

The Greens NSW

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Dr. Kristine Klugman
President
Civil Liberties Australia

Dear Dr. Klugman

Thank you for the opportunity to respond to your questions prior to the 2011 NSW State Election. Many of your questions relate to Federal issues, and as such do not come under the umbrella of state election issues. Therefore some of our responses relate to policies of the Australian Greens, rather than the NSW Greens.

1. Introduction of a Statutory Carter of Rights.

Australia is one of the few advanced democracies in the world that does not protect its citizens' rights to essential freedoms in a core bill of rights. NSW urgently needs a Bill of Rights to ensure our civil liberties are properly protected in law. Many other jurisdictions already have this protection including the UK, Canada and New Zealand. Without a Bill of Rights we give a free rein to governments of all political colours to whittle away our rights to express dissent, to organise and to protest. Any Bill of Rights must guarantee as a minimum the freedom of assembly, freedom from torture and freedom from discrimination on the basis of race, gender, ethnicity, religion or sexual orientation. The Greens NSW are also calling for a right to shelter, to food and to clean water.

2. Repeal of laws which allow the Federal Government to overturn the rights of Territorians to self-determination.

The Australian Greens support the removal of the ability of federal ministers to override legislation in the Australian Capital Territory, Northern Territory and Norfolk Island.

3. Legislation setting limits on the ability of the Executive to go to, and continue at, war without parliamentary scrutiny and approval.

The Australian Greens believe that the deployment of Australian Defence Forces (ADF) must be for defence and peace-keeping, and not for offensive action. The deployment of Australian military forces must require the endorsement of federal parliament.

4. Ensure the right to privacy from intrusive state and federal governments and bureaucrats is better protected.

We believe a Bill of Rights would help ensure this.

5. Ensure that the COAG and the SCAG are transparent and accountable to the Australian public.

The Greens are committed to greater government and political transparency and support this principle.

6. Conduct a review into Australia's Censorship regime to ensure that only criminal material is prohibited and that, to the greatest extent possible, adult Australians are able to read and view whatever they want.

The Australian Greens seek to make the workings of the Australian Classification Board and OFLC more transparent and subject to public review. We also wish to ensure that regulation of the internet is transparent, accountable and protects freedom of speech, expression and access to information.

7. A full, frank and comprehensive review of Australia's federal and state/territory terrorism laws, repealing those provisions which undermine fundamental rights & freedoms, and/or those provisions which have not been needed, and those already covered in existing criminal law.

The Greens will seek to reform Australia's 'counter-terrorism' legislation, especially with regard to freedom of expression and association, freedom from arbitrary detention, legal due process, and privacy.

8. Creation of a National Independent Commission Against Corruption to investigate allegations of corrupt conduct by police, politicians, judges, members of the public service or others in a position of authority federally and in states/territories.

The Greens supports this principle.

9. Extend Human Rights protection in NSW.

The Australian Greens will seek to fully resource the Australian Human Rights and Equal Opportunity Commission, expand its mandate to reflect the full range of Australia's international human rights undertakings and reinstate its capacity to determine Australian human rights complaints. We will work towards:

- repealing sedition laws;
- reforming Australia's Migration Regulations, especially with regard to freedom from arbitrary detention, protection of the family unit, and other United Nations guidelines;
- ensure that any decisions affecting human rights within Australia are necessary, proportionate, consistent with international human rights law, and imposed in a transparent and accountable manner;
- allow and encourage the United Nations Human Rights Council to investigate alleged and potential human rights abuses in Australia, and comply with any recommendations; and
- promote as a priority an end to secret detention, rendition, torture and other illegal and unconscionable acts.

10. The Waldon case.

The Greens NSW will work to ensure that the system for the investigation and resolution of complaints about police actions / inactions is independent, transparent, accessible, effective, and adequately resourced.

Sincerely

Tony Hickey
Lower House Campaign Coordinator
