



Submission

Terrorism Suppression (Control Orders) Bill

About the New Zealand Council for Civil Liberties

1. The New Zealand Council for Civil Liberties is a watchdog for rights and freedoms in New Zealand. The Council is a voluntary not-for-profit organization that works through education and advocacy to promote a rights-based society and prevent the erosion of civil liberties.
2. We wish to appear before the Committee to make an oral submission.

Unacceptable consultation process

3. We wish to state our strong objection to the consultation process and the ridiculously short timeframe for making a submission.
4. We see no credible justification for this extreme haste.
5. Any person or group wishing to submit on a Bill needs enough time to read the proposed legislation and prepare a considered response. This has not been provided.
6. The Council believes that the select committee process is a valuable part of our democracy. It is clear to us that there is no intention of this being true for this Bill.
7. The Council notes for the historical record that there are numerous gross inaccuracies in the Department of Internal Affairs' Regulatory Impact Assessment.¹

¹ <https://treasury.govt.nz/sites/default/files/2019-10/ria-moj-ctlt-oct19.pdf>

8. The Council notes for the historical record that the Attorney General's own Bill of Rights Compliance report² notes that the Court of Appeal ruled in *Belcher vs Chief Executive of the Department of Corrections [2007] NZLR 507 (CA)* that the proposed measures are not permitted under the Bill of Rights Act 1990. The Rights Compliance Report then willfully ignores the Court of Appeal ruling to conclude that there is no issue on compliance with the Bill of Rights.

Unacceptable impact on civil liberties

9. While not wishing to dignify this farcical submission process by pretending it has any credibility, we note that the Bill is a gross attack on our civil liberties.
10. The very purpose of the Bill, to apply sanctions where there is insufficient evidence to secure a conviction in the NZ courts, is contrary to any principles of justice.
11. The control orders envisaged by the Bill are obviously counter to a large number of the rights protected by the NZ Bill of Rights Act. The restrictions even exceed those that can be imposed on prisoners in our jails.
12. The procedures used to impose a control order fall far short of the guarantees to a fair trial in that same Act.
13. We particularly condemn the government's intention to use secret evidence (evidence hidden from the accused) when deciding whether to make a control order. We have spoken against secret evidence in the past as it is unjust, and believe that New Zealand needs to stop its use rather than extending it ever further.

Recommendation

14. The New Zealand Council of Civil Liberties recommends that the Bill be withdrawn.

² <https://www.justice.govt.nz/assets/Documents/Publications/Terrorism-Suppression-Control-Orders-Bill.pdf>