

Civil Liberty Update

The Electronic Newsletter of the New South Wales Council for Civil Liberties Inc.

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Welcome to the first issue of the new *Civil Liberty Update*.

As the volume and speed of government decisions affecting civil liberties in NSW is constantly increasing, the NSWCCCL has decided that it is appropriate to provide members with a regular publication that will contain concise and up-to-date information for members between the regular three-monthly journal *Civil Liberty*.

The journal will always remain the primary publication of CCL and will continue to include in-depth analysis and articles on issues. This update will focus on current events and will seek to highlight the most recent, and also the forthcoming activities of CCL.

Social Activities

Late last year we held a series of social events organised by Morag White and Joan Locke that proved to be a great success. The first was a barbecue at the CCL office in Glebe in September and it was closely followed by two lunches in the President's Dining Room at Parliament House, in November and December.

The barbecue was well attended and gave members the opportunity to meet each other and discuss issues in an informal environment. The first lunch at Parliament house featured Felicity Hampel Q.C. as the guest speaker. Felicity is a former President of Liberty Victoria, was part of the legal team in the recent Tampa case, and she provided us with an inside view of those events. The guest at the second lunch was Chris Sidoti, Human Rights Commissioner, who gave an informative talk on current issues in human rights.

We are planning to hold further lunches in 2002 on a quarterly basis and will provide a forward program to members in the next issue of the Journal.

Government Submissions

CURRENT INVITATIONS TO SUBMIT RECEIVED BY CCL INCLUDE:

1. Proceeds of Crime Bill (Cth).
2. Application of absolute and strict liability offences in Commonwealth legislation. Senate Standing Committee for the Scrutiny of Bills.
3. NSW Drug Court Act 1998. Attorney General's Dept seeking views on operation of the Act.
4. Provisions of the Human Rights (Mandatory Sentencing for Property Offences) Bill 2000. Senate Legal and Constitutional Committee Inquiry.
5. proposed Crimes (Administration of Sentences) Regulation 2001. Department of Corrective Services.
6. Inquiry into Matters Arising from the Post Mortem and Anatomical Examination Practices of the Institute of Forensic Medicine
7. Inquiry into Measures to Combat Serious and Organised Crime Bill 2001. Senate Legal and Constitutional Committee.

RECENT SUBMISSIONS MADE BY CCL:

1. Review of proposed reforms to Search Warrants Act 1985.
2. Crimes Amendment (Age Determination) Bill 2001. Senate Legal And Constitutional Committee Inquiry.
3. National Crime Authority Legislation Amendment Bill 2000. Inquiry by Parliamentary Joint Committee on the NCA.
4. Cybercrime Bill 2001. Senate Legal and Constitutional Legislation Committee.

NSWCCCL welcomes input from members towards its submissions. If you would like to assist in the preparation of a submission or have a particular interest please contact the CCL office. Copies of some of the submissions are available in electronic form - by request.

New Powers for ASIO

The Federal Government, as part of its anti-terrorism measures announced that it will be providing the Australian Security & Intelligence Organisation (ASIO) with new powers of arrest and interrogation.

The new powers, amongst other things, will allow ASIO to arrest a suspect and interrogate them in custody for up to 48 hours. Suspects will not be entitled to legal representation and will be held incommunicado during the interrogation.

The only safeguard provided will be that an interrogation requires a warrant from, and the supervision of, a Federal Magistrate. The new powers have no sunset clause attached and will remain with ASIO even after the current focus on terrorism has



passed. This is the first time that ASIO will have power to subject suspects to interrogation and the first time that they will be denied legal representation. The proposed new powers will also override any lawyer client privilege and allow ASIO to seize a wide range of documents in relation to suspected acts of terrorism.

CCL is lobbying both government and opposition members of parliament in order to either reduce these powers or limit them to a non-renewable timeframe.

The government expects to present its ASIO legislation to parliament in late February. The minor parties are proposing a Senate inquiry which currently has the support of the Labor Party. CCL will be providing a detailed submission about the problems with the new powers at any inquiry that is held.

Sniffer Dogs

It is the view of NSWCCCL that it is an invasion of privacy, harassment, and an illegal search to use dogs to sniff people chosen randomly. The Deputy Chief Magistrate supported this view late last year and dismissed a prosecution by the police involving sniffer dogs on the basis that it was an illegal search. The defendant was advised by members of the CCL Committee and represented by the public defender through the Redfern Legal Centre. The police have appealed the decision and it is expected to be heard in the NSW Supreme Court mid year.

In response to the decision the NSW government rushed legislation through parliament that validates the use of these dogs. The key aspects of the Act are that it creates zones in which the dogs can be used randomly, without a warrant. These zones include such places as Kings Cross, the Oxford Street precinct, and all public transport.

CCL believes that the use of these dogs remains illegal as the legislation is in breach of our international obligations, particularly the Covenant on Civil



and Political Rights. It is our intention to assist in challenging the validity of the legislation.

While we are pursuing a legal solution to this problem, we are also involved in an awareness and civil disobedience campaign in order to highlight the negative health and social effects of the dogs.

We have formed an alliance with other groups that oppose the use of the dogs including the Aids Council of NSW, the NSW Council of Social Service, Redfern Legal Centre and many others. We have worked together to set up a new website containing a forum to discuss the issue, and subscriber service to receive regular updates about your rights. The website has been highly successful and is located at www.snifferdogs.info