



# DEFENDING DIGITAL RIGHTS IN AUSTRALIA

# AUSTRALIA: THE STATE OF AFFAIRS

## **WHAT DIGITAL RIGHTS?**

- No bill of rights
- No digital charter

## **OUR GOVERNMENT IN 2015:**

- Mandatory data retention scheme
- Website blocking legislation for copyright infringement
- Industry code for online copyright infringement
- Trans-Pacific Partnership

## **THE FUTURE OF 2016?**

# AUSTRALIA: THE STATE OF AFFAIRS

## **IT'S NOT ALL BAD**

Whistleblower protection legislation (and growing culture of whistleblowing)

Small but dedicated campaign against data retention

Growing interest in wider non-profit, academic and activism sectors

# AUSTRALIA: THE PLAYERS

## **WE HAVE SOME STRONG VOICES**

The Australian Greens – Senator Scott Ludlam

Electronic Frontiers Australia

CHOICE

Australian Privacy Foundation

Institute of Public Affairs

Thoughtworks

Amnesty International Australia

**BUT NOTHING BRINGING THEM TOGETHER**

# DIGITAL RIGHTS WATCH

## SO DIGITAL RIGHTS WATCH WAS FORMED



An non-profit umbrella organisation that can support, foster, promote and highlight the work of Australians standing up for their digital rights.



# WHO ARE WE?

## DIGITAL RIGHTS WATCH IS AN INCORPORATED MEMBER DRIVEN NON-PROFIT ORGANISATION

**The 2016 board of Digital Rights Watch:**

**Chair - Tim Singleton Norton**

Head of Campaigns for Save the Children Australia

**Deputy Chair - Dr Nicolas Suzor**

Senior Lecturer in Law at Queensland University of Technology

Chief Investigator of QUT's Digital Media Research Centre

**Chris Berg**

Senior Fellow at the Institute of Public Affairs

**Amy Gray**

Melbourne-based freelance journalist

**Suzy Wood**

Fellow of QUT IP & Innovation Law research program

Fellow at Creative Commons Australia

**Nick Jaffe**

Co-founder of Serversaurus and Electron Workshop

Founder of the Privacy Workshop

**Lizzie O'Shea**

Human rights lawyer specialising in public interest litigation

# WHO'S WITH US?

## **Australian Lawyers for Human Rights**

## **Australian Progress**

## **CHOICE**

## **Australian Privacy Foundation**

## **Blueprint for Free Speech**

## **Liberty Victoria**

## **Thoughtworks**

## **National Justice Project**

## **NSW Council for Civil Liberties**

## **Future Wise**

Michael Malone, founder and former Managing Director of iiNet

Jennifer Robinson, Director of Legal Advocacy, Bertha Foundation

Mary Kostakidis, Broadcaster and journalist

Julian Burnside AO QC, Barrister & human rights advocate

Ass. Prof. Ellie Rennie, Deputy Director, Swinburne Institute for Social Research

Andrew Bartlett, former Senator and Research fellow, Australian National University

Prof. Rob Sparrow, Department of Philosophy, Monash University

Ben Eltham, journalist

Dr TJ McIntyre, Chair of Digital Rights Ireland

Antony Loewenstein, independent journalist, Guardian columnist and author

George Newhouse, Director, National Justice Project

Bernard Keane, journalist

Tracey Dunning, Industry & Policy, Regulatory Program Co-ordinator, Macquarie Telecom

John Lindsay, former CTO of iiNet & Internode

Senator Scott Ludlam, Australian Greens Deputy Leader

Helen Razer, journalist and commentator

Dr Paul Bernal, Lecturer, Information Technology, Intellectual Property and Media Law, UEA School of Law

Prof. Dianne Otto, Francine V McNiff Chair in Human Rights Law at Melbourne University, Director of the Institute for

International Law and the Humanities

Prof. Ariadne Vromen, Dept of Government and International Relations, University of Sydney

Dr. Aim Simpeng, Dept of Government and International Relations, University of Sydney

Dr. Benedetta Brevini, Dept of Government and International Relations, University of Sydney

Asher Wolf, journalist

Trisha Jha, libertarian commentator

Carly Nyst, Human rights lawyer

Prof. Julian Thomas, Swinburne University

Dr Angela Daly, Research fellow, Swinburne Institute for Social Research

Dr Tama Leaver, Senior Lecturer of Internet Studies, Curtin University

Dr Rebecca Giblin, Senior Lecturer, Monash Faculty of Law

Dr Monika Zalnieriute, Melbourne Law School

Brett Solomon, Access Now

# WHAT WE STAND FOR

We believe that a free and open internet is the cornerstone of a modern approach to human rights.

## OUR PILLARS:

**PRIVACY**

**DEMOCRACY**

**FAIRNESS**

**FREEDOM**



# CAMPAIGNING FOR PRIVACY

## OUR AIM

- An end to Australia's **mass surveillance operations**.
- Better oversight of **mandatory data retention**
- A halt to the national **facial biometric** data capability

## OUR WORK:

- Public mobilisation campaigns
- Creating education resources around encryption and privacy-enhancing software

# STANDING UP FOR DEMOCRACY

## OUR AIM

- Stronger **democratic oversight** of domestic and international surveillance agencies
- Increased transparency in **international trade agreements**

## OUR WORK:

- Coordinated lobbying of Australian law-makers
- Facilitating citizen oversight of activities through Freedom of Information requests

# ENSURING FAIR ACCESS

## OUR AIM

- Proper **copyright reform** on key issues such as fair use, free speech and innovation
- Effective and fair monitoring of **website blocking legislation**

## OUR WORK:

- Operating a watchdog of the Copyright Notice Code
- Participating in legislative debate around copyright reform

# WE STAND FOR THE USERS

## OUR AIM

- Clear, certain, and fair legal rules that govern the liability of internet intermediaries consistent with the **Manila Principles on Intermediary Liability**
- **Social networking platforms** protect freedom of speech by providing adequate and effective tools to limit and address abuse

## OUR WORK:

- Operating a watchdog of social network policies

# THE PLAN

## THE ROLE OF DIGITAL RIGHTS WATCH IS TO:

- Be a **strong and visible advocate** known for intelligent, robust defence of digital rights
- **Advocate and educate Parliament** and other law-making bodies
- Run effective **large-scale public campaigns**
- **Monitor and report** on digital rights regulations
- Develop public-facing **information resources**
- **Act as a linkage** between existing digital rights movements overseas and the growing Australian digital activist network



# THE WATCHLIST

## **WE WILL MONITOR AND REPORT UPON:**

- Implementation of metadata retention laws, including agencies approved to access telecommunications data under metadata retention laws
- Websites blocked under new injunctive power
- TPP enabling bill progress through Parliament
- Any movements on fair use
- Any movements on tort of serious invasion of privacy
- Any legislative or policy initiatives to combat 'revenge porn'
- Any movements on education notice scheme for copyright infringement
- Whistleblower protections
- Reforms to ss 34ZS and 35P ASIO Act
- Broader intermediary liability issues
- Net neutrality
- Right to be forgotten

# UPCOMING PROJECTS

## **BLOCKED.AU**

An online database to keep track of injunctions and compile a database similar to [blocked.org.uk](http://blocked.org.uk)

## **INTERNET DEFENCE LEAGUE**

Educational resources and information for individuals to utilise privacy-enhancing tools and encryption technologies

## **GET A WARRANT! CAMPAIGN**

Public-facing mobilisation campaign to repeal the current laws surrounding data retention and access by government agencies

# GET IN TOUCH

**THANK YOU**

**LIZZIE O'SHEA**

**DIGITAL RIGHTS WATCH**

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**@DRWAUS**

**DIGITALRIGHTSWATCH.ORG.AU**