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Medicare battle reveals Senators' disdain for NGO reps

CLA appeared by teleconference from a lighthouse on Kangaroo Island last month to try to curb the excesses of a Medicare proposal to pry into patient health records.

Medicare is trying to take over the audit system which monitors whether doctors are over-charging; however, they plan to use bureaucrats to pry into patients' clinical records rather than the existing scheme, where a separate statutory agency staffed by doctors does the investigating.

CLA's submission on this issue is available on the website: search for 'Medicare submission'.

As a result of the poor attitude by Senators on this and other inquiries, CLA has written to the Senate Chair of the Chairs of Committees to complain about how Senators treat non-government organisation (NGO) people making submissions and appearing before committees.

These people are voluntary, unpaid and giving their time for the good of the nation: they deserve more respect from Senators than they get, the CLA letter said.

Senators often have not read the submissions; they pick a few words, or a paragraph, and 'grill' voluntary witnesses at length and in detail on words taken out of context; and some Senators adopt a clearly biased attitude towards what should be an open, inquisitive process.

First reactions to the CLA letters indicate that many Senators and other senior parliamentary people agree with CLA's criticism. Senator Bill Heffernan (Lib, NSW) phoned to express his agreement with the sentiments in the letter.

Torture banned: Aussie prisons to come under closer scrutiny

The Rudd Government has signed the Optional Protocol to the Convention against Torture and will enact a specific offence of torture, applying in Australia and outside Australia to Australians.

Attorney-General Robert McClelland announced the developments at a speech in Sydney last month. The Optional Protocol obliges periodic international inspections of jails, and formal mechanisms to check on prisoner treatment.

"In consultation with the States and Territories, mechanisms will be established, as required under the Protocol, to regularly examine at the domestic level the treatment of persons in places of detention," Mr McClelland said. "This will include ensuring that all of our prisons and detention facilities are subject to the monitoring and reporting regimes under the Protocol."

See also '*Habib gave world first torture alert*' later in this newsletter.

LAST WORD: Don't swat...smile, you're on camera

If you see a fly this summer, don't swat it: you may be missing a chance to become a video star. A microchip-sized digital camera just patented can be installed in insect-sized US spy drones, a report says. *Read more at the end of this bulletin.*

CLA networks in SA to coordinate opposition to repressive laws

Because bikie and other repressive laws are being manufactured in South Australia, and 'exported' to the rest of Australia, CLA undertook a networking visit to Adelaide last month to try to coordinate opposition to the extremist legislation.

CLA President, Dr Kristine Klugman, and CEO Bill Rowlings met or held discussions with a number of keenly interested parties, including the President of the Law Society of SA, John Goldberg; former magistrate (now private practice lawyer) Brian Deegan; members of the the SA Council for Civil Liberties, such as MP Frances Bedford and barrister Stephen Kenny (as well as trying to make contact with barrister Claire O'Connor and lawyers George Mancini and Tracee Micallef); and CLA members from Adelaide and rural areas.

The outcome is likely to be re-invigorated opposition to government (or opposition/independents) excesses on 'law and order' issues. With a state election due in March 2010, the likelihood is that ever more excessive laws or legislative proposals will be promoted by extremist elements in government and public authorities.

All people CLA met with were as alarmed as CLA at how the reputation of SA for being one of Australia's progressive, small 'l' liberal states was being trampled by politicians for whom power was much more important than principle.

NSW DPP Cowdery congratuled for bikie law stance

NSW DPP Nicholas Cowdery has issued a 'General Commentary' as the Office of the DPP website describes it, on the Organisations/Association Legislation - 'Bikie Gangs'.

The website features 75 other speeches DPP Cowdery has given to groups and societies since 1999, but not one other 'General Commentary'.

His placing of the commentary on his website is a clear warning from one of the most senior law officers in Australia that the NSW 'bikie' legislation – and that of SA – is excessive and dangerous, in that it could easily be abused and/or used against many other groups in society in the future.

Mr Cowdery said the laws, modelled on the terrorism legislation, were unnecessary and "offend against the rule of law".

"I think legislatures felt they can get away with it only because the first step has already been taken, and they're building on that experience. The procedures in the anti-gang legislation are even more unfair and inappropriate than procedures in the anti-terrorism legislation," Mr Cowdery said.

Police powers under the laws were not in proportion to the threat posed by bikies. "There are more effective ways of addressing the threats of violence and drug distribution that the bikie gangs pose," he said. "We already have, in the Crimes Act, anti-gang criminal provisions, and we've had successful prosecutions under those."

Mr Cowdery reinforces what many commentators, including CLA, have said: the existing criminal laws are more than adequate to deal with criminal behaviour, but they are not being enforced properly. The President of the Law Society of South Australia, John Goldberg, also spoke out against the laws (his column in the *Adelaide Advertiser* features on the CLA website)

CLA President Dr Kristine Klugman has written to DPP Cowdery to congratulate him on his standing up for the rule of law in Australia. For the full text of Mr Cowdery's commentary, go to:

<http://www.cla.asn.au/0805/index.php/articles/2009/nsw-dpp-calls-for-special-vigilance-on-c#more587>



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Finks' members now outlawed, and formally 'controlled'

The Finks Motorcycle Club last month became the first group to be officially outlawed in Australia.

Now the SA Police Commissioner is enforcing control orders against Finks' members under the government's anti-bikie laws. The control orders make it illegal for people to gather or meet other people suspected of serious criminal activity.

The first Finks placed under control order was Donald Hudson on 25 May, and then Michael MacPherson on 28 May.

Anyone breaching an order faces five years in jail...which is ironic, as one of the people – not a Fink member – who is now also 'controlled' is Michael Fife, serving 25 years in prison for killing a police officer. In his case, being a 'controlled person' restricts who can visit him.

Finks' members not subject to a control order will be allowed to associate with one another up to six times a year, without facing a charge.

Senior SA police can now issue 72-hour public safety orders banning a person or members of a group from attending a public event or place on the grounds of ensuring public safety.

SA Attorney General Michael Atkinson has declared the Finks an outlaw organisation, with the order applicable to 48 members or former members.

Mr Atkinson tabled 53 pages of reasons for the ban. They detail 173 drug offences, 160 violent crimes, 137 weapons convictions, 40 counts of blackmail, shootings, rapes and sexual assaults.

What he did not highlight was that the offences listed go back 40 years!

The dates of offences were included in the government's first announcements...but they strangely disappeared from later ones when the silliness of including 40-year-old offences was pilloried.

Motorcycle clubs have threatened a court challenge. Mr Atkinson doubts it would succeed. "My opinion is that the act and the declaration will hold up before the highest court in the land," he said. That is not CLA's opinion. We believe the law will be struck down in the High Court as unconstitutional...if it makes it that far: with luck the SA Supreme Court will make the same decision, determining that criminal laws are appropriate for convicting criminals, and that special laws targeting individual groups – of any nature – are abhorrent to the tradition rule of law in Australia.

A lawyer for several members of the Finks club, Craig Caldicott, says the government's information is so accurate that their list of banned people includes a dead man.

"As I understand it there's only about 30 to 35 actual members, I do understand that on their list of people there is a deceased individual and hopefully they won't make a control order against him," he said.

– from <http://www.abc.net.au/news/stories/2009/05/14/2570408.htm> and Vicki Osland

Fink: definition – *“an unpleasant or contemptible person, particularly a person who informs on people to the authorities”*...or, perhaps, a person in power who acts in a contemptible manner with regard to the traditional rule of law?

15 June is deadline for rights/liberties ideas

The deadline for submissions to the National Human Rights Consultation is 15 June.

The committee continues to hold hearings, with the next batch to be at:

- Darwin - 1 June 2009, 12-2pm and 6-8pm
- Broome - 2 June 2009, 6-8pm
- Katherine - 3 June 2009, 12-2pm
- Wadeye - 4 June 2009, 12pm-2pm
- Yirrkala - 4 June 11am-1pm
- Nhulunbuy (Gove) - 4 June 2009, 5-7pm
- Maningrida - 5 June 2009, 1pm-3pm
- Alice Springs - 9 June 2009, 6-8pm
- Tennant Creek - 10 June 2009, 12-2pm

“By the end of their consultations, the committee will have undertaken around 70 roundtable discussions across Australia and received over 18,000 written submissions,” according to the Attorney-General, Robert McClelland, speaking in Canberra last month. “I think that what has been highlighted to date is that education will have a significant role to play in enhancing Australia's human rights culture,” he said. Further details:

<http://www.humanrightsconsultation.gov.au/>

Two States to vote on ‘dying with dignity’ laws

Votes are likely in the next three months in two states, Tasmania and South Australia, on introducing laws to allow people to choose when they want to die, and how.

Tasmania may vote as early as August, and SA is expected to make a decision in September.

Variously termed ‘dying with dignity’ or euthanasia – defined as the painless killing of a person suffering from a terminal illness or incurable and painful disease – the issue has a tortuous history in Australian legislatures.

The NT legislature voted for euthanasia in May 1995, and the law came into operation on 1 July 1996. But on 25 March 1997, the Australian Parliament passed the Euthanasia Laws Act 1997, which prevents territory legislatures in the NT, ACT or Norfolk Island passing laws in support of freedom of choice in relation to death.

However, the Australian Government cannot legislate to overrule any laws of state parliaments on the matter.

In Tasmania, where Greens leader Nick McKim tabled his Dying with Dignity Bill late in May, there is overwhelming support for euthanasia law reform, a survey last month showed.

A survey of 1000 Tasmanians conducted by phone from 4 to 7 May revealed 78% "in favour of changing the law to allow doctors to meet the patient's wish to end their life", up from 75% last year; 15% against changing the law, 6% unsure and 1% unwilling to answer.

It's the second attempt since 1998 to decriminalise and regulate voluntary euthanasia for terminally ill people in Tasmania. The private members bill may become a March state election issue, even though Labor and Liberal MPs are likely to be allowed a conscience vote.

Mr McKim said his Bill included strict safeguards against the common practical concerns with legalising euthanasia.

"It includes some very stringent safeguards, including the requirement that you have to be over 18, there are significant cooling-off periods built in, you have to be assessed by a number of medical experts including a psychiatrist to confirm that you are mentally competent to make the decision, and there are clear sanctions for anyone attempting to influence a doctor's decision," he said.

A strict Tasmanian residency requirement would prevent the state from becoming a destination for interstate visitors intending to exploit the legislation, he said.



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South Australia also to vote on Greens initiative

In South Australia, there would be similar safeguards, as outlined in the bill introduced by Greens MLC, Mark Parnell.

He has said that about 80% of South Australians support freedom to choose the time and method of dying.

The vote in South Australia is likely to come in September, before the parliament rises to get ready for the 'silly season', leading up to a March 2010 election.

In Victoria: The Medical Treatment (Physician Assisted Dying) Act 2008 was lost in a vote of parliament last year. Introduced by the Greens Colleen Hartland, MPs had a conscience vote on the legislation, which was defeated 25 votes to 13.

The bill proposed the right for an adult who is suffering intolerably from a terminal or advanced incurable illness to ask a doctor for assistance to die peacefully.

Polls: CLA has analysed 10 polls taken in three states and nationally over the past 13 years (not counting the recent Tasmania poll). There is an average of 76.8% support, with 18.1% on average opposed.

Support continues to grow: in four of the past five polls, more than 80% or more were in favour.

Federal parliament may vote on equal rights for territories

In relation to death laws, Greens leader Bob Brown introduced a bill federally in 2008 to overturn the ban on territory governments' right to legislate for death with dignity.

"The Greens bill will restore the rights of Territory parliaments to assist terminally ill people choose a death with dignity," Senator Brown said.

The Restoring Territory Rights (Voluntary Euthanasia Legislation) Bill 2008 Bill 2008 aimed to repeal the Euthanasia Laws Act 1997. The new bill would not have restored the Northern Territory Rights of the Terminally Ill Act 1995. It would though restore the rights of the NT (and ACT, and Norfolk Island) legislature to make laws about voluntary euthanasia in the future.

However, the Brown Bill is effectively in limbo, having been 'parked' due to a series of individual reports by members of a committee formed to consider it. It is highly unlikely to get on to the federal parliament's business paper for a formal vote to be taken.

– sources include http://www.themercury.com.au/article/2009/05/25/75471_tasmania-news.html and The Australian, as well federal and state MPs, including Mr Parnell and Mr McKim.

Conference to examine religious/cultural freedoms under Bill of Rights

An August conference will examine the implications for cultural and religious freedom of the proposed Bill of Rights from the perspectives of legislators and policy makers, religious and community groups, academics and the judiciary.

Entitled 'Cultural and Religious Freedom under a bill of rights', it is being organised by the University of Adelaide Research Unit for the Study of Society, Law and Religion (RUSSLR), for 13 to 15 August, 2009. Though organised in Adelaide, it is being held in Canberra.

Participants are expected to include judges, academics, community leaders, theologians and other experts in law and religion from Australasia, America, Asia and Europe. Details: Peter Burdon at: peter.d.burdon@adelaide.edu.au; Website: www.adelaide.edu.au/lawandreligion/conference_2009; Submissions: 500-word abstracts by June 15.

A-G launches new pro bono advisory group...and borderless lawyers

The Australian Government was doing more than \$90m worth of law and justice development work offshore (excluding the amount devoted to policing assistance), Attorney-General Rob McClelland said last month.

He announced a new International Pro Bono Advisory Group to help coordinate international pro bono work by lawyers with the development activities being undertaken by the government.

He made the announcement last month at Sydney University when launching Lawyers Beyond Borders, an initiative of Australian Volunteers International.

"The bottom line is that the public, private and non-government sectors can achieve a great deal by working together," Mr McClelland said.

REVIEW: Buckley's! Read about the man behind the NSWCCCL

Rarely can we enjoy an historian writing about the history he himself created.

But Ken Buckley - founder and for 40-plus years the fulcrum of the NSW Council for Civil Liberties - was determined to complete his autobiography before succumbing in 2006.

His partner in life and liberties, Berenice Buckley, has published the story which is at once about life of one man, and the liberty (or otherwise) of a state and its people. CLA President Dr Kristine Klugman, who was there at the beginning, reviews the book.

<http://www.cla.asn.au/0805/index.php/opinion/2009/review-buckley-s-the-man-who-was-the-nsw>

PREVIEW: Australia: The State of Democracy

By Marian Sawyer AO, Norman Abjorensen and Phil Larkin*

Since 2002 the Democratic Audit of Australia, a major democracy assessment project, has been applying an internationally tested set of indicators to Australian political institutions and practices.

The indicators derive from four basic principles – political equality, popular control of government, civil liberties and human rights and the quality of public deliberation.

Comparative data are taken from Australia's nine jurisdictions, as well as from three comparator democracies, Canada, New Zealand and the UK, to identify strengths, weaknesses and opportunities for reform.

Some findings are disturbing. For example, Australia has fallen well behind in the regulation of private money in elections and in controlling the use of government or parliamentary resources for

partisan benefit. Transparency and accountability have suffered from relatively weak FOI regimes and from executive dominance of parliaments.

Publishing 15 June 2009, Federation Press, 300pp, ISBN 9781862877252, Australian RRP \$59.95. <http://www.federationpress.com.au/bookstore/book.asp?isbn=9781862877252>



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Media gets blame for public fear, says SMH

The media's focus on crime is largely to blame for more than a third of people wrongly believing a terrorist attack is imminent on Australian soil and that the crime rate is rising, experts say.

Three-quarters of Australians believed a terrorist attack would happen in S-E Asia last year; over a third thought it would happen at home, an Australian Institute of Criminology survey has found.

Despite a decrease in the crime rate, 65% of people surveyed for the 2007 report said they believed it had risen, with about half saying it had increased substantially.

Researchers Lynne Roberts and David Indermaur said Australians remained sceptical or ambivalent about the performance of the criminal justice system, wrongly believed courts were too soft on criminals and mistakenly thought they were at much greater risk of becoming a crime victim than was actually the case.

"These misperceptions are generally attributable to the main source of information respondents rely on for their picture of crime and criminal justice – the popular media," the researchers said.

<http://www.smh.com.au/national/media-gets-blame-for-vice-wave-20090525-bks7.html?skin=text-only>

One 'level' of federal court will cease to exist

The Federal Magistrates Court will cease to exist under legal reforms proposed by Attorney-General Robert McClelland.

Under the changes, the functions of the Federal Magistrates Court will be incorporated into the Family Court and the Federal Court. All family law matters will come under the jurisdiction of the Family Court while general federal law matters, including immigration and human rights cases, will be dealt with by the Federal Court.

The changes are due to come into effect in 2010.

UK expert to speak on monitoring anti-terror laws

Lord Alex Carlile QC will speak on the *Role and Activity of the Independent Reviewer of Terrorism Legislation in the UK* at a free public lecture on 16 June from 5.30-6.30pm at the ANU. Venue is the Hedley Bull Centre (Building 130). Inquiries to: 02 6125 0454 or more info at:

http://law.anu.edu.au/cipl/Lectures&Seminars/2009/Lord_Carlile.pdf

New inquiry probes cyber crime

The House of Representatives Communications Committee has launched an inquiry into cyber crime and its impact on Australian consumers.

Chair Belinda Neal said the inquiry was interested in hearing the views of consumers, businesses and experts in the field, as well as federal, state and territory governments.

Submissions are due by 26 June. Background and terms of reference are available at:

www.aph.gov.au/coms or by phone to the secretariat on 02 6277 4601.

Habib gave world first torture alert

It was Australian Mamdouh Habib who alerted the world to the US torture regime at Guantanamo at a court hearing in December 2004, according to *The Washington Post*. His lawyer, Joe Margulies, used the word "torture" for the first time in public,

In the Sydney Morning Herald (25/4/09), Adele Horin writes that Mr Habib said he was tortured in Pakistan, then flown to Egypt where he was tortured for up to six months.

He was hung by his arms from hooks, routinely beaten, taken to a small room that was slowly filled with water until it was just under his chin, and shocked with a cattle prod. On the basis of "confessions," he was taken to Guantanamo, where he was abused again.

<http://www.smh.com.au/opinion/putting-nations-to-the-torture-test-20090424-ahz7.html?page=-1>

Drug test ruling gives workers greater privacy

Mouth swabbing will replace the indignity of urinating in a jar for 200 Shell staff in a breakthrough ruling that could also provide greater privacy for other workers, Kirsty Needham reported in the SMH last month.

The Australian Industrial Relations Commission has ruled that Shell cannot take urine samples when it introduces random drug testing of employees in safety-critical areas at its Clyde refinery and Gore Bay terminal in NSW, and should instead test saliva, a less intrusive method used by police to test motorists for drugs.

Saliva tests only detect very recent drug use, so are unlikely to pick up recreational weekend or holiday drug taking. <http://www.smh.com.au/text/articles/2009/05/24/1243103432831.html>

A reminder re mandatory internet filtering:

CLA's other website, *CensorFree*, lets you keep up with the debate about Mandatory Internet Filtering under Communications Minister Stephen Conroy.

<http://www.censorfree.com.au/>



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Budget shows massive spending on policing

The 2009-10 Budget, handed down last month, revealed Australia is spending up big internationally as deputy sheriff: more than \$500 million is going on law enforcement in the Solomon Islands, Indonesia, Pakistan and Africa, and there's another \$83m being spent on the already strong ties into Asia.

The Australian Federal Police get \$439m for education, welfare, and housing in their Solomon Islands role. This reads like a permanent presence, extending well beyond the four-year planning timeframe of the Budget.

The AFP also gets more funding to spend in Indonesia (\$27m) and Sudan (\$3m), plus another \$29m on ongoing mentoring, advice and training at the Jakarta Centre for Law Enforcement Cooperation and the UN mission in Sudan.

Another \$19m goes on training Pakistani police: this will lead to more "Australian agencies (conducting) joint and multi-agency investigations" which basically means our police and security services are being funded to operate secretly, at least in part, in a foreign country.

There's \$17m for a range of crime-related work in Africa, showing how the AFP has now become an international police force – the AWP, or Australia's World Police. The money will be partly spent to "strengthen legal frameworks and capacity" which could mean anything.

Why does police incompetence get rewarded?

Back in Australia, one bikies' brawl at Sydney Airport, where a man was killed, has summoned urgent spending of \$53m on measures which include "Airport Uniform Police (AUP) seconded from State and Territory police forces to provide security and law enforcement at airports"; and "Airport Police Commanders to coordinate and manage policing functions at airports around Australia".

The question has to be asked: why do governments allocate more money to police forces when they demonstrably fail, as the AFP did in its woeful response at Sydney Airport?

Surely governments should require police forces to be responsible for better allocating resources, without showering extra funding on them for failure? The AFP has more than doubled in size in the past eight years – it has massively excessive manpower if it used its resources appropriately. The government announced another \$100m over four years to “support counter-terrorism efforts, enhance Australia’s policing and intelligence capacity in our region, bolster computer security and continue the national security public information campaign,” according to a joint media release by A-G McClelland and Home Affairs Minister Bob Debus.

AFP officers will receive “cultural awareness programs in Australia including language training...to respond to offshore security incidents in cooperation with local police.” From this statement, the government apparently envisages Australian police operating on the streets of foreign cities.

There’s \$50m for resolving native title issues, basically to try to find agreement through negotiation and mediation rather than litigation. Mediation is A-G McClelland’s middle name: by the end of his tenure, he will have transformed the Australian legal system in terms of attitude, and form (through reviews to court structure and appointments).

Other Budget moves include:

- \$9.0 million over four years for the High Court library, security and building maintenance;
- \$14m for ITSA, the Insolvency and Trustee Service: ITSA’s funds always go up when a large increase in bankruptcies is expected;
- \$3.7m over four years for The Office of Parliamentary Counsel: this is to cope with all the extra law- drafting requirements being generated by the new ‘executive’ roles of the Council of Australian Governments (COAG) and the Standing Committee of Attorneys-General (SCAG). The government says the work will be in occupational health and safety, consumer credit, water, organ donation, and personal property securities...but CLA says COAG and SCAG are become Australia’s new ‘executive supra-parliaments’;
- \$1.4m for a new Personal Property Securities Register, a national, online database.
- \$8.8m for a new national Computer Emergency Response Team (CERT), “a single point of contact for e-security information for all Australians and Australian businesses” providing “access to information on cyber threats, vulnerabilities in their systems and information on how to better protect their IT environment”;
- \$6.8m so that 30,000 – rather than 1000 – people will receive priority mobile phone notice of a major national security or disaster through the Wireless Priority Service System; and
- yet another \$2m for that dreadful “national security public information campaign” – the TV ads that remind us nearly every night how many spooks now work behind the scenes in Australia to ensure we remain alarmed.

AFP abuse their powers over DNA sample demand

The Australian Federal Police tried to demand a DNA sample from a man as a known 'sex offender' because he had a conviction for a minor offence 30 years ago, when he was a 16-year-old.

The man, who was convicted three decades ago for kissing a girl his own age on the breast, has not committed any offence since, according to reports.

The police demand was part of their crackdown in Canberra under the ACT's Crimes (Forensic Procedures Act) 2000. AFP officers, who police the Territory, are demanding people convicted of sexual offences in the past give up a DNA sample.

But, in the case of the 30-year-old offence, they eventually backed down, reportedly saying that – in future – they would contain their requests to offences committed in the past five years.

“This is an outrageous abuse of power by police, and shows a total lack of common sense by the AFP,” the CEO of Civil Liberties Australia, Bill Rowlings, said.

“Under section 74 of the act they are quoting, they must consider whether demanding a DNA sample is justified. Clause (b) insists they must consider ‘the seriousness of the circumstances surrounding the serious offence committed by the serious offender’.

"In this case, it was not a serious offence, or a serious offender and there were no serious circumstances...and it was 30 years ago, when the person was 16.

"The trouble with giving police intrusive powers is that, eventually, someone will abuse the power. Just like other citizens, the police must act responsibly.

"Anyone else who is being bullied by the police to give a DNA sample inappropriately should contact Civil Liberties Australia," Mr Rowlings said.



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Greens move to broaden shield laws

At the close of Senate hearings into the Evidence Amendment (Journalists' Privilege) Bill the Australian Greens have confirmed that the Bill needs additional work if it is to adequately protect journalists, a Greens media release says.

"The Bill falls short of what key stakeholders have identified as the minimum protections of confidentiality that journalists need if they are to pursue their work," said Greens Attorney General spokesperson, Senator Scott Ludlam.

"But it also falls short of its objectives as claimed by the Attorney General. At a bare minimum we need to make it explicit that courts should assume protection of journalists sources unless there is a compelling reason to the contrary."

The Greens say they will propose a range of amendments to make sure the Bill meets these important objectives and will seek the support of other parties.

"In other democracies there's a presumption in favour of the journalist's right to protect their source unless there are strong public interest or national security reasons for overriding this basic principle. The government's Bill falls well short of that."

The committee also heard a range of views on how the laws would apply to new media sources including bloggers and citizen journalists. Details: Robert Simms 0417 174 302.

Oakes leaves no doubt shield laws insufficient

Respected Australian journalist Laurie Oakes, speaking at a media dinner in Sydney last month, laid into the Australian Government for not yet legislating better freedom of information laws, and for proposing weak shield laws for journalists.

He said: "An audit of the state of free speech in Australia by former privacy commissioner Irene Moss 18 months ago identified an astonishing 335 state and federal laws with secrecy clauses.

"The highly respected international organisation Reporters Without Borders has listed Australia at No. 28 in its world press freedom rankings.

"The key problem with the 'shield' legislation, introduced by Attorney-General Robert McClelland, is that it does not contain a presumption that a journalist is not compelled to reveal a confidential source unless there is an overriding public interest imperative to do so.

"The laws in Britain and New Zealand contain such a presumption. So does the legislation being considered by the US Congress," Oakes said.

A-G to 'ponder' changes to copyright law

After a roundtable forum with about 30 people discussing copyright reform, Attorney-General Robert McClelland has promised to "think further" about key themes.

The themes he will be pondering include:

- whether the government would benefit from an independent source of advice in addition to that coming from his department, especially for technology and competition issues
- access to justice considerations for individual creators and also the effectiveness of the Copyright Tribunal
- addressing piracy in the online environment
- the roles and responsibilities of declared collecting societies

- whether there should be new rights for visual artists, indigenous creators and audio-visual performers
- the relationship between copyright and contract law, and
- whether there should be new exceptions to allow greater access to copyright materials.

Speaking at a copyright conference last month, he said there were other key themes to emerge from discussions, including the issues of resale royalty legislation for visual artists and the review of restrictions on the parallel importation of books.

“I am also evaluating proposals on the use of internet material by educational institutions, the role of Internet Service Providers in relation to online infringements, and appropriate enforcement of intellectual property crimes. There is also the push for Governments to consider how to enhance access to and re-use Government information,” he said.

Foreign students may be singled out for facial scanning

Melbourne’s colleges are considering the introduction of facial recognition technology at classroom doors to curb abuse of international student visas.

Many international students are required to attend at least 80 per cent of classes under education visas granted by the Federal Government.

But TAFE teacher Gary Alexander – who markets scanning equipment – said facial recognition technology was the only way to tackle rorting by foreign students seeking permanent residency in Australia.

The department of Immigration and Citizenship said recently that it was investigating 20 Melbourne colleges over possible breaches of immigration laws, including falsified attendance.

Liberty Victoria president Michael Pearce raised concerns that the software could breach racial discrimination and equal opportunity laws if applied to overseas students only.

<http://www.theage.com.au/national/uproar-over-face-scan-for-foreign-students-...>



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WA man gets \$3.25m for 12 years of wrongful imprisonment

West Australian Andrew Mallard has been awarded \$3.25m compensation for more than 12 years in jail following his wrongful conviction for murder in 1994 of Mosman Park jeweller Pamela Lawrence.

Mr Mallard served 12 years of a 20-year sentence before his conviction was quashed by the High Court in 2005. He walked free in 2006.

The murder investigation and wrongful conviction was the subject of a Corruption and Crime Commission inquiry into whether police officers had engaged in misconduct. Two assistant police commissioners, Mal Shervill and David Caporn, were forced to step down.

WA Attorney General Christian Porter last month announced the settlement with Mr Mallard after lengthy negotiations. It is believed Mr Mallard has the option of suing the police and some individual officers for the emotional and physical trauma he suffered in prison.

Because he wouldn’t admit his guilt in prison, he was shipped off to a psychiatric hospital and injected with drugs, according to Labor MP John Quigley, a close friend of Mr Mallard who fought for his release from prison, and who is now the Shadow A-G.

<http://www.news.com.au/adelaidenow/story/0,22606,25432774-5005962,00.html>

Whistleblowers protection under microscope

A new report looks at new legislative protection proposals in NSW for whistleblowers, aiming to untangle the complex web of whistleblowing and to identify the circumstances in which whistleblowing is recognised as a public good (and in some respects, a requirement) which warrants protection and encouragement by the law.

The paper also lays out the matrix of laws currently in effect in NSW with respect to whistleblowing and outlines suggested proposals for reforming the regime. <http://apo.org.au/node/14305>

Kessing may get help to prove he was in the right

Attorney-General Robert McClelland has urged convicted whistleblower Allan Kessing to seek government funding for his High Court challenge against the Commonwealth Director of Public Prosecutions (that is, the Government) over his conviction for exposing security flaws at airports around Australia.

Mr McClelland has written to Mr Kessing suggesting his planned High Court challenge could be covered by a scheme that pays for public interest cases.

The A-G's letter follows appeals by CLA for the Australian Government to drop its defence of Mr Kessing's appeal before the High Court (effectively, agreeing that the Kessing conviction was not appropriate). If the Government funded Mr Kessing's case, one arm of the government would be competing with another.

"Your matter on its face could be eligible for consideration under this scheme," Mr McClelland's letter said.

E-health record debate heats up: privacy at stake

The National Health and Hospitals Reform Commission (NHHRC) has announced its support for an electronic health record for every Australian.

NHHRC Chair, Dr Christine Bennett, released a paper which spells out the Commission's position: an electronic health record is arguably the single most important enabler of truly person-centred care, it says.

According to recent research commissioned by the National Electronic Health Transition Authority (NEHTA), 82 per cent of consumers in Australia support the establishment of an electronic health record.

The NHHRC has made seven recommendations for electronic health records, including:

- By 2012, every Australian should be able to have a personal electronic health record which they own and control;
- The government must legislate to ensure the privacy of a person's electronic health data, while enabling secure access to data by authorised health providers;
- The government must introduce unique personal identifiers for health care by 1 July 2010;
- The government must inform consumers and health professionals about the significant benefits and safeguards of the proposed e-health approach; and
- The government must mandate that paying public and private benefits for all health and aged care services be dependent on providing data to patients, carers, and health providers, in a format that can be integrated into a personal electronic health record.

NHHRC's paper, *Person-controlled Electronic Health Records*, is available at www.nhhrc.org.au under 'Interim Report of the NHHRC'.

NSW goes it alone on e-health records in hospitals

The NSW Minister for Health, John Della Bosca, last month announced he was rushing new electronic medical records (eMR) technology into public hospitals ahead of any national agreement on standards of privacy and the safety of people's health records.

All doctors, nurses, allied health and social workers throughout NSW will be able to access a centralised repository of a patient's medical chart, laboratory results, prescriptions and referrals, no matter where the patient enters the health system.

He said the new technology would also make it easier for doctors and nurses to track the progress of patients through the hospital system.

It will also make it easier for people to pry into private health records, either officially (as Medicare is planning under new legislation) or unofficially by the records being largely unprotected from additional safety checks in the NSW health system.

"The \$100 million project will be rolled out across the State by the end of 2010," Mr Della Bosca said. "The new eMR technology replaces many existing paper records and makes secure patient information available to authorised clinicians from computer workstations across the hospital."

How many times have you been in a hospital and seen a computer workstation unattended, because nurses and doctors have had to rush off to an emergency? So much for "secure", CLA says.

"This is opening up your individual, personal health record to tens of thousands of people, without you having any control over who looks at it," CEO Bill Rowlings said.

A report commissioned by the Federal Government in December 2008 found state and federal governments have spent \$5 billion on electronic health initiatives over the past 10 years but have made little progress towards creating a national system for sharing information.

NSW Health has admitted that two previous attempts to implement electronic medical records in 1991 and 1999 had failed, at a cost of \$12 million and \$30 million respectively.

The National Health and Hospitals Reform Commission has recommended an individual patient-controlled electronic health record owned by the patient who decides which health care providers can access it.

As well, the National E-Health Transition Authority is working on a national scheme for seamless integration of health data...but NSW appears determined to go it alone.

<http://www.smh.com.au/national/paper-patients-notes-out-digital-records-in-20090501-aq6k.html>



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Rees moves to make NSW more open

Premier Nathan Rees has moved to reform of freedom-of-information laws – he made public last month a draft bill for an Open Government Information Act

The FOI expert for the SMH, Mathew Moore, said that the bill was not perfect, but it committed his administration to a huge transformation of the way government treated access to information.

"Rees is part of a seismic change underway across the country, the first since Australia's first freedom-of-information laws 27 years ago," Mr Moore wrote.

"Freedom of Information was always something oppositions promised to fix but governments refused to touch. Now governments in Queensland, Tasmania and NSW - as well as the Commonwealth - have produced similar plans for big change.

"The object of the NSW bill could hardly be more definitive: 'In order to maintain and advance a system of responsible and representative democratic government that is open, accountable, fair and effective, the object of this act is to open government information to the public.'

"That will be done by applying one simple principle: a presumption in favour of disclosure unless there is an overriding public interest against disclosure," Mr Moore reports.

<http://www.smh.com.au/opinion/at-last-the-promise-of-the-truth-and-more-of-it-20090508-axx4.html>

Faulkner orders agencies to improve FOI

The Commonwealth's top bureaucrats have been told to improve their officers' attitudes to making information public, according to Markus Mannheim, writing in the Canberra Times.

Special Minister of State, John Faulkner, wrote to agency heads last month to ensure they understood his plans to improve freedom of information laws.

Senator Faulkner's letter reminded departmental secretaries that the Government's policy was to increase the public's access to information. He urged them to take a lead role in creating "a culture of disclosure across agencies".

<http://www.canberratimes.com.au/news/local/news/general/faulkner-orders-agencies-to-improve-foi/1505597.aspx>

Government moves to curb legal profession

All Australian Governments have agreed on a new scheme to more tightly regulate the Australian legal profession.

Within 12 months, there will be draft uniform laws regulating the profession across Australia; a special taskforce will prepare the draft legislation; and Attorney-General Robert McLelland will appoint a consultative committee to advise the taskforce.

The taskforce is:

- Roger Wilkins, secretary of the Attorney-General's Department;
- Bill Grant, secretary-general of the Law Council of Australia;
- Laurie Glanfield, director-general of the NSW Attorney-General's Department; and
- Louise Glanville, executive director of the Victorian Department of Justice.

One more will be added to represent smaller jurisdictions.

Michael Lavarch, a former A-G who is professor of Law at Queensland University of Technology, will chair the consultative committee, which will include people from each State and Territory representing peak legal, business and consumer groups.

Apparently, nothing is off the agenda: costs, disclosure and billing, admissions and practising certificates, complaints handling and professional discipline. An interesting battle between the profession and the government looks likely.

Australian BRIEFS

Government needs to take six steps: The federal government should take six major steps over the next 18 months to better protect the human rights of Aboriginal and Torres Strait Islander peoples and to progress a new agenda for Indigenous affairs, Aboriginal and Torres Strait Islander Social Justice Commissioner Tom Calma has said in the Social Justice Report 2008 recently tabled. Social Justice Report 2008:

http://www.humanrights.gov.au/social_justice/sj_report/sjreport08/ Native Title Report 2008:
http://www.humanrights.gov.au/social_justice/nt_report/ntreport08/

See-through scans still up in the air: The (government) jury is still out on whether Australia's airports will get see-through scanners. Results obtained from the trials will inform possible future approaches to aviation passenger screening technology. At this time there has been no decision to implement any of the technologies trialled in Australia, according to Department of Transport sources. Their final report, including the outcomes of the trials, is still being prepared and has not yet been forwarded to Government for consideration. The report is expected to be finished by 30 June 2009.

Nitschke's approach damned by former supporter: Australian voluntary euthanasia campaigner Philip Nitschke has been branded "totally irresponsible" by a British doctor who was once one of his major supporters. The former chairman of Britain's Voluntary Euthanasia Society, Dr Michael Irwin, criticised Nitschke over his recent tour of England where he hosted "suicide workshops" for groups of elderly people. Irwin and Nitschke had been friends for a decade and launched a worldwide campaign to make assisted suicide legal for the terminally ill. But Irwin, 77, now says Nitschke is "totally irresponsible for telling people how to easily obtain drugs such as Nembutal, which is illegal in Britain, to help with their own suicides".

<http://tools.themercury.com.au/stories/22344425-breaking-news.php>



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CLA: Report on main activities for May

(Any member who would like to become involved, or contribute to, any of these initiatives is welcome to get in touch with the secretary/CEO).

A networking visit to Adelaide South Australia by the President and CEO was the most significant activity of the month.

Reason for visit: There is an apparent absence of an active civil liberties group in SA to counter anti-liberties legislation current being initiated and enacted by the SA government.

These reactionary laws, through their pernicious influence on the Standing Committee of Attorney Generals, are having an adverse impact nation wide.

Other activities in May:

Media:

Conversations with Bill Tully on 2xxfm community radio

Raff Piccolo on Radio Adelaide re lowering voting age

Bill Rowlings: ABC TV naming and shaming drink drivers; Courier Mail and Canberra Times on DNA issues

Meetings/forums:

Inquiry into Royal Commissions by Australian Law Reform Commission, presenters Prof Les McCrimmon and Mr Ian Carnell, Inspector-General of Intelligence and Security

Harry Evans, Clerk of the Senate

Shane Gill barrister

Bee Boss barrister

Don Fleming UC on sabbatical, editing book *Legal Profession and Its Work, for release in 2010*

Dr Bede Harris UC

Richard and Audrey Croll

Voluntary Euthanasia ACT branch meeting on Enduring Power of Attorney

Prof George Williams, Senate Occasional Lecture on charter of rights and parliament

Ann and Bruce Kent ANU

Submissions:

ALRC Inquiry into Royal Commissions

Inquiry into Compliance Audits on Medicare Benefits – written submission, plus telephone hearing from Kangaroo Island Cape Willoughby lighthouse keepers cottage

Letter complaint re attitudes of some Senators at hearings, sent to 21 Chairs of Committees

Review of Buckley's, an autobiography (see website)

Student meetings:

Discussion with new member Diana Hemmingway on her interests

Rhys Mitchell research on Auscheck

INTERNATIONAL

DNA professor criticises plans to store genetic details of the innocent

The DNA fingerprinting pioneer Professor Sir Alec Jeffreys last month condemned UK government plans to keep the genetic details of hundreds of thousands of innocent people for up to 12 years.

Jeffreys – whose discoveries have been used to establish what has become the world's largest national DNA database – said he was "disappointed" with the proposals, which came after a European court ruled that the current policy breaches people's right to privacy.

"It seems to be about as minimal a response to the European court of human rights judgment as one could conceive. There is a presumption not of innocence but of future guilt here ... which I find very disturbing indeed," he said.

The proposed new rules include keeping the DNA profiles of innocent people who are arrested for serious offences, but not convicted, for 12 years and those arrested for minor offences for six years. Innocent people's profiles are currently kept until their 100th birthday.

<http://www.guardian.co.uk/politics/2009/may/07/dna-database-plans-condemned>

Britain to go ahead with mandatory ID cards

People living in Manchester will be the first asked to volunteer to apply for new national identity cards, which the Government hopes will help fight terrorism, organised crime and fraud.

Anyone living locally who is over 16 and holds a valid British passport will be able to apply for the cards by having their fingerprints and photographs taken at pharmacies and post offices.

By the end of 2009, cards will be mandatory for all new staff working at the city's airport.

Airline pilots are to become the first group to refuse to take part in the national identity scheme when compulsory trials start at Manchester and London City airports.

The British Airline Pilots' Association, which represents more than 80 per cent of commercial airline pilots, is to mount a legal challenge to government plans to use "critical" aviation workers as the first compulsory "guinea pigs" for the scheme.

The cards, which will cost between £30 (\$60) and £60 (\$120) each, have been criticised by opposition MPs worried about the estimated £5.3 billion cost of rolling out the scheme while Britain is in recession. <http://www.smh.com.au/world/britain-presses-on-with-plans-for-id-cards-200905...>



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RAF stays mum on vice details in missing vetting files

Sensitive files detailing the extra marital affairs, drug taking and use of prostitutes by very senior officers in the Royal Air Force have been stolen, raising fears within UK's Ministry of Defence that personnel could be vulnerable to blackmail.

Up to 500 people could be affected by the theft. The information, on stolen hard disks which went missing from a RAF base last September, details drug taking and the use of prostitutes by senior staff in the RAF on unencrypted files, which can be opened easily.

The RAF disclosed the theft two weeks after the hard drives were missed, but revealed only that bank details and home addresses of 50,000 servicemen and women were on the computers.

It kept secret the fact that the "vetting" information about 500 staff had also disappeared. Then Defence Secretary, Des Browne, was not told, nor was Sir Richard Thomas, the then Information Commissioner. The RAF also withheld details from parliament.

But the seriousness of the potential loss, and the nature of the information, were outlined in an internal MoD memo, which was obtained under Freedom of Information legislation.

It said: "This information included details of criminal convictions, investigations, precise details of debt, medical conditions, drug abuse, use of prostitutes, extra-marital affairs including the names of third parties.

"The data is not routine vetting information, but relates to those cases that have been referred to RAF ... because the individuals have serious vulnerabilities that affect their suitability to obtain/retain a security clearance."

<http://www.guardian.co.uk/uk/2009/may/24/raf-military-files-stolen-blackmail>

British troops have rights around equipment supply

Deploying British troops on battlefield operations with inadequate or defective equipment could breach their human rights, senior judges of the UK's Court of Appeal ruled last month, opening the way for potentially huge compensation claims from bereaved families.

Dismissing arguments by the Ministry of Defence (MoD), the court of appeal backed last year's high court ruling that sending a soldier on patrol or into battle with defective equipment could constitute a breach of article 2 of the European convention on human rights, which enshrines the right to life.

The case was originally brought by the MoD over comments made by a coroner after an inquest on a Territorial Army soldier, Private Jason Smith, 32, who died of heatstroke in Iraq in 2003. Andrew Walker, the assistant deputy coroner of Oxfordshire, recorded at his inquest in November 2006

that Smith's death was caused "by a serious failure to recognise and take appropriate steps to address the difficulty he had in adjusting to the climate".

At the heart of the judgement was whether British soldiers serving overseas came within the "personal jurisdiction" of the army and thus of UK laws. Three appeal judges, headed by the master of the rolls, Sir Anthony Clark, said the Defence Secretary had conceded before the hearing that soldiers who died on a UK base, as Smith did, were covered by human rights laws. The judges noted that soldiers were subject to British military, criminal and civil laws, no matter where they were.

<http://www.guardian.co.uk/uk/2009/may/18/british-soldiers-human-rights-battle>

Washington State gets first euthanasia death

A woman with pancreatic cancer has become the first person to die under a law passed last year allowing doctor-assisted suicide in Washington State in the USA, according to an advocacy group that pushed for the law.

The woman, Linda Fleming, 66, died one evening last month after taking lethal medication prescribed by a doctor under the law, according to a news release by the group, Compassion and Choices of Washington. The release said Ms. Fleming received a diagnosis of Stage 4 pancreatic cancer a month ago, and "she was told she was actively dying."

Ms. Fleming was quoted in the release as saying: "I am a very spiritual person, and it was very important to me to be conscious, clear-minded and alert at the time of my death. The powerful pain medications were making it difficult to maintain the state of mind I wanted to have at my death."

Her divorced husband and two adult children supported her decision, it was reported.

In November, voters approved the Death with Dignity Act, 58% to 42%, making Washington the second US state – after Oregon – to allow assisted suicide. The laws in both states have been deeply controversial, particularly among religious groups. Washington passed its law after the United States Supreme Court in 2006 rejected an effort by the Justice Department to block Oregon's law, which took effect in 1998.

In Montana, a state judge ruled in December 2008 that doctor-assisted suicide was legal under the state's Constitution, but the state is appealing that decision.

<http://www.nytimes.com/2009/05/23/us/23suicide.html?th&emc=th>

UK opts for instant justice, TV-style

Thousands of British criminal suspects will lose the right to appear in court and be brought instead before "virtual" courts conducted via video links.

Within hours of being charged, defendants – even those accused of murder or rape – will have their first "cyber" hearings from a police station. They may be bailed or remanded in custody or, in the case of guilty pleas to less serious offences such as shoplifting, be sentenced and punished.

There are fears that the plan could limit the ability of defence lawyers to put together a strong case and curtail the ability of the media to report on hearings that are arranged at short notice. It could even lead to people spending longer in custody because they cannot find the money for bail applications.

The plan is expected to save \$20m a year when it is extended across England and Wales next year. Initially, it will be run from 14 police stations in London and across north Kent from June, handling an estimated 15,000 cases over the year and saving \$5m in police and court time and in transport of prisoners.

The Law Society and Magistrates Association have reservations about the scheme, and will be closely observing the 'Judge Judy' initiative (named after a US TV series where instant justice is dispensed live on the box).

<http://business.timesonline.co.uk/tol/business/law/article6307671.ece?&EMC-Bln=INSCPA>



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'No significant impact on crime' by CCTV

The review of a series of CCTV studies revealed cameras that flood town centres and housing estates in the UK – which has one camera for every 12 people – do not have a significant impact on crime.

In one city, it only led to increased reporting of offences to the police.

The Campbell Collaboration analysed 44 research studies and found that, while cameras have a modest impact on crime levels, they are at their most effective in reducing car crime in car parks, especially when lighting is improved and security guards are added.

The authors, who include Cambridge University criminologist David Farrington, said CCTV should continue to be used but have a much narrower focus, such as reducing vehicle crime.

Results from a 2007 study in Cambridge which examined 30 cameras in the city centre found they had no effect on crime but did lead to a rise in the reporting of assault, robbery and other violent crimes to the police.

<http://www.telegraph.co.uk/news/newstoppers/politics/lawandorder/5344262/CCTV-only-effective-at-cutting-car-crime.html>

Liberty U finds democratic freedom a difficult concept

Liberty University in the USA last month told its fledgling college Democrats club it could no longer be a campus group, saying the party stood against the conservative christian school's moral principles.

Club president Brian Diaz said he was told as much by the private university in Lynchburg which was founded by the late Rev. Jerry Falwell.

Vice president of student affairs Mark Hine said in the e-mail to club president Brian Diaz that the national Democratic party violated the school's principles by supporting abortion, socialism and the agenda of lesbians, gays, bisexuals and transgender people. No other groups were affected.

Chancellor Jerry Falwell Jr. called the club's recognition by the school "an oversight by an administrator" who didn't thoroughly consult school policy.

<http://www.guardian.co.uk/world/feedarticle/8522431>

UK torture claim similar to Aussie Mamdouh Habib's allegation

The British Home Secretary Jacqui Smith faces legal action over allegations that MI5 agents colluded in the torture of a British former civil servant by Bangladeshi intelligence officers.

Lawyers for the British man, Jamil Rahman, are to file a damages claim alleging that Smith, representing the UK government, was complicit in assault, unlawful arrest, false imprisonment and breaches of human rights legislation over his alleged ill-treatment while detained in Bangladesh.

The claims bring to three the number of countries in which British intelligence agents have been accused of colluding in the torture of UK nationals.

Rahman says that he was the victim of repeated beatings over a period of more than two years at the hands of Bangladeshi intelligence officers, and he claims that a pair of MI5 officers were blatantly involved in his ordeal.

The two men would leave the room where he was being interrogated whenever he refused to answer their questions, he says, and he would be severely beaten. They would then return to the room to resume the interrogation.

Mr Rahman's claim closely reflects the allegations made by Australian Mamdouh Habib, who has said he was beaten and tortured in Pakistan and Egypt, with an Australian 'security official' present nearby on at least one occasion, and American interrogators involved in another.

<http://www.guardian.co.uk/uk/2009/may/26/mi5-new-torture-allegations>

Iran slammed for its death penalty policy and practices

The International Federation for Human Rights (FIDH) has released a detailed report on the death penalty in the Islamic Republic of Iran, entitled A State Terror Policy.

Alerted by the increasing executions in violation of international standards, FIDH conducted an in-depth study. They found:

- Iran ranks second for number of executions, after China, and first for per capita executions.
- There are unfair trials, juveniles are executed, ethnic and religious minorities are targeted.
- the death penalty is applied in violation of Iran's obligations under international human rights law.
- A very wide range of offences (including economic, drug-related, so-called sexual offences, apostasy...) carry the death penalty and
- methods of execution (public hangings, stoning...) amount to inhuman and degrading treatment.

FIDH says the use of death penalty in Iran is part of a state policy of general repression aimed at creating a climate of terror among the population.

Whistleblower is former SAS man

The former Special Air Services (SAS) officer who blew the whistle on the British MPs' expenses scandal has spoken about why he decided to expose the system to its "rotten core".

John Wick, who commanded an anti-terrorism team during his 10-year military service, said he decided to act after the public was frustrated in attempts to learn about MPs' expense claims.

Now the head of a corporate intelligence company specialising in negotiating the release of hostages in foreign war zones, he said: "We've all had concerns about the expenses and how they've managed it, purely because of how they've handled our requests for information. We've reached a stage in society where they want to know everything about us - I think we're entitled to know about them."

<http://www.smh.com.au/text/articles/2009/05/24/1243103430245.html>



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Street view gets shuttered

Greece's data protection agency has banned Google from expanding its Street View service in the country, pending "additional information" from the firm.

Street View gives users a 360-degree view of a road via Google Maps.

The Hellenic Data Protection Authority wants to know how long the images would be kept on Google's database and what measures it will take to make people aware of privacy rights. A similar street mapping service, run by local ISP Kapou, was also suspended for the same reason.

In a statement, Google said that it had not seen the full details of the The Hellenic Data Protection Authority's request, but had taken steps to protect people's privacy.

Photo shows a Google Street View picture-taking vehicle in Ontario, Canada, in April 2009.

<http://news.bbc.co.uk/2/hi/technology/8045517.stm>

Journalists hide from rioting soldiers

A team of journalists in Indonesia were reported to be in hiding in Jayapura, Papua Province, as hundreds of soldiers of the Indonesian army rioted in the town, according to a report by the International Federation of Journalists.

An Indonesian journalists group, Aliansi Jurnalis Independen, said the journalists were reporting on a military event in Jayapura when they observed soldiers attacking an army camp. One of the team took photos. It was reported that a large group of border patrol soldiers then turned on the journalists and seized bags and cameras.

The media team sought refuge in a nearby community. Apparently four journalists hid in a local police station, another was in a local home and heard gunshot fire. Local people provided the journalists with different clothes to disguise them.

The police were reported to say they could not guarantee the journalists' safety if they left the station. The police were reported to be concerned about their own safety after a clash between soldiers and police the day before.

It was reported that the soldiers were angry with a provincial military commander for failing to provide adequate compensation for the death of a soldier. The commander had invited the journalists to attend an event. Details: IFJ Asia -Pacific on 02 9333 0919.

Sri Lanka faces massive problem now 'war' is over

A quarter century of civil war has cost billions of dollars and tens upon tens of thousands of lives and now Sri Lanka has to face the task of reconciliation between the majority Sinhalese and minority Tamils. Though President Mahinda Rajapaksa and the military can claim credit for a head-on approach to the Tamil Tigers' insurgency, the Sri Lankan defeat of the rebels has come at the cost of lives and democratic values and has not solved the ethnic resentment that underwrote the conflict, reported the Los Angeles Times – http://www.latimes.com/news/nationworld/world/la-fg-sri-lanka20-2009may20_0,4658933.story – and TIME – <http://www.time.com/time/world/article/0,8599,1899762,00.html>

INTERNATIONAL BRIEFS:

Riot bobbies attract complaints: A third of the London Metropolitan police's 730-strong unit of specially trained riot officers have been investigated for alleged misconduct over the past year after public complaints, according to figures. There were 547 separate allegations against Territorial Support Group officers, of which 29% related to serious and sexual assault. None of the complaints have so far been upheld. Two TSG officers were suspended for alleged assaults at the G20 demonstrations and one has been questioned over the suspected manslaughter of newspaper vendor Ian Tomlinson. A sergeant was suspended after footage showed him striking protester Nicola Fisher. More than 130 complaints are still under investigation. <http://www.guardian.co.uk/politics/2009/may/13/met-police-complaints-territorial-support-group>

Four Kuwaiti women elected: Four Kuwaitis have become the first women elected to their nation's parliament in a conservative Persian Gulf country where the legislature has been men-only for almost half a century. Women gained the right to vote and run for office in 2005 but failed in two previous elections to win seats in the 50-member parliament. <http://www.nytimes.com/aponline/2009/05/17/world/AP-ML-Kuwait-Election-Women.html?emc=eta1>

Medvedev reverses restrictions: Russian President Dmitry Medvedev is winning applause from Russian human-rights activists as he reverses many of his predecessors' restrictive policies and appears willing to listen to advocates' concerns. In the past few months, Medvedev has blocked passage of a law that would have criminalized many forms of dissent and included human-rights proponents in a presidential advisory council, reports Newsweek.

Thousands of Falun Gong imprisoned: China's decade-old campaign against followers of Falun Gong is continuing with more arrests, jail terms assigned and deaths on custody despite the growing efforts of China's legal community to defend practitioners. Tens of thousands of Falun Gong members have been imprisoned and at least 2,000 have died as a result of the government's campaign, The New York Times reported.



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Gypsies under attack in Europe: Hungarian security forces are investigating the possibility police officers or military personnel might be playing a role in attacks directed at the country's gypsy population. Gypsies, or Roma, long have faced discrimination across Europe, but security officials

believe deteriorating economic conditions in Central and Eastern Europe are driving a wave of violent attacks against the group.

Five new countries on HRC: Five new countries will serve for the first time after the General Assembly last month elected 18 countries on to the Geneva-based UN Human Rights Council for three-year terms starting on 19 June. The 47-member Council replaced the HR Commission in 2006. The newcomers are Belgium, Hungary, Kyrgyzstan, Norway and the USA. Countries re-elected are Bangladesh, Cameroon, China, Cuba, Djibouti, Jordan, Mauritius, Mexico, Nigeria, Russia, Saudi Arabia, Senegal and Uruguay.

Judges rule against same-sex marriages: California's Supreme Court has upheld a ban on same-sex marriage, ratifying a decision made by voters last year. The ruling comes at a time when several US state governments have moved in the opposite direction. The court's decision does, however, preserve the 18,000 same-sex marriages performed between the justices' ruling last May that same-sex marriage was constitutionally protected and voters' passage in November of Proposition 8, which banned it.

<http://www.nytimes.com/2009/05/27/us/27marriage.html?th&emc=th>

People expect rise in extremism: A majority of people in the US and European countries expect a rise in extremism, social unrest and political strife in the coming years, primarily as a result of the global economic situation, according to results of an international poll. A significant percentage of respondents also predicted a rise in religious fanaticism and an erosion of human rights and individual freedoms, reported The New York Times (6 May 09).

Scientific committee slams forensic laboratory work: A committee of the US National Academy of Sciences has found "serious problems" with much of the work performed by crime laboratories in the USA. Recent incidents of faulty evidence analysis – including the case of an Oregon lawyer who was arrested by the FBI after the 2004 Madrid terrorist bombings based on fingerprint identification that turned out to be wrong — were just high-profile examples of wider deficiencies, the committee said. Crime labs were overworked, there were few certification programs for investigators and technicians, and the entire field suffered from a lack of oversight. <http://www.nytimes.com/2009/05/12/science/12fore.html?ref=science>

DATES:

1-6 June, Oslo, Norway: Global Forum on Freedom of Expression, week-long membership meetings, open conference sessions and festival events, all dedicated to exploring and celebrating free expression. Contact: Christopher Wilson (+47 2301 4696) Info: <http://expressionforum.org>

1-4 June, Washington DC, USA: Computers Freedom and Privacy conference, http://www.cfp2009.org/wiki/index.php/Main_Page

5-9 June, Fiji: 11th Australian Family Lawyers' Conference, www.aflc.com.au

14 June - 3 July 2009, Montreal, Canada: Applications close 21 Nov 2008. The International Human Rights Training Program (IH RTP) is an annual three-week training session with 120 participants from 60 countries. Information: <http://www.equitas.org/english/programs/IH RTP.php>

16 June, Canberra: Lord Alex Carlile QC will speak on the *Role and Activity of the Independent Reviewer of Terrorism Legislation in the UK* at a free public lecture on 16 June from 5.30-6.30pm at the ANU. Venue is the Hedley Bull Centre (Building 130). Inquiries to: 02 6125 0454 or more info at: http://law.anu.edu.au/cipl/Lectures&Seminars/2009/Lord_Carlile.pdf

20 June, world: World Refugee Day (World Refugee Week June 14-20)

27 June - 3 July, Bali, Indonesia: 'Criminal Justice - Diagnosis Terminal' conference, contact: jodi.truman@johntooheychambers.com.au

2-4 July, Wellington, NZ: Australian and NZ Society of International Law annual conference, call for papers deadline 2 March 09. Details: <http://law.anu.edu.au/anzsil/conferences.html> or cipl@law.anu.edu.au

5 July, Australia: NAIDOC Week (National Aborigines & Islanders Day of Celebration)

30-31 July: Disability and Age Discrimination Law Reform Summit, Swissotel, Sydney: Info: www.iir.com.au/disabilitylaw

6-7 August, Canberra: 2009 National Administrative Law Forum, contact Jenny Kelly 02 6251 6060

10-12 August, Seoul, Korea: 39th assembly of the World Federation of United Nations Associations, plus WFUNA youth meeting. Details: WFUNA on 1 212 963 0969; fax 1212 963 0447.

13-15 August, Canberra: Cultural and Religious Freedom under a Bill of Rights, organised by U. Adelaide Research Unit for the Study of Society, Law and Religion (RUSSLR), Details: Peter Burdon at: peter.d.burdon@adelaide.edu.au; Website: www.adelaide.edu.au/lawandreligion/conference_2009; Submissions: 500-word abstracts by June 15.

1-4 Sept, Sydney: XIX World Congress, International Society for Labour and Social Security Law, <http://www.labourlawsydney.com/>

17-20 Sept, Perth: 36th Australian Legal Convention, <http://www.law09.com.au/>

21 Sept, world: International Day of Peace

2 Oct, Sydney: Protecting Human Rights Conference, Art Gallery of New South Wales, details: www.gtcentre.unsw.edu.au

9-12 Nov, London: First Workshop in e-Healthcare Information Security <http://www.comp.dit.ie/e-HISec> in conjunction with The 4th International Conference for Internet Technology and Secured Transactions (ICITST-2009) <http://www.icitst.org/> Registration enquiries: Belinda McDonald gtcentre@unsw.edu.au

12-13 Nov, Canberra: CIPL/ANU Public Law weekend, including annual Sawyer lecture and dinner.

10 Dec, world: Universal human rights day www.cla.asn.au

2010:

4-7 May, Melbourne: Non -adversarial Justice: Implications for the Legal System and Society conference, E: ajja@law.monash.edu.au (Call for papers closes 1 Feb 2010)

10/10/10, World: Target date to start the CLA-promoted death penalty moratorium – 10/10 for Life.



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***LAST WORD:* Don't swat that fly: smile, you're on camera**

A microchip-sized digital camera patented by the California Institute of Technology could provide vision for the US military's insect-sized aircraft, according to New Scientist's 22 May edition.

It is light enough to be carried by tiny surveillance drones and also uses very little power.

In today's minicams, the image sensors and support circuitry are on separate microchips, and most of the power goes on communication between the chips. Now with Pentagon and NASA funding, Caltech's Jet Propulsion Lab in Pasadena has squeezed all the components of a camera onto one low-power chip, revealed in a US patent filed last week (www.tinyurl.com/ojwmdq).

The gadget can be radio-controlled via a secure frequency-hopping link from up to a kilometre away, say its inventors. <http://www.newscientist.com/article/mg20227095.700-spying-robotflies-to-get-minicam-eyes.html?DCMP=OTC-rss&nsref=online-news>

CLArion is the monthly e-newsletter of Civil Liberties Australia A04043, Box 7438 FISHER ACT 2611 Australia. Responsibility for election comment in *CLArion* is taken by CLA's Public Officer, Bill Rowlings, of Fisher, ACT. Please feel free to report or pass on items in *CLArion*, crediting CLA and/or the original source. We welcome contributions for the next issue: please send to: <mailto:secretary@cla.asn.au>

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