



New South Wales
Council for
Civil Liberties

NSW COUNCIL FOR CIVIL LIBERTIES

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**Welcome to the May 2015 issue of the NSWCCL
Newsletter**

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**NSWCCL Annual Fundraising Dinner
2015**

NSWCCL invites you to the civil liberties event of the year, featuring Professor Gillian Triggs!

Date

Friday 31 July
6:30pm for 7pm sit down

Venue

Sky Phoenix Restaurant
Westfield Plaza
Sydney

Ticket prices

[\(get tickets here\)](#)
\$110 for members
\$120 for non-members
\$1320 for a table of 12 people



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Upcoming Events

**NSWCCL
Annual
Fundraising
Dinner**

Friday 31 July

[Book Now](#)

We are delighted that the 2015 key note civil liberties address will be given by

Professor Gillian Triggs
President of the Australian Human Rights Commission.

In her current role Professor Triggs has been a strong and fearless advocate for human rights in an extraordinarily challenging context.

She has had a stellar academic career - including Dean of the Faculty of Law and Challis Professor of International Law at the University of Sydney; Director of the British Institute of International and Comparative Law and a Governor of the College of Law. She was formerly a Barrister with Seven Wentworth Chambers.

She has combined her academic career with international commercial legal practice and extensive work with governments and international organisations. Her longstanding commitment to legal education has in recent time been focussed on the Commissions' education programs to inform Australians – and especially children – about their fundamental human rights.

Gillian comes well qualified to speak with conviction and passion on current civil liberties and human rights issues.

[Book now before the event sells out!](#)

NOTE Ticket prices exclude alcoholic drinks, bar will be operating

[Book Now](#)

Not able to attend or want to show your support? [Consider sponsoring a place.](#)

If you have any questions about the event or would like to book directly, please contact our Office Coordinator at office@nswccl.org.au or phone (02) 8090 2952.

National Issues

[Book Now](#)

We are delighted to welcome **Professor Gillian Triggs** as keynote speaker for the **2015 NSWCCCL Annual Fundraising Dinner** to be held on **Friday 31 July** at the fantastic venue for the past few years, **Sky Phoenix Restaurant** in Pitt St Mall.

[Get your friends together and book now!](#)

Beyond Deterrence: Where to from here? Monday 18 May 2015

Amnesty NSW Refugee Network are hosting this expert panel to discuss policy alternatives to mandatory detention for asylum seekers and refugees.

When: Monday 18 May 2015 at 6.30pm

Where: Wesley Conference Centre, Pitt St, Sydney

To RSVP and for more information: [Eventbrite website](#) and the [Facebook event](#)

Dead Time 20 to 29 May 2015

Production company Lace Balloon presents a new theatre work based on the story of Dr Mohamed Haneef. *Dead Time* recounts the events surrounding his unprecedented detention in 2007 under new anti-terrorism provisions in the Commonwealth Crimes Act following the attack on Glasgow Airport.

Written and directed by Fleur Beaupert (former

Fighting the chill factor of new ASIO law

NSWCCL [fought against the ill-conceived abolition of the Independent National Security Legislation Monitor](#) last year –done covertly as part of its red tape ‘bonfire’. Thankfully, the Government was forced to reverse its decision and an acting INSLM has been appointed.

The first job given to the new Monitor - retired NSW Judge, Roger Gyles - is to review a highly controversial ASIO law hastily passed last year – Section 35P of the ASIO Act.

This law provides ASIO officers with immunity from prosecution for criminal conduct if done as part of a secret Special Intelligence Operation (SIO). We strongly opposed this new law. No other similar nation gives such extraordinary immunity to its domestic intelligence agency. But there was an unexpected additional part to this law. S 35P(1) and (2) created new offences with draconian penalties for ‘any person’ who discloses information that ‘relates’ to any SIO. The effect of these new offences - especially when linked with the recently legislated mandatory retention of telecommunications meta-data – would be a drastic chilling of free press and, more broadly, free speech and debate. It also provides ASIO with an extraordinary protection from public scrutiny and accountability in relation to these extraordinary secret operations.

The furore - and the belated anxiety expressed by Antony Albanese as to whether the ALP may have been too hasty in supporting this legislation- led to a decision to review the impact of the new disclosure offences on journalists. This review is now underway.

Given the importance of the issue, five CCLs across Australia combined to [make a joint submission](#) and [gave evidence to the monitor](#) at his public hearings.

Our submission calls for the repeal of both the special operations regime and the draconian and unnecessary offences and will continue to advocate this.

But, as it appears very unlikely that the Labor Party will support repeal of the whole SIO provision, we have decided to join those who are - reluctantly but pragmatically - arguing for amendments which might be acceptable to Parliament. In this spirit we have drafted amendments to lessen the dangerous and chilling effect on media and public debate and will submit them to the Monitor in a supplementary submission.

When the Monitor's report is tabled in Parliament we will work with other civil and human rights groups and media organisations to

NSWCCL Committee member and Office Coordinator), the play follows Dr Haneef's arrest, detention, prosecution and eventual release. How do we protect national security? And at what cost to our freedom?

Dead Time runs from 20-29 May, Wednesday to Friday at 107 Projects in Redfern. **Almost all performances are sold out - get in quick!**

[Book online at Trybooking.](#)

Cryptoparty Friday 22 May 2015

This NSWCCL-sponsored event, organised by ThoughtWorks, will provide attendees with the skills to protect privacy and communicate securely online. Crikey Journalist Bernard Keane and human rights lawyer George Newhouse will be speaking. This is a free event.

When: Friday 22 May 2015 at 6.00pm

Where: ThoughtWorks, 51 Pitt St, Sydney

To RSVP and for more information: [Eventbrite website](#)

NSWCCL Submissions

[Alcohol and drug fuelled violence review](#), May 2015, NSW Sentencing Council

[Inquiry into the Copyright Amendment \(Online Infringement\) Bill 2015](#), April

advocate to MPs that – if they won't repeal the SIO provision, they must - if they value a free and robust media - make major amendments to this disproportionate and dangerous legislation.

[CCLs submission](#)

Dr Lesley Lynch
Secretary

Taking CITIZENFOUR to Parliament House

A bold act in the fight against data retention



Members and supporters would know that we invited our federal members of parliament to a special, pre-release screening of the gripping documentary CITIZENFOUR in Parliament House on the evening of Monday 9 February. You can [read the full press release about the event](#) on our website.

It was a fantastic idea by our Vice President Oscar Coleman. In a big first for CCL we used crowdfunding to tremendous effect, funding the expensive Parliament house venue and catering costs.

The night itself was a terrific success with MPs from the ALP, Greens and cross benchers attending as well as staff, journalists and members of the public attending, and a lively discussion afterwards. You can [read a full report of the night on our website](#). MPs and their staffers indicated that the screening had a significant impact. We also [co-hosted a screening of the film with Scott Ludlam in Sydney](#) on February 3.



CITIZENFOUR explores the Snowden revelations about mass data collection and surveillance. It provides powerful insights into the astonishing dimensions and significance of metadata collection and analysis and is directly relevant to the debate around the data retention bill. The film has since won 'Best Documentary' at the Oscars and is well worth seeing now it is publicly released.

2015, Senate Legal and Constitutional Affairs Legislation Committee

[Inquiry into the impact on journalists of the operation of section 35P of the ASIO Act 1979](#), April 2015, Acting Independent National Security Legislation Monitor

[Inquiry into the Migration Amendment \(Strengthening Biometrics Integrity\) Bill](#), April 2015, Senate Legal and Constitutional Affairs Legislation Committee

[Inquiry into the Telecommunications \(Interception and Access\) Amendment \(Data Retention\) Bill 2014](#) January 2015, Parliamentary Joint Committee on Intelligence and Security

Past Events

CITIZENFOUR at Avoca Beach Theatre

Following on from NSWCCCL's successful screening of CITIZENFOUR at Parliament House in February, we were pleased to partner with award-winning cinema [Avoca Picture Theatre](#) for a special screening of the Oscar-winning documentary on Tuesday 24 March. The film was introduced by Vice President (and Avoca Beach local) Pauline Wright, and over half of the audience stayed on afterwards for a lively discussion on the film and surveillance issues. [You can read Pauline's full speech on the CCL website.](#)

Politics at the Pub: Extraordinary Powers

NSWCCCL President Stephen Blanks spoke at [Politics in the Pub](#) on Thursday 19 March, on the topic that 'the Abbott

The screening in Parliament House was part of our campaign against mandatory data retention. The Bill, which provided for the mandatory collection of metadata and access without warrant by certain agencies, was [disappointingly passed through Parliament on 26 March](#), unopposed by the ALP, although some ALP members did express their concerns strongly - see for example the [fantastic speech on the importance of privacy by Melissa Parke](#).

NSW Issues

NSWCCL defends free speech on Sydney Uni campus

NSWCCL lent its support to a campaign to defend civil liberties at the University of Sydney, with President Stephen Blanks [speaking to a packed student and staff meeting](#) on campus on Wednesday 29 April. NSWCCL is concerned by the disproportionate reaction of University management toward those involved in a protest at a lecture by retired Colonel Richard Kemp in March. The University has initiated disciplinary proceedings under their codes of conduct against a staff member and a number of students. CCL sees use of the Codes of Conduct as having a repressive effect on free speech, particularly disappointing on a university campus.



[Stephen Blanks' speech](#) and [video of his address](#).

CCL's support for the staff and students involved is part of a wider concern about the use of codes of conduct to restrict freedom of expression - highlighted even more recently in SBS's [extremely concerning decision to sack journalist Scott McIntyre](#).

The State of NSW

The March NSW election was quieter than usual from a NSWCCL perspective. While the law and order auction syndrome was not absent – it was not as dominant or as reckless a factor in the campaigns of the major parties as usual. The Premier did promise a

Government's new laws giving extraordinary powers to intelligence services and police must be resisted by all those who oppose threats to democracy, alongside Dr Alison Broinowski, former Ambassador and now Visiting Fellow at ANU.

NSWCCL in the Media

[NSWCCL welcomes Martin Place smoking ban](#)(11/05/2015, SBS World News)

[Smart phone security explained](#) (30/04/2015, 7 News)

[Protest fallout: University of Sydney under fire for 'restricting free speech'](#)(30/04/2015, Sydney Morning Herald)

[Academic Jake Lynch cleared of anti-Semitism in ugly stoush at Sydney University](#)(27/04/2015, Sydney Morning Herald)

[University Of Sydney Accused Of Threatening Right To Protest And Self-Expression](#)(24/04/2015, New Matilda)

[Bishop to plead for Bali pair](#)(24/04/2015, ABC Lateline)

[ICAC's Margaret Cunneen warrants 'invalid use of power'](#)(17/04/2015, The Australian)

[Privacy concerns when shopping centres track customer habits](#) (23/03/15, 9 News)

[ALP Leader Bill Shorten faces big test on civil liberties](#)(14/03/15, The Saturday Paper)

big increase in police numbers (the true numbers were disputed by the ALP and Police Association) including counter-terrorism officers and \$100m for new technology and on the justice front, maximum life sentences for child sex offenders and the power to seize assets from **suspected** criminals.

We were however spared the excessive and frenzied law and order competitive campaigns of the recent past.

Maybe the parties were conscious of the imminent major civil liberties anniversary - Magna Carta's 800th birthday falling on 5th June! Or maybe they were just conscious of the huge problem that the state already has with dangerously overcrowded gaols.

It is also a very long time since any of us can recall being impressed with the first public statement of a NSW Police Minister. Troy Grant attracted wide support after being appointed Police and Justice Minister for his [criticism of the Abbot Government](#) for 'too much emphasis on fighting terrorism with an iron fist *rather* than making a real difference on the ground' and for having 'an ASIO-led approach to counter-terrorism.' (SMH 9/4/15).

Almost enough to allow one to hope that a wiser and more constructive approach to protecting the community and preventing criminal and terrorist activity is afoot in NSW.

One other important matter that surfaced pre-election was the Premier's announcement of an independent review of the oversight structures of the NSW Police to be conducted by Andrew Tink. The issue of effective, independent oversight of the police- particularly in relation to critical incidents, is of great concern to NSWCCCL. We have lobbied long and hard on this and regard it as urgent. We will seek input into the review- to date no information about process has surfaced.

NSWCCCL will, as always, seek a constructive relationship with Minister (and Deputy Premier) Grant and the new Attorney General Gabriel Upton as a basis for ongoing advocacy for the civil liberties and rights of the NSW community.

Dr Lesley Lynch
Secretary

The NSW Police Lobby

Understandably, the Police Force constitutes a powerful lobby with the government of the day- both directly and through its union, the Police Association. In recent years under both the Labor and the O'Farrell Coalition Governments, their lobbying around law and justice issues has been extraordinarily successful- especially so in

[Domestic violence register could lead to increased not guilty pleas, privacy experts warn](#) (06/03/15, Sydney Morning Herald)

[Australia's data retention laws 'the worst in the developed world'](#) (28/02/15, FBi Radio)

[Metadata laws: fighting crime or invading privacy?](#) (18/02/15, The Wire)

[Criticism of Abbott's new security proposals](#) (16/02/15, SBS News)

[Concerned about data retention bill: Labor MPs react to Edward Snowden doco CitizenFour](#) (11/02/15, Sydney Morning Herald)

[Never releasing terrorists from jail a 'scorched earth policy'](#) (29/01/15, ABC Radio AM)

[Aussies on death row part of a grim line to have faced possible death sentence](#) (25/01/15, Sydney Morning Herald)

['Outrage' if Bali Nine executions proceed](#) (17/01/15, Yahoo7)

[Taser death in Bowral highlights need for independent police investigations](#) (16/01/15, Sunrise, Channel 7)

[Refugees kept in detention despite being told they had security clearance](#) (12/01/15, The Guardian)

[ASIO reverses finding refugees pose a threat](#) (11/01/15, Sydney Morning Herald)

[Brother escapes one-punch laws](#) (04/01/15, Seven News)

**Villawood - Notes
from an**

relation to the extension of police powers and the weakening of safeguards and constraints around their exercise.

During the recent NSW election campaign the Police Association lobbied the Government and others around a number of proposals. Some of these were perfectly reasonable but there were a number which we found disturbing.

Numbers of the bids were picked up by the Government - but there was no public response from the Government on the most controversial of these bids. Recently some of the same bids have surfaced again in the form of a [Police Association media release](#). Presumably the Association will be talking directly to the Government on these matters and testing the water as to their influence with the new Minister.

Two matters that concern us particularly are the proposals that all police cars be equipped with long arm firearms and that police be able to carry their weapons into court houses for their safety. We note that the underlying justification for a number of their bids is the threat of terrorism. It is a dangerous trend if the state police push for greater weaponry for general policing on the basis of a possible terrorist event.

We are strongly opposed to long arm firearms in all police cars. There are huge logistical issues in having every police officer who rides in a police car properly trained either to use a rifle (presumably an assault-type) or to deal with a "lone wolf" or other "terrorist" situation – which seems to be the reason they want them. Even trained specialist counter-terror units make mistakes. It would be extremely dangerous if such weapons were in the hands of general police. Hopefully this unwise idea will be rebuffed by the new Minister.

We are also opposed to police being armed in courts. Courts of law is where the community seeks justice according to law. Police who will be there as witnesses or as a party in cases should not be armed. The responsibility for the peace and good order of the courts rests with the Sheriff, not with parties or witnesses whether or not they are police. If there really are concerns with weapons being introduced to courts (other than by police), then perimeter and courtroom security should be the focus for improved security.

NSWCCL is seeking a meeting with the Police and Justice Minister to express our concerns about these and other proposals.

Dr Lesley Lynch
Secretary

Immigration Detention Centre



Marissa Ram was an intern with NSW Council for Civil Liberties in 2011 and recently got in touch again to let us know that [her experiences visiting Villawood Immigration Detention Centre](#) were being included in a documentary web comic by Dr Safdar Ahmed - [Villawood: Notes from an Immigration Detention Centre](#).

Funded by GetUp's [The Shipping News project](#), the [web comic](#) is a powerful piece on conditions in the Centre and the experience of asylum seekers. During her visits to Villawood Marissa found a number of human rights websites were blocked, which is a panel of the web comic in Chapter 3.

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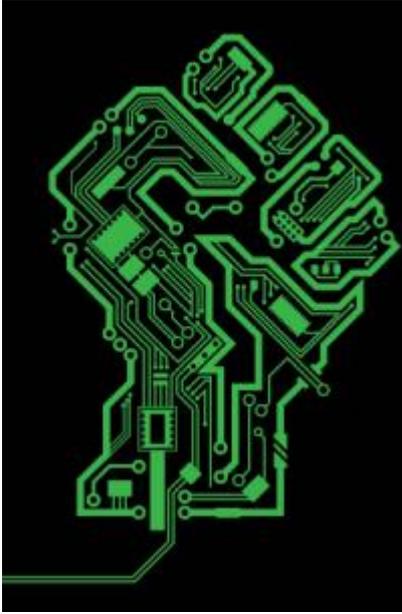
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News from CCL

NSWCCL sponsors Cryptoparty!



The NSWCCL is pleased to sponsor a cryptoparty taking place in Sydney on Friday May 22. Cryptoparties are a global phenomenon which aim to introduce the public to protect IT tools that will protect their telecommunications (email, text messages, phone calls) from surveillance by government, corporations or hackers. Their recent boost in popularity in Australia is a reaction to the Government's recent data retention laws which will give agencies access to all our metadata from the previous two years.

Crikey Journalist Bernard Keane and human rights lawyer George Newhouse will be speaking at the event, which will provide attendees with the skills to protect privacy and communicate securely on the internet and on the phone. Registration is free and beer and pizza are provided.

Details and RSVP for the event, organised by ThoughtWorks, are [available on Eventbrite](#).

NSWCCL members should keep their eyes peeled for NSWCCL's very own cryptoparty in the near future, with details to be announced soon.

Update from the Free Speech, Privacy and Open Government Action Group

This [action group](#) works across several clusters of issues around free speech, privacy and open government. We're carrying on the fight for privacy even after the major parties joined together to pass the data retention legislation, defending free speech, fighting censorship, and trying to ensure transparency in government.

Since the action group was founded in March, we've been busy. We've [defended fired SBS journalist Scott McIntyre](#). We've written submissions to the [National Security Legislation Monitor on s 35P of the ASIO Act](#), which means people can go to jail for 10 years for disclosing information about 'special intelligence operations', themselves a spurious concept, and we [appeared at the public hearing](#). We've also made a [submission to the inquiry into Turnbull's proposed copyright internet-blocking legislation](#).

Over the next few months, we'll be organising cryptoparties, an essay competition, and a campaign around whistleblowers to help ensure that the public still have access to vital information about government even after data retention becomes a reality.

The action group meets monthly and has an active Facebook group for organising. If you're interested in joining or being added to the Facebook group, email the group's convenor Hannah Ryan at han.ryan@gmail.com. NSWCCCL members and supporters are welcome.

Hannah Ryan
Action Group Convenor

Make a difference: join an Action Group

NSWCCCL is busier than ever with **continued attacks on basic rights and liberties** at federal and state level.

You can help the push back by [joining one of our Action Groups](#).

The **hard work of CCL is done in the Action Groups**, and we need members and supporters to participate for our organisation to make an impact.

There will be something you can contribute no matter your skills, knowledge or time commitment.

The Action Groups include [Asylum Seekers and Refugees](#), [Freedom of Speech, Privacy and Data Retention](#) (featured in this newsletter just above!), [Criminal Justice, Police Powers, and Mental Health](#), [Civil and Human Rights](#), and other organisational groups including Communications, Events and Membership.

[Sign up now to get involved.](#)

Not sure? [Email our office to discuss.](#)

NSWCCL in the media

CCL President Stephen Blanks has been active in the media. Comments on security assessments of refugees appeared in [The Sydney Morning Herald](#), [The Age](#), and [The Guardian](#). He was also prominent commenting on [AFP policies in relation to exposing Australians to the death penalty overseas](#); potential [domestic violence registers in NSW](#); and [defending the right of dissent on Sydney University campus](#). Privacy and technology remain hot topics with Stephen voicing concerns over [phone monitoring apps](#), [shopping centre wifi](#), and [smart phone GPS tracking](#).

Both Stephen and CCL Vice President Oscar Coleman have been active in discussing data retention issues across a variety of media, and our screening of CITIZENFOUR in Canberra received a high level of press interest both [before](#) and [after](#) the screening itself. Oscar spoke with [FBI radio](#) on implications from the release of the Parliamentary Joint Committee on Intelligence and Security's report on the Data Retention Bill.

Other members of the CCL Committee have also been prominent in media, particularly Committee member Nicholas Cowdery in [addressing the contentious issue of bail in the wake of the Sydney siege in December](#). Two Committee members have also written fantastic pieces for New Matilda: Lydia Shelley, [Giving bigots more rights is the wrong response to Charle Hebdo massacre](#); and Hannah Ryan, [Labor and Journalists have Sold You Out on Brandis' Surveillance Law](#).

You can keep up to date on [NSWCCL in the media on our website](#).

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