a joint letter to the government calling for the men to be released, saying makeshift detention centres like the Mantra Hotel in Preston represent "a very high-risk environment" for the virus to be transmitted to detainees, to staff, and to the community.

Mr. Breen's actions, and those of the protesters, were aimed at protecting the health of those people.

The right to protest, freedom of movement, freedom of expression, peaceful assembly and freedom of association and taking part in public life are guaranteed by sections 12, 15 and 16 of the Charter of Human Rights and Responsibilities Act 2006 (Vic). The International Covenant on Civil and Political Rights, to which Australia is a signatory, similarly protects these rights.

We call on you therefore, to withdraw the charge against Chris Breen, and to rescind the fines levied against the protesters.

Yours sincerely,

Nicholas Cowdery AO QC
President, New South Wales Council for Civil Liberties

¹ SBS News, April 13.

² Section 7, subparagraph (1)(d)(ii).