

- email newsletter of Civil Liberties Australia (ACT Assn. No. A04043)
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NOTE: There will be **no September CLArion**, as the editor is on leave in August.

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Members to vote on boosting CL's impact at national level

Members of CLA (ACT) are expected to have the chance to vote for becoming a partner in a national civil liberties (CL) organisation later this year or early next. The CLA board, at a meeting in July, agreed to recommend a 'yes' vote to members. The vote is expected once a structure, constitution and articles of association are outlined by a national drafting committee, headed by Greg Connellan of Liberty Victoria. CLA's constitution allows the affiliation without a change of articles, but a positive vote of members is required.

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- from PM's media release, 10 July 05

O'Sullivan to head ASIO

Paul O'Sullivan is the new Director-General of ASIO. Mr O'Sullivan was senior adviser (international) in the office of the Prime Minister. He was previously a deputy secretary in the Department of Foreign Affairs and Trade, and was formerly Australia's Deputy Chief of Mission in Washington and Ambassador in Bonn and Berlin.

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FEATURE GROUP: The featured organisation in this edition of CLArion is **Liberty Victoria**. See end of newsletter for Victoria's major initiatives.

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Symposium/Missen Oration, Victoria:

'Get up Stand up - for a Charter of Rights' 13 August 2005

The third annual Liberty Victoria Symposium, this year on a Human Rights Charter for Victoria, will be followed in the evening by the annual Missen Oration and Dinner at the University of Melbourne.

Former Australian Government Minister, Fred Chaney (Liberal, WA), will ask: 'Where have all the liberals gone?'

The symposium will be held on Saturday 13 August from 10am to 5pm. Further information, Liberty Victoria on (03) 9670 6422 or email: info@libertyvictoria.org.au

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CLA seeks to have police formally contracted to ACT's HR Act

The CLA board agreed at its July meeting to investigate whether ACT Policing is bound by the ACT's year-old Human Rights Act...or not.

There is some doubt whether ACT Policing – an arm of the Australian Federal Police contracted to the ACT Government – is fully bound by ACT legislation, particularly the Human Rights Act (HRA).

If legal opinion suggests that ACT Policing is not entirely bound by the HRA, CLA will ask the government to include a contractual clause to ensure that the HRA informs and controls all ACT Policing's actions.

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ACT makes submissions to Victorian Bill of Rights processes

As the only State/Territory with a 'Bill of Rights' (the Human Rights Act), it was important that the ACT was seen to be very supportive of the Victorian process which may produce an equivalent act in that State, CLA President Kristine Klugman said this month.

CLA has both written supportively to the Victorian Premier, Mr Bracks, and made a submission to the Victorian Consultative Committee inquiry, which is headed by Professor George Williams.

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New Premier brings a renewed hope for NSW Human Rights Act

The anticipated election on Tuesday 2 August of Morris Iemma as the new NSW Premier holds some hope for a new attitude to a possible Bill of Rights in NSW.

Mr Iemma will replace Bob Carr, who was adamantly opposed to a Bill of Rights.

The new Premier, with both an economics and a law degree, has shown himself in the past to strongly support whistleblowers in the NSW police force.

In a personal initiative over years, he spoke repeatedly about detectives Matt Casey and John Edlund, who he alleged had been victimised by the police system.

It will be interesting to see how he translates his obvious interest in individual liberty and fair play in the police force to leading and providing new direction for Australia's largest state.

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For the record: The organisation represented at the 25-26 June national meeting of Civil Liberties groups in Sydney was Rights Australia Incorporated (with no 'Human' in the name) and its chief's name is Howard Glenn, with two 'n's, rather than the one we stingily gave him.

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Submissions by CLA (ACT) Inc.

CLA has made submissions recently on:

- Mandatory sentencing (Kris Klugman);
- Same-sex marriage (Kris Klugman);
- Review of ACT Human Rights Act (Bill Rowlings);
- Police crowd control powers (Anthony Williamson);
- Victorian BoR consultation – to Premier and to Consultative Committee (Kris Klugman-Bill Rowlings).

An additional submission will be made to the Australian Parliament's review of terrorism legislation.

As well, letters have been written to the Chief of the Defence Force, Air Chief Marshal Angus Houston re changing the Defence culture, and to the Minister for Human Services, Mr Joe Hockey, on the Medicare smartcard trials and consultative processes.

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Aim is to help the ADF see its way through the haze

CLA will offer to help the Australian Defence Force (ADF) change its culture to prevent suicide by young service personnel, and to de-institutionalise bastardization (also known as hazing, or bullying).

The Chief of the ADF, Air Chief Marshal Angus Houston, has committed to 'changing the culture' of Australia's military forces.

It is unlikely such major change can be achieved solely from within – the ADF has tried to do so many times over the past two decades, without success.

CLA will suggest that it helps establish civil liberties groups within the ADF, at the Australian Defence Force Academy and at Duntroon.

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– 12 July 2005, ANU

Symposium aims to refine future research on whistleblowing

Reported by BILL ROWLINGS

An all-day symposium at the ANU last month explored the current state of whistleblowing in Australia.

The symposium was an element in the new Australian Research Council (ARC) 'Whistling While They Work' Project.

The ARC project is aimed formally at "enhancing the theory and practice of internal witness management in the Australian public sector". It encompasses linked research involving Griffith, Charles Sturt, Sydney, Queensland, Edith Cowan and Monash Universities.

One of the symposium speakers, Australian PS Commissioner Lynelle Briggs, disclosed she is setting up a review of Commonwealth legislation in relation to whistleblowing. "The plan is to fine tune, not to overhaul, the legislation," Commissioner Briggs said.

Victoria's deputy ombudsman John Taylor revealed there would be a review of the equivalent Victorian legislation in 2006.

Key issues clarified during the symposium will inform the ongoing ARC research.

For further information: Dr A J Brown, email: A.J.Brown@griffith.edu.au

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CLA (ACT) recent activities include:

ID cards: radio, TV and print interviews.

Article: feature piece in the *Canberra Times* on terrorism by CLA member and ANU PhD student, Christopher Michaelsen (mentioned, for the first time, the CLA name for Australia's Bill of Rights, the 'Fair Go Act').

Drafting Australian Bill of Rights: CLA member and former Australian industrial and arbitration judge, Mr James Staples (with help from CLA member Dr Doug Cocks) has drafted an Australian version tied tightly to the European model.

Drafting Journos' Guide to Terrorism Laws: Christopher Michaelsen is preparing a guide for media people on restrictions imposed on reporting by Australia's terrorism laws.

Discussion: with online journal *New Matilda* and the Australian Lawyers Alliance re draft Human Rights Bill.

Meetings: Senator Kate Lundy (Labor, ACT); President of ACT Law Society (and CLA member) Bill Redpath; President of the ACT branch of the Australian Lawyers Alliance Mark Blumer.

Upcoming appointments: Senator Gary Humphries (Liberal, ACT); former Governor General Deane; judges Michael Kirby, Terry Higgins; Commonwealth Ombudsman John McMillan; Director-General of Security (ASIO) Paul O'Sullivan; Attorney-General Philip Ruddock and Shadow A-G, Nicola Roxon.

Questionnaire: Developed for Federal Parliamentarians, on attitude towards a Bill of Rights.

Membership: membership grew by 4 in July, to 28.

Letters: Letters were sent to 28 law firms, asking for new members and financial support. These are being followed up.

Cartoons: Thanks to the generosity of *Canberra Times* cartoonists Geoff Pryor and Ian Sharpe, CLA has four cartoons to raffle to raise funds. All the cartoons feature civil liberties issues.

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– from UNity, newsletter of the UN Assn of Australia, 1 July 2005, No 425

China/Oz smooth talk on HR

The ninth round of the Australia-China Human Rights Dialogue took place in Beijing amid sensitivities of a defection by a Chinese diplomat and Australia's on-going negotiations on a free trade agreement, and with a focus on HIV/Aids.

Minister for Foreign Affairs, Alexander Downer, said the Australian delegation raised a range of issues including China's legal system, labour rights, women's rights, religious freedom, Tibet and Xinjiang and the treatment of political activists and Falun Gong.

The Australian Government initiated the dialogue in 1997 to facilitate exchanges on human rights issues of mutual concern.

The Australian delegation was led by DFAT Deputy Secretary, Dr Geoff Raby, and included the President of the Human Rights and Equal Opportunity Commission, Mr John von Doussa, and Australia's Special Representative on HIV/AIDS, Ms Annmaree O'Keefe.

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- from UNity, cited above

ASIO makes the Greens see red over home raids, secrecy

ASIO raids on premises in Melbourne in June for which no charges have been laid reinforced why ASIO's new powers should not be renewed, Greens Senator Kerry Nettle has said.

ASIO's powers to detain and question people suspected of having information about terrorism are subject to a sunset clause which the Government may now try to remove given its control of the Senate.

Senator Kerry said: "We now have a secret police in this country that is able to enter people's homes and search their property and require them to answer questions.

"The right to silence, the protection against detention without charge or trial, has all been subverted.

"People have been impugned with allegations of terrorism because of these raids, yet are gagged from responding because of the ban on discussing ASIO's actions. Clearly, if anyone is involved in criminal activity they should be arrested and charged but these raids seem more about intimidating and harassing particular communities that hold views which ASIO and the Government don't share."

The Greens would not support the retention of ASIO's powers when they came before Parliament for renewal, the Senator said.

"We should not allow reactionary forces to whittle away freedoms that have been hard won over many decades."

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– email from Prof George Williams

BoR review papers up on website; request for submissions

Papers from the ANU/UNSW full-day seminar reviewing the ACT's Human Rights Act after its first years can be found on the web at: <http://cigj.anu.edu.au/events/ACTBill05.hp>

The papers are being mirrored on the Gilbert and Tobin Centre (G&TC) website at: www.gtcentre.unsw.edu.au

The information was provided in an email from Prof George Williams of the G&TC, who also chairs the new Victorian consultation process into whether or not that State should have a Bill or Charter of Rights (BoR).

Online magazine *New Matilda* is running an information and advocacy project on these issues, Prof Williams said.

Go to:

<http://www.newmatilda.com/home/articledetailmagazine.asp?ArticleID=760&CategoryID=66>.

You can make a submission directly online at:

<http://www.justice.vic.gov.au/humanrights>

Submissions are still being accepted through August.

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From The Guardian's Kim Willsher in Paris, 11 July 2005

World's most stupid lawsuit?

Here is a brief rundown on what has been called 'The Stupidest Lawsuit Since the World Began' by an American website, Groklaw.com

A French transit company, Transports Schiocchet Excursions, is suing 10 cleaning women in the Moselle region because they carpool to work rather than use the company's buses.

The plaintiffs' lawyers charge the women with "unfair and parasitical competition" and want their cars seized.

The above item appeared dated 9 July 2005 in the French journal 'Liberation' – reported by Thomas Calinon out of Luxembourg – then in The (UK) Guardian, then in the Sydney Morning Herald, then was picked up by an Australian weblogger, then by the American Groklaw.com website, then by the New York Times...and then by us. Shows how news goes round!

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- Human Rights First email, 21 July 2005

Syrian lawyer seized, jailed for alleging HR abuses

Lawyer and President of the Arab Organization for Human Rights in Syria (AOHR-S), Mohammed Raadoun, was seized by members of the Syrian political security police on 22 May at his office in Latakia.

The security police transferred him to their headquarters in Damascus, where he remained in solitary confinement in late July.

Mr Raadoun is being charged with "disseminating false information" in apparent connection with statements he and the AOHR have made about poor human rights conditions in Syria.

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– from NY Times report of 20 July 2005

Iraqi Constitution draft would curb women's rights

Reported by EDWARD WONG

BAGHDAD – A new draft of Iraq's proposed constitution gives a stronger place to Islamic law, which curtails women's rights in matters like divorce and family inheritance.

Also in question is a measure contained in the interim constitution of last year that women make up a quarter or more of the parliament.

The New York Times reported the new draft would guarantee equal rights for women provided those rights did not violate Shariah, or Koranic, law. Last year's draft constitution left out explicit references to religious law.

The new draft has enraged women's groups. Some protested in downtown Baghdad.

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– from HR First email, 7 July 2005

HR group targeted for robbery, abuse

Two men cornered Luis Fernando Barrera at gunpoint on a June morning this year and stole his car, which belonged to the Center for Human Rights Legal Action (CALDH) where he works. It was the fourth CALDH vehicle stolen in just over a year.

There is a long history of human rights activists in Guatemala being the targets of intimidation and sometimes fatal attacks.

Since January 2005, CALDH staff members have been subjected to a constant stream of threats and attacks, including a false bomb threat, telephone threats and intimidation, and armed robbery.

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– from HR First email, 15 July 2005

University protesters seek release of Iranian journalist

Several hundred protesters gathered outside Tehran University on 12 July to demand the release of Iranian journalist Akbar Ganji.

According to news sources, Iranian police broke up the protest and beat several of the protesters, including a young woman, and made at least six arrests.

Ganji was tried and imprisoned after working to expose and bring to justice government officials involved in the murder of intellectuals and journalists in the 1990s, which came to be known in Iran as the 'serial murders'.

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– drawn from a report in the New York Times, 30 July 2005

US Senate entrenches Patriot Act with minor restrictions

WASHINGTON - The US Senate voted on 29 July to entrench most of the USA Patriot Act, overcoming an automatic sunset clause which would have operated at the end of 2005.

However, the new act includes some additional civil rights safeguards and puts the brakes on the US Government expanding its counter-terrorism powers.

In Australia, the equivalent legislation is currently being reviewed by a Joint Standing Committee of Parliament, and a decision on the local sunset clauses must be made by mid-2006.

Last week, the other half of the US Congress, the House of Representatives, beefed up the Patriot Act's surveillance and law enforcement powers.

There are differences between the Senate and House bills, but US officials believe a compromise is possible.

The Patriot Act was passed soon after the attacks of 11 September 2001.

Recently, more than 300 US communities formally protested the act's 'chilling effect' on civil liberties.

The Senate bill entrenches 14 of 16 anti-terrorism provisions of the act. The two remaining sections – allowing the government to conduct widespread phone tapping and to demand records from institutions like libraries – will expire in four years unless Congress re-authorises them.

The legislation imposes new restrictions on the government's powers, including a higher standard of proof in relation to gaining access to library and business records, greater oversight by judges and increased reporting to Congress on anti-terrorism operations, time restrictions on the use of secret searches, and some limits on phone tapping.

US civil rights advocates were reported as welcoming the new limits.

- from a report by ERIC LICHTBLAU

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Events and Opportunities:

August 5 –11, Thailand

The Asia Regional Training Workshop presented by the New Tactics in Human Rights Project and Forum-Asia, Chiang Mai, Thailand. More information, see: www.newtactics.org/main.php/TraininginPractice/AsiaWorkshop

August 10, Sydney

Indigenous rights under Australian law seminar chaired by HREOC President John von Doussa QC. Two featured speakers:

- Professor Larissa Behrendt, Professor of Law and Indigenous Studies, University of Technology, Sydney; and
- Jonathon Hunyor, Senior Legal Officer, HREOC

Free, Hearing Room, HREOC, Level 8, Piccadilly Tower, 133 Castlereagh Street Sydney at 5-6.30pm. Reservations essential, RSVP Gina Sanna by Tuesday 9 August at: legal@humanrights.gov.au

13 August 2005, Melbourne

Symposium and Missen Oration, Liberty Victoria – see details, above.

September 8-9, Canberra

National Conference on Mental Health and Human Rights, Parliament House, Canberra. Hosted by SAVE Australia. Info: <http://www.save.org.au/>
Maqsood Alshams – 0422 085 222 and Louise Pratt MLC – 0417 099 625

November 3, Sydney

City of Sydney Peace Prize Lecture by UN children's rights worker Olara Otunnu in the Seymour Centre. Sydney. Info: Andrew Potter, 02 9351 4514 or Professor Stuart Rees, (02) 9411 5139 (ah)

December 9, Sydney

The 2005 Human Rights Medal and Awards presented at a luncheon at the *Sheraton on the Park*, Sydney, from midday to 3pm. Info: phone (02) 9284 9618 or email hrawards@humanrights.gov.au or go to www.humanrights.gov.au/hr_awards/

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FEATURE ORGANISATION this month: Liberty Victoria

Submissions and Presentations:

Liberty Victoria is an active participant in The Charter Group (see <http://www.thejusticeproject.com.au/indexSOR.htm#CharterGroup>), an informal but influential group whose members include representatives from the Equal Opportunity

Commission, the Law Institute of Victoria, the Victorian Federation of Community Legal Centres as well as several academics and church groups.

The Charter Group has worked hard to put human rights on the Victorian Justice Department's agenda, which has resulted in that Department issuing its Justice Statement last year and initiating its human rights consultation process this year: for further information, see:

<http://www.justice.vic.gov.au/CA2569020010922A/page/Resources-Human+Rights+Consultation?OpenDocument&1=0-Resources~&2=0-Human+Rights+Consultation~&3=~>

Liberty Victoria, both within the Charter Group and in other forums, is continuing to work hard to maximise community awareness and participation in the Charter consultation process.

In April Liberty made a submission to the Joint Parliamentary Committee on ASIO, ASIS and DSD calling for the unjustified powers of detention and questioning added in 2003 not to be extended beyond their sunset in July next year, but to be repealed, or at any rate stringently limited.

In July Liberty Victoria, in conjunction with the Public Interest Law Clearing House (PILCH), made a submission to the Victorian Human Rights Consultation Committee on behalf of the Human Rights Legal Centre (HRLC).

Liberty Victoria President Brian Walters SC presented a paper entitled '*Let us remain steadfast in our condemnation of torture*' at a forum convened by Deakin University on 25 June.

In it he said: "Torture is not about gathering information at all in reality: it is about demoralizing, scaring and traumatizing the tortured, so that those in power can impose their will without restraint. It is about total subjection of another human being..."

"Governments are our way of imposing the rule of law rather than submitting to chaos. But in the pursuit of the common good there are some things governments may not do. They may not exterminate a section of their populace. They may not enslave people. They may impose punishment, but they may not impose mental or physical torture on citizens."

Liberty Victoria Vice President Anne O'Rourke has been speaking extensively on behalf of Liberty Victoria in response to the many invitations received from a diverse range of community organisations.

She has also been actively involved from a human rights perspective in responding to the Federal Government's proposed changes to Australia's Industrial Relations environment.

The vice president also represents Liberty Victoria on an ARC Advisory board on counter-terrorism policing.

Liberty Victoria committee member Liz Curran is a lecturer in Law and Legal Studies and Student Clinical Legal Education Supervising Solicitor at La Trobe Law/West Heidelberg Community Legal Service.

With president Brian Walters, she has prepared a Liberty Victoria submission to the Victorian Justice Department on the Working with Children Bill 2005.

Since then she has been actively involved in government and community forums on the Bill and the Child Protection Exposure Draft and White Paper regarding changes to the Children and Young Persons Act (care and protection jurisdiction).

She has also been regularly attending the Ministerial Juvenile Justice Round Table on behalf of Liberty Victoria.

Joo-Cheong Tham, lecturer in Law at the University of Melbourne and another Liberty Victoria committee member, has been active in writing on the need for greater accountability of the larger political parties for their funding.

As a result he has been invited to give evidence to the Joint Standing Committee on Electoral Matters' inquiry into the 2004 federal election.

Joo-Cheong has also been involved in commenting on the ASIO legislation and its review process, particularly with regard to ASIO's detention and compulsory questioning powers.

Position statements/media exposure:

Liberty Victoria President Brian Walters has been engaged virtually full time in expressing Liberty Victoria's views on the many serious issues affecting civil liberties today through public addresses, media commentary, opinion pieces, submissions and other forums.

Recent issued have included:

- National Identity card
- ASIO powers
- Torture
- Camera surveillance
- Police shootings
- Hot pursuits
- Police powers
- Privacy laws
- Asylum seekers/refugee detention
- Freedom of speech

Changes:

In July Liberty Victoria was sorry to lose as a board member its former president, the Hon. Chris Maxwell.

However this was for the best possible reason – his appointment as president of the Victorian Court of Appeal.

This followed hot on the heels of the appointment of another former Liberty Victoria president, her Honour Judge Felicity Hampel, to the bench of the County Court of Victoria.

Events held:

45 Downstairs – on 11 July Liberty Victoria convened a (predominantly arts based) community information and discussion forum regarding the Victorian Charter of Rights consultation process, at the popular venue 45 Downstairs.

Guest speakers were Haddon Storey QC (Human Rights Consultative Committee, Victoria); Hilary McPhee AO (Vice Chancellor's Fellow at the University of Melbourne and founding board member of NewMatilda); and Liberty Victoria vice president Jamie Gardiner.

Yes Men film night – courtesy of the generosity and support of the Cinema Nova, on 29 June Liberty Victoria held a fund and awareness raising screening of 'The Yes Men', introduced by Liberty Victoria President, Brian Walters.

NEWSLETTER

The July edition of Liberty Victoria's newsletter '*Liberty*' is available on Liberty's website and can be viewed at:

<http://libertyvictoria.org.au/index.asp>

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CLArion welcomes contributions:

We particularly welcome news from interstate CL bodies.

Please send any items by email.

Include your name and membership details (eg, NSW CCL, or Qld CCL, or whatever) and details of the information source.

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