



POLICY RESOLUTIONS PASSED AT NSWCCL AGM 23 OCTOBER 2013

Asylum Seekers

Background

Australia's asylum seeker policies are shameful on many criteria. They are in breach of international conventions we have signed. The legal context is complex. The depressing bi-partisanship of the major parties means political leverage on this critical civil liberties and human rights issue will be difficult to achieve. NSWCCL must continue to work with other concerned groups and individuals to achieve a major shift in the legal and political context to restore the human rights of refugees who seek asylum in Australia. This general resolution gives us a broad policy framework in which to pursue this urgent and difficult reform.

Resolutions

The New South Wales Council for Civil Liberties calls for all Australian Government policies and statutory instruments to adhere to the principles and spirit of the UN Refugee Convention, Convention against Torture, the International Covenant on Civil and Political Rights, and the Convention on the Rights of the Child, including:

- *Article 31 - refugees have a lawful right to enter a country for the purposes of seeking asylum, regardless of how they arrive or whether they hold valid travel or identity documents*
- *Article 31 - no restriction on the freedom of movement of refugees who arrive without authorisation, with the exception of restrictions necessary for regularising their status - no mandatory detention or indefinite detention (Refugees with Adverse ASIO assessment);*
- *Article 33 - refugees must not be forcibly expelled or returned (refouler) to a situation where their life or freedom may be threatened – PNG not a suitable destination;*
- *Refugees have the same rights as citizens in relation to freedom of religion, intellectual property, access to courts and legal assistance, accessing elementary education, labour rights and social security ;*
- *Effective protection must be available to refugees – not likely to be available in PNG*
- *The Council also calls on the federal government to desist from using the word “illegal” in relation to asylum seekers*

Global Surveillance and Data Collection

Background

More than at any time in history, citizens around the world are being exposed to intrusive surveillance and data collection, often without their knowledge or consent.

The revelations by Edward Snowden uncovering the extraordinary volume and reach of covert surveillance and data collection by the USA NSA and other international intelligence agencies have changed our understanding of state surveillance. We need new strategies for the defence of privacy and protection from unwarranted, blanket state surveillance.

The globalisation of intelligence gathering, including covert sharing of intelligence information across national boundaries, has undermined the effectiveness and relevance of national data protection and surveillance laws. Governments, including Australia, are now receiving vast amounts of surveillance data on their citizens from friendly foreign sources that would be illegal for them to collect internally.

Governments now have tremendous analytic power to effectively mine these enormous data collections.

Collectively these developments create an unprecedented and dangerous capacity for covert blanket surveillance by the state/states of citizens as individuals and groups. Clearly resistance to this global assault on civil liberties must also become global. As a start we need to develop stronger international instruments covering state surveillance and data collections and the protection of privacy.

Resolutions

- 1. Communications surveillance and data collection programs by the Government or its agencies for any purpose must have the prior informed consent of the citizens consistent with the protection of core civil liberties and democratic values*
- 2. The Australian Government immediately inform the Australian public clearly and honestly as to the extent and nature of communications surveillance data it and its agencies collect or receives from foreign intelligence sources and internet communication entities and the broad uses made of this data.*
- 3. The Australian Government implement stronger accountability parameters relating to communications surveillance and data retention on Australians from internal and*

foreign sources –having special regard to the impact on privacy.¹

4. *NSWCCL work with other concerned groups to identify whether there are any grounds for a legal challenge in relation to Australia’s participation in covert and other exchanges of intelligence data with foreign intelligence agencies and/or use of intelligence data obtained through these covert and other arrangements*
5. *NSWCCL participate in the global effort by concerned civil liberties, human rights and privacy advocates to develop strong and effective international instruments in relation to communications surveillance and data retention which will better protect privacy and basic democratic freedoms.*

Whistle-blowers, Free Media and the Right to Know

Background

The US has accelerated its pursuit of whistle-blowers in recent years and has made unprecedented use of its espionage and related laws to dramatically increase the potential penalty for whistle-blowers. Australia, amongst others, has indicated broad compliance with this approach. The power of the internet has given individual whistle-blowers with access to information they believe should be made public, enormous capacity to reveal large quantities of information to a global audience.

The challenge this poses to growing and unwarranted state secrecy is considerable. Not surprisingly, states are fighting back with an apparent intent of warning off potential whistle-blowers and destroying pivotal organisations such as WikiLeaks. Civil liberties organisations must engage with this and advocate for greater transparency and fairer and more proportionate reactions to whistle-blowers.

Resolutions

The NSW Council for Civil Liberties:

1. *Recognises Edward Snowden, Chelsea (previously Bradley) Manning and Julian Assange as courageous, global champions of democracy who have made, at great personal cost, extraordinary contributions to civil society by challenging the excessive secrecy of the state and revealing to the citizens of the world vast quantities of hidden information about the activities of the state that should always have been in the public domain in any democratic society*

¹ As recommended by the Parliamentary Joint Committee on Intelligence and Security Report of the Inquiry into Potential Reforms of Australia’s National Security Legislation, May 2013 (recommendations 1-3,5-7).

2. *Condemns the current unprecedented and ferocious attack by the USA and other states on whistle-blowers – most dramatically manifested in the relentless pursuit of Assange, Manning and Snowden as traitors and spies and the attempt to disable Wikileaks. With growing state secrecy the attack on whistle-blowers poses a global threat to the capacity of a free press to inform the people and to the citizens' right to know what governments are doing in their name.*
3. *Urges the Australian Government to distance itself from these extreme attacks on whistle-blowers and commit to greater government transparency and the establishment of a legal framework for openness and fair and proportionate protection of whistle-blowers.*

Censorship

Background

The Guidelines applicable to Film Festivals provide that if the Classification Board's director believes that a festival film might be rated X 18+ (pornographic, and therefore only available in Canberra or the Northern Territory) or RC (refused classification: available nowhere) the exemption is not granted. The latest controversy in relation to the operation of these guidelines was early this year when the Classification Board director prevented *I Want Your Love*, an American film that was due to be screened at the Melbourne Queer Film Festival in March 2013 from being screened, on the grounds that it would be classified X18+.

Resolution

CCL calls for film festivals to be exempt from the film classification system and further exempt from the fees required for review of adverse decisions.

HONORARY LIFE MEMBERSHIP RESOLUTION

PASSED AT NSWCCCL AGM

23 OCTOBER 2013

Cameron Murphy

Background

The NSWCCCL committee proposes the following resolution conferring honorary life membership on Cameron Murphy, in recognition of

- Many years of advocacy for civil liberties, human rights and anti-discrimination in a range of contexts
- thirteen years of effective strategic leadership of NSWCCCL in the face of considerable challenges to civil liberties post 9/11
- his personal contribution in sustaining the strong public profile and reputation of NSWCCCL as an independent defender of civil liberties

Resolution

The NSW Council for Civil Liberties confers on Cameron Murphy honorary life membership.