



MEDIA RELEASE – CLARIFICATION SOUGHT FROM THE MINISTER FOR IMMIGRATION AND BORDER PROTECTION TO THE MUSLIM LEGAL NETWORK (NSW)

This communication is in response to a request to the Muslim Legal Network (NSW) (**MLN NSW**) for clarification by the office of the Minister for Immigration and Border Protection; Peter Dutton (the **Minister**) received on 29 May 2017.

On 24 May 2017, the MLN NSW in association with the Australian Muslim Civil Rights Advocacy Network released and published the 4th edition of "Anti-Terrorism laws, ASIO, the police and you" (the **Publication**).

The expanded 4th edition is a plain English language community resource that explains anti-terrorism laws and raises community awareness of civil rights with the hope that in doing so, individuals may better understand and abide by their obligations under the law.

The Minister sought explanation of the intention behind particular excerpts in the Publication.

Specifically, the Minister sought an explanation as to why the following was provided at 8.3.2 of the Publication:

"- to 'clear out your telephone storage including WhatsApp and Facebook threads and delete any photos or videos that could be misinterpreted as portraying or encouraging acts of violence';

- not to carry any questionable images, items or material; and

- not carry prohibited or illegal goods." sic

The MLN NSW can advise that the content originated from verbal advice provided by a NSW Regional Coordinator of the Australian Border Force at a training session on 1 September 2015, as well as a fact sheet published by Australian Border Force in August 2015 titled '*Border Clearance Advice for Hajj Travellers*'.

Among other things, attendees were advised in the training session to ensure that Whatsapp threads, photos or videos that portray or encourage illegal acts, including narcotics are deleted. Whatsapp automatically downloads images and videos to phones without the user's knowledge. The advice provided in the training session was to clear data folders regularly to ensure that individuals did not travel overseas with prohibited material on their phones unknowingly.

This advice was replicated in the Publication in order to educate that a traveller is accountable for any content on personal electronic devices in their possession, and to ultimately, assist the community in understanding and abiding by the law.

The information provided in the Publication is also consistent with both the Australian Border Force's border clearance fact sheet for Hajj pilgrims and the advice provided by the Australian Signals Directorate, '*Travelling overseas with an electronic device.*'

The Publication in no way seeks to instruct individuals on ways in which to evade detection of criminal activities and to impose such a sinister interpretation is misleading and a great disappointment to the many experts who have worked tirelessly to fill an information gap for the community on Australia's complex counter terrorism legislation.

Despite this, we will take the necessary steps to amend the Publication and make it abundantly clear that we are advising community members to take necessary precautions and to be mindful of inadvertent acts that can cause unwarranted suspicion.

The aim of the MLN NSW has been and remains, service to our community through advocacy and educational programs aimed at raising awareness of the law and assisting people to act within its boundaries.

Muslim Legal Network (NSW) – 30 May 2017