



THE LAW SOCIETY  
OF NEW SOUTH WALES



Our ref: Crim:JEeh1056291

13 October 2015

The Hon. Mike Baird MP  
Premier of New South Wales  
52 Martin Place  
Sydney 2000 NSW

Dear Premier,

### **National Security Legislation**

We write to you on behalf of the Law Society of New South Wales and the New South Wales Bar Association.

We understand from media reports that, together with the Minister for Justice and Police, you have written to the Prime Minister proposing a range of counter terrorism measures.

We also note the media release from the office of Senator the Honourable George Brandis QC, dated 12 October 2015, stating that the Commonwealth Government will be introducing into the Parliament a fifth instalment of counter terrorism laws which have been developed in conjunction with NSW and other States and Territories. The Attorney-General has advised in a media interview that a Bill was circulated to State and Territory Governments in early September 2015.

The information that is publicly available about these proposals is inconsistent, and lacks any real detail; for example, it is unclear whether or not any of the proposals have yet been agreed.

Our organisations are very concerned to ensure that any new measures to counter terrorism strike an appropriate balance between the need to protect the community and the need to ensure that all members of the community are treated fairly and with respect for their fundamental rights.

We call for in-depth consultation with the legal profession prior to the further development of such measures. Sufficient safeguards, and appropriate limitations, must be carefully crafted to ensure the correct balance is struck. Implementation of such measures without these safeguards could lead to an erosion of the rule of law, a fundamental cornerstone of a just and democratic society.

To assist us in evaluating these measures, we request a copy of the proposals. We also request that our organisations be consulted on any proposals as they develop.

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Yours sincerely



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Cc: The Hon. Troy Grant MP – Minister for Justice and Police  
The Hon. Gabrielle Upton MP – NSW Attorney General