

**Table of Contents**

The Law Report: 9 December 2003 – The ACT’s Bill of Rights .....	1
Cyber security website launched.....	2
Ruddock on increased ASIO powers .....	2
UN Human Rights awards .....	2
Hold It Right There, and Drop That Camera .....	3

---

See the ABC Radio National website for:

**The Law Report: 9 December 2003 – The ACT’s Bill of Rights**

URL: [www.abc.net.au/rn/talks/8.30/lawrpt/stories/s1005349.htm](http://www.abc.net.au/rn/talks/8.30/lawrpt/stories/s1005349.htm)

- spotted by John Shaw

---

FROM: The New York Times

Published: December 5, 2003

**Returned to Life**

By **BOB HERBERT**, OP-ED COLUMNIST

"I'm an educator," said David Protess. "I try to teach my students to be better reporters, and a few times we've gotten lucky."

Mr. Protess is a professor at Northwestern's Medill School of Journalism in Chicago. In those instances when he and his students have "gotten lucky," they have provided a powerful corrective to an insufficiently recognized evil in our society: the conviction, incarceration and sometimes the sentencing to death of people who are innocent.

It's an enormous problem, far more widespread than most Americans realize. (Two days ago an Oklahoma man who had served 20 years for a rape conviction was freed after DNA tests showed he was innocent.)

Using the techniques of investigative journalism, the professor and his students have exposed tragic miscarriages of justice in a number of high-profile cases in Illinois. Their efforts led to the exoneration in 1999 of Anthony Porter, who came within a whisker of being executed. That case had a big influence on the governor at the time, George Ryan, who eventually commuted the sentences of all prisoners on death row.

Professor Protess and his students also turned around a case known as the Ford Heights 4, perhaps the worst miscarriage of justice in Illinois history. Four men collectively served 65 years behind bars for a double murder they hadn't committed. Two of the men served a combined 29 years on death row. All have been exonerated and released.

Today his contribution will get the kind of recognition it deserves. An announcement will be made at a press conference in Chicago that Mr. Protess is the winner of this year's \$100,000 Puffin/Nation Prize for Creative Citizenship. The award is given jointly by the Puffin Foundation of New Jersey and the Nation Institute, a foundation started in 1966 by the owners of The Nation magazine.

The professor said he will use some of his prize money to expand his investigations to other states, and to establish a project to help ease the transition of exonerated inmates to daily life outside prison.

---

**FROM:**

UNITY, December 6, 2003 -- The United Nations - 1945-2003 UN58

The national publication of the United Nations Association of Australia, edited by Ian Mathews

Compiled from Federal parliamentary and other sources relevant to Australia's obligations to the United Nations

[www.unaa.org.au/f-unity.html](http://www.unaa.org.au/f-unity.html)

## Cyber security website launched

Australian Government agencies will be able to respond more quickly to information security threats with the launch on December 3 of the OnSecure website, according to a statement issued by the Minister for Communications, Information Technology and the Arts, Daryl Williams, the Minister for Defence, Senator Hill, and the Attorney-General, Philip Ruddock.

OnSecure, jointly developed by the National Office of the Information Economy (NOIE) and the Defence Signals Directorate (DSD), allows Government agencies to securely report information security incidents online rather than by mail or facsimile. It involves any attempted hacking, denial of service or other breaches of information security. According to the ministers, It will also help the DSD to analyse incident reports more quickly and effectively, to identify any developing patterns and to assess the resulting threat level.

OnSecure is funded through the Government's allocation of \$24.9 million over four years in the 2002-03 Budget for the E-Security National Agenda strategy. As part of this strategy, the Government allocated additional funding to NOIE, the DSD, the Australian Federal Police, the Australian Security Intelligence Organisation and the Attorney-General's Department to develop systems to protect, detect and respond to any attacks directed against Australia's national information infrastructure.

OnSecure also has a public site, [www.onsecure.gov.au](http://www.onsecure.gov.au). The site will help Internet users to understand and respond to potential e-security threats and will provide access to information and advice on issues such as spam, viruses and fraud.

### For more information

The Minister for Communications, Information Technology and the Arts, Daryl Williams, (02) 6277 7480  
the Minister for Defence, Senator Hill, (02) 6277 7800 e-mail: [senator.hill@aph.gov.au](mailto:senator.hill@aph.gov.au) and  
The Attorney-General, Philip Ruddock. (02) 6277 7300 website: [www.law.gov.au](http://www.law.gov.au)

## Ruddock on increased ASIO powers

Several media organisations, including the ABC and the Australian Press Council, have criticised the Government's amended ASIO Bill, passed by Parliament this week. They warn that the Bill's new powers could threaten democracy because it limits the media's powers to report.

The Federal Attorney-General, Philip Ruddock, speaking on ABC Radio AM this week, said, "This offence which deals with disclosure of information that a warrant has been issued in relation to a particular individual or information that is obtained during the questioning, is information of a very serious character and is information which, if it is in the public domain, severely compromises the ability of the organisation to do its work. ... The media are no different to anybody else who has information about the warrant or the questioning, [and] putting that information in the public arena.

Asked whether such media gags were a danger to democracy, Mr Ruddock replied, "... the issues that we're dealing with now in relation to potential harm to the Australian community, from people who have trained with terrorist organisations and that's essentially what we're talking about, is something that you cannot in the national interest afford to compromise."

## UN Human Rights awards

A special posthumous UN Human Rights honour will be awarded to Sergio Vieira de Mello, who was killed in Baghdad while serving as UN Secretary General Kofi Annan's envoy for Iraq.

UN General Assembly President Julian Hunte has announced the recipients of the UN human rights prizes, to be presented next week. The awards are made every five years for outstanding promotion and protection of civil liberties and fundamental freedoms.

The winners are

- Barnes de Carlotto, an Argentine advocate for children who disappeared following the country's 1976 military coup;
- The Family Protection Project Management Team, a Jordanian group that has worked to lift taboos in the country;
- Shulamith Koenig, an American global rights activist;
- The Mano River Women's Peace Network, a West African women's peace-building network; and
- Deng Pufang, a Chinese disability defender.

For more information access *UN News* of December 2 [www.un.org/apps/news](http://www.un.org/apps/news)

**February 9-10** Conference - *"From Rhetoric to Reality: making human rights work"* Community Advocacy Unit, School of Social Science and Planning, RMIT University. Info: contact: Gillian Davy, Community Advocacy Unit, School of Social Science and Planning, RMIT University Tel: **03 9925 2910** E-mail: [advocacy@rmit.edu.au](mailto:advocacy@rmit.edu.au) Website <http://advocacy.tce.mit.edu.au/> Late registrations up to Monday 12 January 2004

---

**FROM: NY Times, December 11, 2003**

## **Hold It Right There, and Drop That Camera**

By JO NAPOLITANO

CHICAGO

"WHAT grabbed my attention," said Alderman Edward M. Burke, "was that TV commercial when the guy is eating the pasta like a slob, and the girl sends a photo of him acting like a slob to the fiancée."

The commercial, for [Sprint PCS](#), was meant to convey the spontaneity and reach afforded by the wireless world's latest craze, the camera phone. But what Mr. Burke saw was the peril.

"If I'm in a locker room changing clothes," he said, "there shouldn't be some pervert taking photos of me that could wind up on the Internet."

Accordingly, as early as Dec. 17, the Chicago City Council is to vote on a proposal by Mr. Burke to ban the use of camera phones in public bathrooms, locker rooms and showers.

There will be no provision to protect messy restaurant patrons. But Mr. Burke wanted to ban the use of camera phones in places where "the average Chicagoan would expect a reasonable right to privacy."

The Chicago proposal, setting a fine of \$5 to \$500 for offenders, echoes restrictions adopted in several smaller jurisdictions. What remains to be seen is how and when such laws will be enforced.

While privacy experts, municipalities and the American Civil Liberties Union agree that photos should not be taken without consent in public bathrooms and showers, there is no consensus on the best method of balancing the camera owner's rights with those of the unsuspecting citizen.

L. Richard Fischer, a Washington lawyer who deals with privacy issues, said the park district's ban goes too far. "People have to pass laws very carefully and recognize there is a broad but flexible standard of reasonable expectation of privacy," he said. "You have to do it very selectively or you really are treading on people's rights."

Banning cellphones from some locations could invite lawsuits from people who might have to use a phone in an emergency and be unable to summon help, he said.

"What they've done is go to the extreme," he said. "They've threatened the rights of the majority of people to try to control the conduct of a few, and that's just beyond the balance." He added that the only way to deter people from taking photos of others was to punish them for taking surreptitious pictures rather than banning the phones.

Des Peres, Mo., a St. Louis suburb, passed a more limited and specific law in September that bans taking photos of a person who is partly unclothed without consent in an area where they should expect privacy.

"The ordinance would provide the city with some teeth for the ability to prosecute someone," said Jason McConachie, the assistant city administrator, adding, "I don't believe there is any way to proactively enforce it, like putting police officers in locker rooms." He said the city would help an aggrieved citizen pursue legal action against someone for taking pictures in a restricted area without consent - an occurrence as yet unreported.

Some courthouses have extended existing bans on picture taking to include camera phones. Representative Michael G. Oxley of Ohio felt that the federal government should draft its own provision, so he and a fellow Ohio Republican, Senator Mike DeWine, broadened the language in a law proposed by Mr. Oxley, the Video Voyeurism Prevention Act of 2003, to include camera phones.

"I think if we can nip it in the bud, we can avoid a lot of embarrassing situations or gross invasions of privacy," Mr. Oxley said. "Our bill would only apply to federal property, but it would spur the states to pass similar legislation." The law would prohibit the use of camera phones in restrooms in federal park districts and federal buildings. Breaking the law would result in a fine, up to a year in prison, or both.

Barry Steinhardt, director of the year-old technology and liberty program for the A.C.L.U., suggested that the camera-phone quandary reflected a larger problem: that technology has developed at the speed of light and American law is "stuck in the Stone Ages."

#### Ends - CLArion, 12 December 2003 – Ends #####

Copyright original material in this newsletter:

Civil Liberties Australia (ACT) Inc, 51 Ardlethan Street FISHER ACT 2611, Association No. A04043

Inquiries re becoming a member of CLA (2004 fees: \$50) to:

Email: [rowlings@netpseed.com.au](mailto:rowlings@netpseed.com.au)

Phone: 6288 6137