



30 November 2020

Hon Anthony Albanese MP
Leader of the Opposition
Co-Chair, National Policy Forum
Australian Labor Party

Hon Wayne Swan
Co-Chair, National Policy Forum
Australian Labor Party

Submitted online

Dear Chairs,

Submission on the Australian Labor Party's Draft National Platform

The New South Wales Society of Labor Lawyers ('the Society') welcomes the opportunity to make a submission on the Australian Labor Party's Draft National Platform ('National Platform'). The Society's submission pertains to Chapter 6 of the National Platform, 'Strengthening Australian Democracy'.

By way of background, the Society, originally established in 1977, aims to promote changes in the substantive and procedural law, the administration of justice, the legal profession, legal services, legal aid and legal education to help bring about a more just and equitable society. The Society provides a meeting ground for people involved in the law who believe in Labor principles of fairness, social justice, equal opportunity, compassion and community. The Society's membership and supporters include barristers, solicitors and trade union industrial officers working across the legal field.

The Society recommends the following amendments to the National Platform.

Amendment 1: Page 50 paragraph 5

Amend paragraph 5 as follows:

Labor will review the Human Rights Framework established by previous Labor governments and consider whether it could be enhanced through a statutory charter of human rights or other similar instrument, noting the success of such instruments in Victoria, Queensland and the ACT.

Amendment 2: Page 50 paragraph 6

Amend paragraph 6 as follows:

...Labor will adhere to Australia's international human rights obligations and seek to incorporate them into Australia's laws and administrative decision-making, including by constitutional, legislative or administrative changes as appropriate.

Amendment 3: Page 55 paragraph 39

Amend paragraph 39 as follows:

Labor will develop a national approach to children and the law, which will:

a. recognise the best interests and wellbeing of the child as a primary consideration; ...

f. work to harmonise and improve the child protection laws and systems of the federal, state and territory jurisdictions

Amendment 4: Page 56 paragraph 45

Amend paragraph 45 as follows:

Labor will simplify and harmonise federal anti-discrimination laws by consolidating them into a single piece of legislation. Labor will also work with the states and territories to develop a single, national framework for discrimination law in Australia that replaces existing state and territory systems.

Amendment 5: Page 60 paragraph 26

Amend paragraph 26 as follows:

In an era when media diversity, media freedom and quality public interest journalism and local news are under threat around the world, Labor will ensure Australians have access to a strong, healthy, diverse and independent media operating in the public interest. We will: ...

g. ensure that journalists are not prosecuted for what they write or publish unless the prosecution is recommended by a prosecutor independent of the executive government.

Amendment 6: Page 61 paragraph 31(h)

Amend paragraph 31(h) as follows:

h. people convicted of a criminal offence shall have the right to appeal against conviction and sentence; and

Amendment 7: Page 61 paragraph 3

Add a sub-paragraph as follows:

j. Civil and criminal trials should take place before independent courts open to the public, with suppression and non-publication orders only to be made in exceptional circumstances.

Amendment 8: Page 61, after paragraph 33

Add a new paragraph as follows:

Labor believes that class actions should be available to members of a group who have an essentially common cause of action against one or more defendants.

(Please note: this wording was obtained from the NSW Labor Platform)

Amendment 9: Page 63 paragraph 4

Amend paragraph 4 as follows:

...Labor will enhance existing mechanisms to ensure parliamentary and statutory oversight of intelligence agencies is commensurate with their increasing responsibilities and powers. Where a secret intelligence agency has police powers of detention or compulsory questioning, the exercise of those powers must be authorised by judicial warrant and reviewable by a court in real time.

We thank you for your consideration of this submission. Please contact the undersigned at info@nswlaborlawyers.com if you require any further information.

Yours faithfully,

A handwritten signature in black ink that reads "NSW Labor Lawyers". The signature is written in a cursive, flowing style.

NSW Society of Labor Lawyers

President: Lewis Hamilton **Vice President:** Blake Osmond **Treasurer:** Claire Pullen **Secretary:** David Pink **Ordinary Committee Members:** Kirk McKenzie, Tom Kelly, Jamila Gherjestani, Penelope Parker, Nikhil Mishra, and Connor Wherrett. *The Committee in particular thanks Kirk McKenzie for his drafting of the submission.*