

## **ACC supremo could be Australia's J. Edgar Hoover, CLA warns**

New legislation before the Australian Parliament could turn a Chief Executive Officer of the elite Australian Crime Commission into the local version of America's J. Edgar Hoover.

Under the proposed law, the CEO gains individual carte blanche to swap and 'shop' information – not evidence – across virtually all government departments and agencies, and with the private sector, not only in Australia but around the world.

Hoover's power was constrained inside America. But the ACC CEO, currently John Lawler, is to be given the OK to operate globally.

It would be extraordinary power without restraint, CLA has warned the parliamentary committee reviewing the proposed legislation.

The new law would not even restrict Lawler to "serious and organised crime". He could target anyone, at any level, for any crime, including the most minor offence.



At a parliamentary hearing in Canberra last month, Lawler (*pictured*) indicated he would 'shop' a bank employee to the bank's bosses if the employee was seen to enter premises where organised crime figures were known to be meeting.

Too bad if you suddenly suffered bladder problems, and had to duck in to the toilet, CLA says.

Under 'Lawlerness', you'd be sacked and unable to get a job in the banking industry ever again as your reputation was trashed, based on information, not evidence. Without any proof whatsoever that you had even contemplated committing a crime, your career would be ended on a whisper from Australia's hush-hush crime agency.

Lawler had earlier hinted of his approach to crime fighting in a speech he gave late last year:

"The good guys have to abide by the rules," Lawler said at the third annual eCrime Symposium in Canberra in November 2011. "The criminals have got no rules, no morals. They'll just trash anybody and everybody to make money."

The prosecutorial approach — gathering evidence, preparing a brief, mutual assistance with international law enforcement agencies, extraditing offenders and so on — is "just out of the game", Lawler said. "The volume and extent of offending is such that that sort of response is doomed to fail." <http://tiny.cc/ejqad>

If the CEO of the ACC is given unbridled powers by the parliament, the potential is for whoever occupies the position of CEO of the ACC to turn into a J. Edgar Hoover figure.

Hoover, head of the FBI for decades, "used the FBI to harass political dissenters and activists, to amass secret files on political leaders, and to collect evidence using illegal methods", according to Wikipedia's entry on him. <http://tiny.cc/378ym> – see references 2 & 3.

The irony is that the most pronounced victims of Hooverism were the politicians of the USA. If that is not a cautionary tale for Australia's MPs, nothing is.

By the way, the ACC is already under suspicion: the ACLEI (see below) annual report for 2010-11 says: "At 30 June 2011...one investigation was being conducted by the AFP about the ACC".

## **CLA's electronic AGM voting starts 19 March**

Voting for Civil Liberties Australia's electronic annual general meeting (eAGM) will run from 19 March to 2 April 2012.

As there were no notices of motion received, members are being asked to formally approve or not the President's Report and Treasurer's report, including the annual financial statements, as would occur at a physical AGM.

This year's eAGM does not involve electing office bearers: the term of current office-holders expires in 2013 under CLA's two-year term of Board membership.

e-voting is available for members of CLA who are financial. If you are in any doubt, and would like to check your status, please contact the Treasurer: [treasurer@cla.asn.au](mailto:treasurer@cla.asn.au)

For e-voting, each CLA member must have a unique email address (rather than, say, one email address covering two or three members of a family, as happens in a few cases). Without a unique email address, a member cannot participate in e-voting, but can still lodge a postal vote. Members receiving the monthly CLArion newsletter by post will receive a postal ballot paper and information advising of postal voting arrangements.

If you have used your email address on CLA's on-line membership system, you do not need to do anything more than advise us if your email address has changed. If in doubt, please contact the Webmaster: [webmaster@cla.asn.au](mailto:webmaster@cla.asn.au)

## **CLA asks parliament to rein in ACC power**

Because of the dangers of unfettered power being given to one man, CLA has asked parliament to put constraints into the proposed ACC legislation (*see lead story, above*).

The powers should apply to only serious and organised crime offences, to operate only when the money involved reached significant amounts, such as \$50-100,000, CLA said.

The ACC CEO should be accountable under pre-agreed Ministerial protocols for international information swapping, just like the Australian Federal Police now is, after the lessons of the Bali 9 fiasco were learned. CLA also questions why there should be two or more conduits to overseas crime bodies: the AFP is already undertaking the same role.

We also called for a proper public interest monitoring and auditing process, with non-aligned members of the public able to inspect randomly-selected files. The ACC board is the exact opposite of an independent body – all of Australia's police chiefs plus the Director-General of ASIO comprise 9 of the 13 board members.

We made these comments in our supplementary submission, requested by the committee. In that submission, CLA agreed with the statement made by a member of the committee, Judy Moylan, the Member for Pearce WA, in her maiden speech on 6 May 1993:

*The collectivist assumption that each additional state power will be used for the common good is a proven lie.*

## **Moss gets two-year extension**



The government is extending the five-year term of inaugural (July 2007) and current Australian Commission for Law Enforcement Integrity (ACLEI) Commissioner, Philip Moss (pictured), by two years.

The ACLEI Commissioner is meant to investigate corruption in the Australian Crime Commission, Australian Federal Police, Australian Customs and Border Protection Service, and the former National Crime Authority.

The corruption he has found so far has been underwhelming. This could be a good thing, if there is little, or could mean he isn't investigating hard enough.

The real problem is that Moss is a long-term member of the SPIE – the security, police and intelligence elite in Australia – rather than a person whose career has been independent of that elite.

The other problem is the investigation should cover the activities of those bodies, not just whether corruption exists.

If those bodies were exceeding their remit, abusing their powers, conducting personal witchhunts, or simply making gross errors through incompetence, we may never know...because no-one, including Moss, is charged with looking for such problems. His brief is "corruption".

That's why CLA says we need independent, random monitoring of activities of agencies such as these.

ACLEI itself is part of Australia's growing "spook" problem: ACLEI's own annual report for 2010-11 says: "Accordingly, ACLEI grew in size by forty percent in the reporting period." In two years, according to the annual report, ACLEI has more than doubled in size, from 12 to 26 people.

## **Clare becomes Minister for Buckets and Brooms**

Justice Minister Jason Clare is spending \$3 million on buckets and brooms.

As well as the clean-up hardware, his \$3 million – from proceeds of crime – will let local councils buy CCTV.

"Graffiti is wilful damage to public and private property and that's a crime. We are using money confiscated from criminals to clean up the mess caused by others who break the law," he said.

Councils will get sums of \$50,000 to \$150,000 for:

- Cleaning up graffiti;
- Reducing graffiti, including improved lighting and CCTV in graffiti hotspots; and
- Preventing graffiti, including through better education.

Councils are able to apply for more than one grant as part of an anti-graffiti strategy. It will be interesting to see whether Labor-controlled councils soak up more of the funding than councils not controlled by Labor. CLA will use a whiteboard to keep track.

## **WA to opt for life for killing child in womb**

People who cause the death of, or harm, an unborn child could face life imprisonment under a new law planned for WA.

Attorney-General Christian Porter wants to bring in a mandatory life sentence on anyone who causes the death of an unborn child by assaulting a pregnant woman, or by dangerous driving.

The AG says he is reacting to a number of recent cases in which unborn children have died as a result of assaults or dangerous driving. <http://tiny.cc/i29z2>

## **Police pay \$5m for locking people up in error**

NSW Police paid out more than \$5 million to compensate people it had falsely imprisoned and assaulted last financial year, up 25% on the year before.

Figures from Police Minister, Mike Gallacher, in response to questions from the Greens, show this was a \$1 million increase on the previous year. Mr Gallacher said there were 10 matters concerned solely with compensation for false imprisonment, costing a total of \$879,102.43. In 2009-10, there were six matters which cost both parties \$410,171.92.

Greens MP David Shoebridge requested the figures. "The Police Integrity Commission continues to take a hands-off approach to allegations of police assault and refuses to investigate most complaints," Mr Shoebridge said. "This is far from ideal. The growing cost and number of these cases are signs of systemic failure of police oversight, which should be of grave concern to the people of NSW and the Police Minister." <http://tiny.cc/ycd9u>

## **State should protect young girls from stripping by police: Ashford**

Tasmania's Commissioner for Children wants an urgent review of the state's strip search legislation after a 12-year-old girl was strip searched twice in a drug raid, a method police say was appropriate in the circumstances.

Commissioner Aileen Ashford says there is no special protection for children in Tasmania. Whether or not the search was legal, it violated the girl's human rights, she said.

Ms Ashford says she will lobby the Police Minister to change the law, and has renewed calls for a Tasmanian Human Rights Charter.

The president of the Australian Lawyers Alliance, Greg Barns, says Commonwealth law requires a court order to strip search children. "In some other jurisdictions they are only allowed to remove that item of clothing where they suspect that something may be hidden," he said. Mr Barns, who is a CLA member, is also pushing for changes to the law.

## **SA, having fallen off, tries again...gets back on the law-making bike**

SA Attorney-General John Rau has introduced a series of anti-bikie measures, including weapons control laws, increased powers for police to gather criminal intelligence, sentencing discounts for people who inform on fellow gang members and anti-drug trafficking measures.

Mr Rau also proposes putting power to 'declare' outlaw gangs in the hands of the Supreme Court. The High Court threw out earlier SA law, which allowed an administrative – not judicial – determination.

The SA Law Society has warned the anti-association laws offend basic legal principles including the right to view evidence and reversing the burden of proof.

Mr Rau said bikie gangs had taken "comfort" from their High Court victory against the government. What should have happened is that the government should have taken a lesson about implementing existing law, instead of trying to create unnecessary laws which infringe of everyone's – not just bikies – civil liberties and human rights.

CLA says existing criminal laws in the hands of competent police in every state and federally should be more than adequate to deal with criminals. <http://tiny.cc/v4af4>

## **Bikie laws open to abuse, says law expert**

New laws designed to help NSW police break up bikie gangs are open to abuse because they allow police to punish anyone who associates with people convicted of a criminal offence in the past, warns Alex Steel, an associate professor of criminal law at the University of NSW.

He said the planned legislation could be selectively enforced by police to discriminate, including against people in Aboriginal communities.

"The problem is this legislation casts the net so widely so that everyone who has been convicted of an indictable offence is on tenterhooks for the rest of their life," he said. "It undercuts the notion that someone who has done their time can start again in life."

Professor Steel said that under existing laws police gave six warnings before charging a person with consorting, which can carry a six-month prison penalty. But under the new laws, police must give only one warning before a person can be convicted of consorting and jailed for three years.

"This law will be selectively enforced. Thousands of people have previous convictions but are now law-abiding, so it asks police to make choices about who they are going to go after," Professor Steel said. <http://tiny.cc/8ocl9>

## **New caps on election spending and donations**

The 2012 ACT Legislative Assembly Election – on 20 October – is to run under new restrictions on election spending and donations.

Attorney General Simon Corbell last month announced the *Electoral Amendment Bill 2012* to limit donations to party and non-party candidates, groupings and third party campaigners.

"In the lead up to an election, candidates, lobbyists, unions and associated players would be limited to spending \$60,000 each on their campaign, while a cap on donations from any one donor would be set at \$10,000 in a financial year," he said. "Under the proposed reform, electoral expenditure will include advertising costs and the financing of opinion polls, as well as 'gifts', including fundraising contributions of more than \$250, and services provided other than volunteer labour."

The new bill will also set up an administrative funding regime for political parties similar to those in place in NSW and Queensland – media release, 21 Feb 2012

## **A-G promotes a success rate of 0.07%, error rate of 80%**

Since ACT Policing began operating random roadside drug testing in May 2011, more than 300 drug tests have been conducted with 10 returning positive roadside tests, ACT Attorney-General Simon Corbell said in a media release on 17 Feb 12.

“Of the 10, 2 have been charged and convicted”. That’s a conviction rate of those tested of 0.07%, CLA says.

The AG’s media release also reveals that 8 out of 10 positive roadside tests are wrong! That’s an 80% error rate.

The oral swabs used for random roadside drug testing detect the presence of cannabis, methamphetamine (speed and ice) and ecstasy (MDMA).

How low would the “success” rate have to go – and how high the error rate – before the random drug testing was considered a poor use of resources and investment?

The headline on the media release was: NEW ROAD SAFETY OPERATIONS TEAM EXPANDS DRUG DRIVING CAPABILITY. We don’t think the AG really meant that.

## **Australian briefs**

**McKeough to head copyright review:** The Law Dean of the Uni of Technology, Sydney, Professor Jill McKeough, will lead an Australian Law Reform Commission review into copyright in the digital environment. She has written and taught primarily in intellectual property (copyright, designs, patents, trademarks, confidential information, biotechnology and indigenous cultural heritage) as well as torts, commercial law, legal systems and legal history. The terms of reference have not been finalised.



**Control freaks take over medicine:** NSW health and medical profession authorities have banned an Edgecliff GP from drinking, even on his days off, even though no patient has ever made a complaint against him. The Big Brothers of the health world have decided that they have the right to dictate how an innocent man will live his social life. It is believed they may be working on a new plan to control doctors’ thoughts from 2014. <http://tiny.cc/pks62>

**Greens in NSW want marriage to be gay:** NSW Greens MP Cate Faehrmann is hoping to put the focus on same sex marriage in the state’s Upper House by a notice of a motion calling on the Commonwealth to amend the Marriage Act. Similar motions have already been passed by the Tasmanian and ACT parliaments. <http://tiny.cc/vg2y6>

**Age shall weary them, the workers:** Age Discrimination Commissioner Susan Ryan AO will become an Australian Law Reform Commissioner as well. AG Roxon appointed her last month to an inquiry into age discrimination under an ALRC review of federal laws and policies “that create barriers for older people in the workforce or doing other productive work”. “This review will contribute to meeting the government’s commitment within Australia’s Human Rights Framework to review existing legislation for consistency with Australia’s human rights obligations,” the AG said...in a great non-sequitur. Terms of reference for the inquiry are awaited. It is hoped the inquiry looks into ALL age discrimination, not just in terms of work, otherwise it is a wasted opportunity.

**Stunning expansion:** Now prison guards and court officers in NSW want to wear stun guns all the time. Their claim is based on a court officer being bitten in the rib cage in Newcastle police cells last month. Perhaps the first question to ask is how the prisoner’s teeth came to be in the vicinity of the officer’s rib cage? Once that’s sorted, maybe the stunning question could be considered.

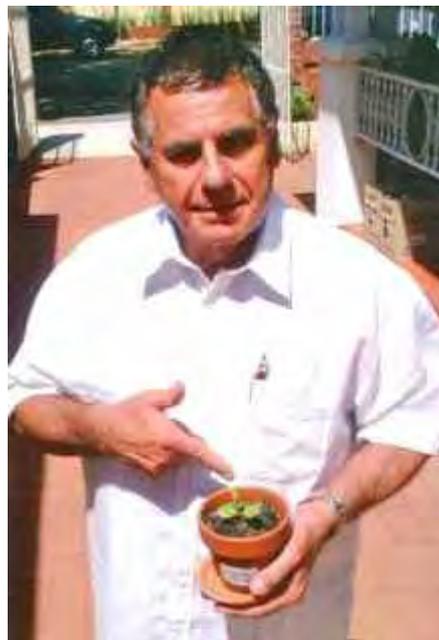
**Australia's Defence helps PNG election:** Australia has committed two Defence helicopters to help Papua New Guinea's Electoral Commission run the national election in June. Australian High Commissioner Ian Kemish confirmed the support package from Australia of two choppers and 30 computers for electoral data processing. The Australian Federal Police has completed a new \$2.5m communications network for PNG police to respond to election outbreaks of trouble.

## CLA's main activities for February:

### Meetings/interaction with members:

Brian Tennant (*right*) has had success with his Liberty Tree (Kurrajong, *brachychiton populneus*) seeds in WA. Other members report a success rate of about one in two. We'd like to receive photos and details of any other success stories from the seeds sent to members. If you'd like some seeds, please email the President, Kristine Klugman, at: [president@cla.asn.au](mailto:president@cla.asn.au)

Greg Barns, national president of the Australian Lawyers Alliance (and a CLA member), has agreed on a more regular exchange of information with a view to the two organisations jointly working on suitable projects. Hobart-based, his input will help CLA keep a closer eye on what is happening down south.



### Board meeting: 19 February 2012 – key items

- It was agreed that we need to capitalise on work done for CLArion and for submissions. To this end, media releases on specific topics will be targeted to outlets.
- Management of eAGM: annual report, with financial statements and presidents report completed.
- Report on making of 'CLA' video on airport see-through body scanners.
- Qui Tam article under preparation/proofing.
- Membership renewal – second reminder to be a personal letter.
- Media release on random drug testing to reflect new success rate statistics which have come to hand - agreed.
- Police chases policy – confirmed with amendments.
- Draft points for revised policy on bylaws regarding smoking in residential building complexes - agreed.
- Draft points on political fundraising reforms – CLA has no problem with changes as long as the fundraising processes are transparent.

### Projects (new and expanded):

- U3A course on civil liberties, in preparation.
- Mental health aged – CLA preparing to make comments in various forums.
- Marketing radio advertisements – under way.
- CLA Australia Day letter distributed more widely – access it here: <http://tiny.cc/huuq2>

### Lectures/etc:

- Bill Gammage on aboriginal land management.
- Film *Our Generation* on NT Intervention, shown at Parliament House Canberra, organised by Australian Lawyers Alliance.
- *The Case for Assisted Suicide*, Robin Gibson, High Court

## **Parliamentary Hearings:**

Gave evidence, speaking to submissions:

- Joint Standing Committee on Foreign Affairs & Trade, Human Rights subcommittee on China/Vietnam Dialogues, represented by CLA President, CEO and member Benjamin Smith.
- House of Reps Cttee on Social Policy and Legal Affairs: *Crimes Legislation Amendment (Powers and Offences) Bill 2011*, represented by CEO and Benjamin Smith

## **Submissions:**

- Supplementary submission to the House of Reps Cttee on Social Policy and Legal Affairs: *Crimes Legislation Amendment (Powers and Offences) Bill 2011*, at cttee request.
- *Marriage Equality Amendment Bill 2010* (submission to the Senate St. Cttee Legal & Constit Affairs) authored by Bill Rowlings;
- *Migration Amendment (Removal of Mandatory Minimum Penalties) Bill 2012* (same cttee as above) lodged (authored by Bill Rowlings)
- National Human Rights Action Plan: submission to A-G's Department lodged (authored by Rhys Michie).
- Review of the *ACT (Self Government) Act 1988 (Cwlth)* - submission to the ACT Leg. Assembly St. Cttee on Administration and Procedure: under way.

## **Meetings:**

Les Malezer, Co-chair National Congress of Australia's First Peoples

Greg Barns, National President, Australian Lawyers Alliance

Richard Gilbert, CEO, Rule of Law Institute

Rob Oakeshott MP re Australian Tax Office, and Model Litigant requirements

Dr Mal Washer MP re aboriginal juvenile incarceration

Don Malcolmson, legal advisor to ANU students

Ian Cowan re Independent Scholars Association of Australia

Robert Briggs re U3A course

Simon Rice ANU re ACT Law Advisory Committee activities

## **Upcoming events:**

- Careers Day (Law) ANU (where students approach CLA for 'internships' and to become involved in submissions on legislation and other projects); and
- Meetings in Brisbane, UNE Armidale, Grafton, Byron Bay (President and Secretary), April-May.

## **International**

### **Israel civil rights group accuses AusAID of aiding terrorists**

The Israel Law Center, a civil rights group, last month sent legal warnings to two Australian organizations, World Vision Australia and AusAID, accusing them of providing financial aid to a Gaza-based terrorist group.

The Palestinian organization, the Union of Agricultural Work Committees, lists World Vision, a Christian relief, development and advocacy group, and AusAID, the Australian government agency for managing the country's overseas aid program, as its supporters.

The Israel Law Center said the UAWC, which maintains offices in the Hamas-controlled Gaza Strip, is a front for terror group the Popular Front for the Liberation of Palestine. The center's director, attorney Nitsana Darshan-Leitner, and Australian solicitor Andrew Hamilton co-signed the

warning letters, which ask World Vision and AusAID to provide written confirmation that they will permanently discontinue their support for the UAWC. Source: *Jerusalem Post*

## **EU plans to let people Lethe\* their data behind**

The European Commissioner for Justice, Fundamental Rights, and Citizenship, Viviane Reding, has announced the European Commission's draft proposal to create a new privacy right, the "right to be forgotten."

The right has been codified as part of a broad new proposed data protection regulation, writes Prof Jeffrey Rosen in the *Stanford Law Review*.

In Europe, the intellectual roots of the right can be found in French law, which recognizes *le droit à l'oubli*—or the "right of oblivion"—a right that allows a convicted criminal who has served his time and been rehabilitated to object to the publication of the facts of his conviction and incarceration.

Depicted as a modest expansion of existing data privacy rights, in fact the European proposal represents the biggest threat to free speech on the Internet in the coming decade, Rosen says. The dilemma arises over whether you have a right to remove information you post, or that you posted but someone else has copied and re-posted, or that someone else has posted about you.

The proposed European regulation sees no difference between the three categories – a person would have the right to demand takedown. But English tradition law sees the third category, provided the information is accurate, as beyond your control in most cases.

Once the regulation is promulgated, moreover, it will instantly become law throughout the European Union. <http://tiny.cc/9n5cl>

\* *Lethe is the river of forgetfulness.*

## **Bobby dazzler spy defied orders**

A clandestine operation which secretly deployed police spies in political groups for 40 years was severely criticised last month by the UK's official policing inspectorate.

At least one of the police spies engaged in a long-term sexual relationship akin to a marriage, including having children, with one of the protestors he was spying on.

The inspectorate concluded that the "intrusive" tactic should in future be used only after independent authorisation.

A report into the activities of Mark Kennedy, an undercover police officer who spent seven years living as an environmental activist, found that he defied instructions from his supervisors and failed to inform them about intimate relationships he developed with activists.

Sir Denis O'Connor, head of Her Majesty's Inspectorate of Constabulary, also found serious failings by the secretive body that was supposed to oversee Kennedy's deployment, the National Public Order Intelligence Unit. He said the unit did not provide sufficient oversight of Kennedy's deployment and failed to draw up a suitable exit plan when it was decided he should be pulled out.

The report also made unexpected criticism of police officers who monitored political activists and then retired to continue their careers "in the security industry, using their skills and experience for commercial purposes". As a result of cases where officers have perceived conflicts of interest, a new policy has now banned contact with private security firms.

*The Guardian* newspaper investigated nine undercover operatives, of whom seven are believed to have had sexual relationships with women they were sent to spy on. On two occasions, the police officers secretly fathered children with the activists, and then disappeared from their lives. The children have been growing up without contact from their biological fathers. <http://tiny.cc/vnyqqd>

## **Secret police taken to court by 87-year-old**

An 87-year-old Britisher, John Catt, has launched a landmark lawsuit in the High Court against police chiefs who labelled him a "domestic extremist" and secretly recorded his political activities in minute detail.

His case is against a clandestine police unit the centre of controversy over its undercover infiltration of political groups.

Catt, who has no criminal record, was "shocked and terrified" when he discovered that police had kept a detailed record of his presence at more than 55 demonstrations over a four-year period.

His legal action threatens to deal another blow to the secretive National Public Order Intelligence Unit, which has been covertly monitoring protesters since 1999. The unit has recorded the activities of thousands of campaigners on a nationwide database. Defeat in the court case would put pressure on it to delete details of activists from the database. <http://tiny.cc/5qy5n>

## **Court says Garzon 'dead to rights' over phone tap charge**

Spain's Supreme Court last month convicted crusading human rights judge Baltasar Garzón of illegally ordering phone-tapping in a corruption case and suspended him judicial posts for 11 years.

The ruling came in one of three cases against Mr Garzón, the country's most prominent and contentious judge, who used the doctrine of universal jurisdiction for grave human rights crimes to call alleged transgressors to account around the world.

In 1998 Chile's former dictator General Augusto Pinochet was arrested in a London hospital on a warrant issued by Mr Garzón. Though the General, then 82, was judged too ill to be tried, the episode was a major step in the emergence of cross-border justice. <http://tiny.cc/r28x7>

Garzon escaped a second conviction for abuse of his powers when the supreme court later in the month declared him not guilty in a case involving his investigation of crimes committed under the Franco dictatorship. <http://tiny.cc/bxmzs>

## **Brits plan 'hush courts' to cover up official crimes**

British ministers and the intelligence services will be able to cover up sensitive information relating to the state's complicity in torture and secret rendition, under controversial plans likely to be included in the Queen's Speech in May.

Ministry of Justice sources told *The Observer* newspaper that say the plans, outlined in a green paper in October last year, are likely to be included in a justice bill in the next session of parliament in a move that critics say will fundamentally undermine Britain's tradition of open justice.

The plan could mean that so-called closed material procedures – in which secret evidence is withheld from the claimant and the press in a closed court – would be introduced more widely into civil law. This would allow the government or its agencies to defend serious allegations knowing that damaging information would never emerge.

Examples of cases which opponents say could be held under such procedures include those where torture victims sue the government, where inquests are held relating to soldiers killed by friendly fire, or where actions are lodged alleging police negligence.

The claimants would be represented by special advocates who would be barred from discussing the evidence with them. The government is pushing ahead despite the fact that out of 69 currently appointed special advocates, 57 have signed a response hitting out at the proposal, saying there is no reason to justify such sweeping changes. <http://tiny.cc/27ole>

## **FBI finds itself lost over GPS tracking**

The US Supreme Court's recent ruling overturning the use of GPS tracking devices without warrants has caused a "sea change" inside the Justice Department, according to FBI General Counsel Andrew Weissmann.

Speaking at a University of San Francisco conference called "*Big Brother in the 21st Century*" last month, he said that the court ruling prompted the FBI to turn off about 3,000 GPS tracking devices that were in use, often stuck underneath cars to track the movements of car owners.

In *US v Jones*, the Supreme Court ruled that using a device to track a car owner without a search warrant violated the law. After the ruling, the FBI had a problem collecting the devices that it had turned off, Mr. Weissmann said. In some cases, he said, the FBI sought court orders to obtain

permission to turn the devices on briefly...just to be able to locate and retrieve them.

<http://tiny.cc/4n0of>

## International briefs

**No-fly list soars higher and higher:** The US government's secret list of suspected terrorists banned from flying to or within the country has more than doubled in 12 months. The no-fly list jumped from about 10,000 known or suspected terrorists one year ago to about 21,000, according to government figures. About 500 are US nationals. <http://tiny.cc/pqimj>

**Court rules no mandatory jail for proven rape:** The Italian Supreme Court has ruled that those convicted of gang rape do not have to be sentenced to jail. Last month the court upheld a constitutional court decision to annul the jail sentence of two 19-year-old men found guilty of gang raping a 16-year-old near Rome. A lower court had ruled that jail was the only sentencing option, but the Supreme Court disagreed, saying judges could apply alternatives. <http://tiny.cc/1ersi>



**Washington makes congress gay:** The governor of Washington has signed the state's gay marriage bill into law, effective 7 June, making it the eighth place in the USA to allow same-sex weddings. "I'm proud our same-sex couples will no longer be treated as separate but equal," Governor Christine Gregoire (pictured) said. On the same day New Jersey's state Senate voted 24-16 in favour of gay marriage, reversing its decision of a 2010 vote. Marriage between gay and lesbian couples is now legal in seven US states and the District of Columbia.

**India develops multi-religious sensibilities:** Companies have removed content from some Indian websites after a court warned that India would crack down "like China" if they did not take steps to protect religious sensibilities. Twenty-one firms have been told they must develop a way to block material considered religiously offensive after private petitioners took them to court over images deemed offensive to Hindus, Muslims and Christians, fuelling fears about censorship in the world's largest democracy. India passed a law in 2011 making companies responsible for user content posted on their websites, and giving them 36 hours to take down content if there is a complaint.

**Pacific gets rights boost:** The European Union and the Pacific Islands Forum Secretariat last month agreed to a \$1.25m project to support Pacific island countries ratifying and implementing international human rights treaties and the Rome Statute. Fourteen Forum island countries will benefit from the project: Cook Islands, Federated States of Micronesia, Fiji, Kiribati, Nauru, Niue, Palau, Papua New Guinea, Republic of Marshall Islands, Samoa, Solomon Islands, Kingdom of Tonga, Tuvalu and Vanuatu.

## DATES

**6 Mar, Perth:** The Water Crisis and what to do about it: America and Australia. Robert J Glennon, Professor of Law and Public Policy, U. of Arizona. 6-7.15pm, Uni Club Theatre, UWA.  
<http://www.ias.uwa.edu.au/lectures/glennon>

**9 Mar, Launceston:** Professor Carmen Lawrence on *Development at any price? The case of Australia's Indigenous Heritage*, U. Tasmania/The Examiner John West Memorial Lecture, at Sir Raymond Ferrall Centre, Newnham Drive, Newnham campus, Launceston. RSVP/info: [launcestonhistory@gmail.com](mailto:launcestonhistory@gmail.com)

**15-16 Mar, Sydney:** Critical Infrastructure Resilience conference – another government fear-raising activity. Details: [cirevent@ag.gov.au](mailto:cirevent@ag.gov.au) or phone 02 6141 2944

**16 Mar, Sydney:** Politics in the Pub, Gaelic Club, Surry Hills, 6-7.45pm. *'Extraordinary Abuse of ASIO Powers'*: speakers NSWCCCL Secretary Stephen Blanks and Dr Clinton Fernandez of the political program at UNSW (Canberra). Info: 02 9692 0005; email: [odl\\_bradley@pacific.net.au](mailto:odl_bradley@pacific.net.au)

**20 Mar, Adelaide:** Law Careers Fair, 5-7pm, Union Bldng, Flinders U. Info: Julia Stott 08 8201 2832 [julia.stott@flinders.edu.au](mailto:julia.stott@flinders.edu.au)

**29 Mar, Brisbane:** Prof Hilary Charlesworth delivers the 2012 Griffith U. - Tony Fitzgerald lecture, on *Rights, rituals and ritualism: making international human rights law work*, State Library of Qld, <http://tiny.cc/9qejt>

**4 Apr, Melbourne:** *Business and Human Rights: Recent Developments and Future Trends*, 12.30-2pm, 176 Little Lonsdale St. Cost \$20/10. Human Rights Law Centre. [www.hrlc.org.au](http://www.hrlc.org.au)



**13 April, Canberra:** Jennifer Cavenagh, senior legal officer, Office of International Law, Attorney-General's Department, will discuss the UN Human Rights Committee and the right to enter one's own country (Nystrom v Australia case), Staff Library, Law School. Info: <http://tiny.cc/zt40z> or contact Kristian Draxl on 02 6125 1096 or E: [coast@law.anu.edu.au](mailto:coast@law.anu.edu.au)

**18 Apr, ONLINE:** Taxation panel judges of the Federal Court of Australia propose to convene a 'National Taxation User Group' Forum at 4.30pm EST. It will be interactive from all registries across the court nationally through video conference from the Sydney registry. To lodge a paper, and to register: [http://www.fedcourt.gov.au/aboutct/national\\_taxation\\_event\\_20120418.html](http://www.fedcourt.gov.au/aboutct/national_taxation_event_20120418.html)

**19-22 April, Sydney:** Commonwealth Lawyers Association regional law conference. Info: [www.commonwealthlaw2012.org](http://www.commonwealthlaw2012.org)

**12-13 July, Hobart:** The ANZ Critical Criminology Conference 2012, Faculty of Arts, Sandy Bay Campus, U. Tas. Email: [R.D.White@utas.edu.au](mailto:R.D.White@utas.edu.au); Telephone: 03 6226 2877

**27-31 Aug, Rarotonga (Cook Is):** 43rd Pacific Islands Forum. <http://tiny.cc/t24en>

### **2013:**

**12-14 Mar, Brisbane:** NatStats Conference, "A better informed Australia: the role of statistics in building the nation". <http://blog.abs.gov.au/Blog/natstats.NSF/>

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