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Submissions range from child issues to war powers

Submissions, articles, censorship, a battle over a human rights charter for Australia and a major speech on the state of Australia's democracy: these are a few of the major activities CLA is undertaking over the next two months.

We have been asked, by a range of government authorities, to make submissions on diverse subjects to help committees and the Australian Parliament decide future laws. Submissions and the like currently just lodged, or under way (with lead authors in brackets), are:

- Review of national security legislation (Rhys Michie);
- Working with Children, Serious and Organised Crime (No 2) 2009, and Telecommunications Interception bills (groups led by Director Anthony Williamson);

- War Powers (Director Jessica Mohr);
- Electoral Reform (Jessica Mohr, Media Spokesperson Tim Vines, Raffaele Piccolo);
- Rules for Referendums (Tim Vines);
- Lack of use by police of infringement notices for minor street offences (Director/Webmaster Lance Williamson);
- Crimes (Assumed Identities) Bill (Lance Williamson); and
- a Standing Committee of Attorneys-General (SCAG) issue relating to evidence where we have given confidentiality commitments in return for an opportunity to comment early in the development process (President Kristine Klugman).

Communications Minister Stephen Conroy is expected to accelerate moves on censoring the internet in the near future. Member and software engineer Arved von Brasch has authored an article which is appearing on three websites, including CLA's, on the need to fight the censorship aspects of the Conroy proposals, rather than concentrating arguments on the technical stupidity of trying to hold back the internet tide. CLA has a specialist censorship site, accessible from:

<http://www.cla.asn.au/>

The other major development this month will be release of the report of the National Consultation Committee on Human Rights, headed by Father Frank Brennan. The report is due for handing to the Attorney-General, Robert McClelland, as this edition of CLArion is distributed.

There are details below of the proposed CLA input to a major forum on the state of Australian democracy on 4 November: please note that members are invited to contribute ideas and comments.

See below for report on other recent CLA activities, including the September Board meeting.

LAST WORD: Signs prevent tricks on children on Halloween night

Sex offenders in Missouri have to self-declare by posting 'No treats' signs on their front door for Halloween (31 October), and staying indoors without interacting with children. An appeals court approved the State law this time last year. *Read more at the end of this bulletin.*

CLA helps keep your health records private

CLA has helped win major changes to Medicare auditing of doctor's records so patient's private health details remain private.

Under the new Health Insurance Amendment (Compliance) Bill 2009, Medicare can demand private patient records from doctors to substantiate Medicare rebates.

But the Bill only allows those records to be looked at by Medicare-employed doctors: a previous version of the Bill would have allowed any administrative bureaucrat to pry into people's private health records.

CLA – along with the Australian Privacy Foundation and the AMA – argued before a Senate hearing that only doctors should be allowed to view private, clinical records.

Other changes won by NGOs and doctors' advocates included audits only when there is reasonable concern, rather than on a random basis.

And doctors can ask for an internal review of audit processes rather than having to go straight to the Federal Court to seek relief from excessive, oppressive and misguided bureaucratic prying.

Submission helps improve serious crime bill

A one-day trip to Melbourne by CLA Director/Webmaster Lance Williamson and CEO/Secretary Bill Rowlings paid dividends when a Senate committee recommended significant change to the latest piece of excessive anti-crime legislation.

After a strong submission by CLA and forceful verbal evidence at the Melbourne hearings, the Senate Legal and Constitutional Affairs Committee (SLCAC) decided to recommend discretionary clauses that will allow judges to use common sense when the draconian legislation produces unforeseen results.

CLA tabled just such an unconscionable outcome which has eventuated under similar ‘criminal property forfeiture’ legislation in the NT.

SLCAC has asked the Australian Parliament to amend the draft Crimes Legislation Amendment (Serious and Organised Crime) Bill 2009 so that judges may take into account the public interest in whether any charge might proceed.

The legislation remains extremely draconian: details are available in the CLA submission, which is on the SLCAC website and on the CLA website.

A-G refuses to allow consideration of bills as a package

No sooner was the first SOC (Serious and Organised Crime) Bill considered by the Senate Committee than the government tabled another.

This was despite CLA appealing directly by letter to the Attorney-General, Robert McClelland, to table the No 1 and No 2 Bills together so they could be considered as a package.

The A-G rejected CLA’s proposal outright*.

The Crimes Legislation Amendment (Serious and Organised Crime) Bill (No. 2) 2009 implements panic measures adopted by State and Territory Attorneys-General, at a meeting of the Standing Committees of Attorneys General (SCAG), in the immediate aftermath of a death earlier this year at Sydney Airport when two bikie gangs had a brawl and Australian Federal Police officers were dramatically late in responding.

According to Attorney-General Robert McClelland, the No 2 Bill will strengthen existing laws by:

- creating new criminal offences targeting organised crime;
- allowing more and wider telecommunications intercepts;
- making money laundering, bribery and drug importation offences even tougher;
- allowing more invasive search and seizure powers and secret access to electronic data;
- seizing and confiscating more assets, and making anti-money laundering laws;
- fixing up how the Australian Crime Commission operates; and
- increasing protections under the National Witness Protection Program with more secrecy provisions.

* At the Melbourne hearing, both Labor and Liberal MPs on the Senate committee were unaware that the A-G was about to introduce another bill, SOC No 2, to parliament. They expressed surprise, and quizzed CLA on how we knew there was to be another bill.

Criminologist warns over reaction to ‘big brother’ surveillance

A leading criminologist has warned businesses and governments to develop a code of ethics for ‘big brother’ surveillance technologies – or risk a community backlash.

Bond University’s Professor Paul Wilson told an international summit of private investigators on the Gold Coast last month that the community could revolt against high-tech ‘Orwellian’ technology.

Wilson said growing community antagonism against closed circuit television, internet mapping, camera phones and DNA databanks would eventually force governments to intervene.



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Juvenile detention is not cutting the mustard

Juveniles sent to jail are just as likely to re-offend as young people given community orders, fines or other non-custodial sentences, a study shows.

The study compared a group of 152 young offenders who served time in a detention centre with a similar group of 243 given non-custodial sentences. They were interviewed about their family life, substance abuse, association with delinquent peers, school performance, and their prior criminal records were established.

Don Weatherburn, co-author of the Australian Institute of Criminology report and director of the NSW Bureau of Crime Statistics and Research (NSWCSR), says the findings offer clear evidence

detention has no deterrent effect, with about 52% of both those who spent time in custody and those sentenced to non-custodial orders reoffending within a year.

"The policy message from this report is to ignore the (media) shock jocks when they demand more juveniles get locked up in order to deter them from offending," Dr Weatherburn said.

The report notes that while only 10.3% of the 6488 juveniles who appeared in the NSW Children's Court in 2007 were given control orders, 48% of the state's juvenile justice budget is spent on custody.

The study, co-authored by Sumitra Vignaendra and Andrew McGrath, scrupulously compared two groups with similar characteristics, including those with similar prior criminal records.

NSW and WA are trialling a US-style intensive supervision program on young offenders in lieu of incarceration.

An independent report earlier this year by the NSWBCSR found tighter rules on bail applications from 2006 contributed to a 32% increase in juveniles on remand between 2007 and last year.

<http://www.theaustralian.news.com.au/story/0,25197,26117133-2702,00.html> and

<http://www.smh.com.au/national/juvenile-detention-comes-under-fire-in-criminal-study-20090923-g2pr.html>

Police pick on Indigenous youth: it's official, report finds

Police will arrest young Aborigines and put them before a court much more than they will non-indigenous juveniles, a study by the Australian Institute of Criminology shows.

Non-indigenous youths are much more likely to be let off with a warning or caution.

The AIC report highlights that indigenous 10 to 17-year-olds are 28 times more likely to be in detention than non-indigenous youths.

And differential treatment of indigenous children doesn't stop at the front gate of the juvenile justice system, Stephen Lunn writes in an important report in *The Australian*.

In WA and SA, young Aborigines are more likely to be convicted in children's courts than non-indigenous juveniles for the same type of offences, the AIC report shows. In WA, the one state that issued statistics on sentencing, young Aborigines are more than twice as likely as non-indigenous juveniles to be given a jail term after being found guilty.

The AIC study, *Juveniles' contact with the criminal justice system in Australia*, reveals that in NSW, Queensland, SA, WA and the NT, police are more likely to arrest and refer to court young Aborigines, compared with non-indigenous youths.

In WA, where half of all juveniles arrested are Aboriginal, 71% of the cautions issued in 2005 were to non-indigenous youths, 29% to Aboriginal juveniles.

In SA in 2005 (the most recent data available), 55% of juveniles of "Aboriginal appearance" were transferred to youth court compared with 41% of those of "non-Aboriginal appearance", while in the

NT last year 23% of non-indigenous youths received a caution compared with 16% of Aborigines.

AIC director Dr Adam Tomison (*pictured*) said the fact that many young indigenous Australians lived in disadvantaged circumstances went a long way to explaining their increased contact with police.

"In terms of whether there is bias or racism in their treatment, I think you would need to do further studies looking at police contact in disadvantaged communities where there are kids of different backgrounds," he told *The Australian*.

It is to *The Australian*'s credit that it carried this shocking story at length. To access the full story, go to:

<http://www.theaustralian.news.com.au/story/0,25197,26133832-2702,00.html>

Lecturer to explore how to police the vulnerable

A new trend in policing is emerging which discounts ethnicity or disadvantage as major drivers of behaviour, and concentrates on vulnerability instead.

Many schemes targeting disadvantaged groups or vulnerable communities are studied in a fragmented manner or focused solely on individual groups, but some academics are starting to bring the patchwork into a cohesive whole – vulnerable people policing.

A lecturer in policing and applied criminology at Charles Sturt University, Dr Isabelle Bartkowiak-Theron, will discuss involving vulnerable people in the new initiatives at an occasional seminar hosted by the Australian Institute of Criminology on 17 Nov 09.

DFAT-NGO consultation discusses upcoming meetings

A half day meeting of about 13 selected Non-Government Organisations (NGOs), including CLA, was hosted by the Department of Foreign Affairs and Trade (DFAT) in September 2009.

Main topics discussed were the current and upcoming program of the Third Committee of UN, the status of the UN Human Rights Council and the UN Security Council debates.

The 64th session of the General Assembly, from 15 September 2009, will consider the vital question of arms control, put on the agenda by US President Obama. There are 50-60 resolutions before the Third Committee. Debates are often conducted in a divisive atmosphere, with country issues being particularly contentious.

The Australian Government is still to decide whether to endorse the Optional Protocol to the International Convention on Economic, Social and Cultural Rights, which includes the rights to adequate housing, food, health, education and work – it opened for signature from 24 September 2009, and becomes operative when 10 countries sign it. There seems to be an improvement in the US Administration's attitude to UN since the election of Democrat President Obama.

The DFAT/NGO meeting discussed the outcome of the Durban Conference Against Racism, which was very political and anti-Israel. The Russian chair tried hard to get consensus but failed, and Australia, with many other countries, voted against the final resolution. The issue of religious defamation c.f. freedom of expression (in context of anti-Mohammed cartoons) was raised, but not resolved. The tragic problem of human rights for the mentally ill was also raised. The high rate of Aboriginal women with mental health problems in jail in Australia is particularly disturbing.

The report of the UN Rapporteur's inquiry into NT intervention in Aboriginal communities is due by the end of the year, after which the Australian Government will respond to it. The government has undertaken to make intervention comply with treaty obligations, though it is unclear how this can be done.

The status of human rights in the Pacific was raised, with the suggestion that there should be more Australian commitment. DFAT gives core funding to Friends of the Asia Pacific Forum.

The Universal Periodic Reviews are a powerful mechanism for bringing countries to account for their human rights practices. Australia is not represented on the new Human Rights Council of UN, a review of which is due in 2011.

CLA raised several questions: Is Australia training Burmese police and military? This question was taken on notice. Are there sanctions against the ruling junta in Fiji, re education of their children, holiday visas etc? The response was yes, targeted sanctions are in place.

Overall, the meeting was a good source of information on current international human rights as reflected in UN deliberations, with all its associated politicking. It also provided an excellent opportunity for CLA to network with representatives of like-minded groups and project an active image of CLA.
– Dr Kristine Klugman, President CLA



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Melbourne's Acacia prison unit is poisonous to mental health

Melbourne's 'Supermax' prison is so dangerous it sends people mad, and almost certainly breaches Victorian, Australian and international human rights standards.

The high-security Acacia Unit at Barwon jail, just outside Melbourne, comprises a 23-bed unit built for the most dangerous and violent prisoners in the country...but it is also being used to house remand prisoners, Liz Hobday reported on the ABC's AM program.

Three judges from the Court of Appeal have granted bail to a former detective held on remand in Acacia for seven months on a murder charge and who developed a serious mental illness.

The former detective who developed the mental illness was housed in the Acacia Unit for his own protection. "The conditions in which the appellant has been kept in gaol have caused him great suffering," a statement from the Court of Appeal said. "So far as can be told, he was not afflicted by any ailments when he was arrested. Now he is suffering from a moderate to severe mental illness."

At Acacia, men are kept in cells for up to 23 hours a day, and are always in an entirely artificial environment. They may not see sunlight, trees or grass for years at a stretch.

During the appeal hearing, Court of Appeal president Justice Chris Maxwell said the remand conditions probably breached international human rights obligations. The appeal court also found there could be a question as to whether a regime that includes leg irons and strip searches can be reconciled with Victoria's Charter of Human Rights and Responsibilities.

<http://www.abc.net.au/news/stories/2009/09/22/2692740.htm?section=justin>

Humphries to vote for same-sex ceremonies

ACT Liberal Senator Gary Humphries says he will cross the floor of Federal Parliament if it tries to veto same-sex marriage laws in the nation's capital.

The Legislative Assembly (LA) of the ACT is set to pass laws for legally-binding civil union ceremonies on a bill introduced by the Greens, which will be supported by the Labor Party.

The LA has tried twice before to introduce the ceremonies, having had previous legislation rejected by both the Rudd and Howard governments. Senator Humphries says the Commonwealth shouldn't be able to overturn territory legislation.

Legal profession to get national board and ombudsman

Australia looks set to have a National Legal Services Board, according to a speech by Attorney-General Robert McClelland in Perth last month.

The NLSB would be a joint State and Territory entity, a single standard-setter for all lawyers in Australia, the keeper of a national register. It would be small and made up of people from differing backgrounds, including legal practice, consumer protection and the regulation of professions.

It would be able to establish advisory committees to help develop national rules.

The A-G also indicated his personal support for a National Legal Services ombudsman.

"I think this is a significant proposal worthy of further consideration. A national ombudsman could have the power to consider complaints and decide whether they are consumer disputes or disciplinary matters. Where they are consumer disputes, the ombudsman needs flexible powers to resolve issues quickly and without formality," Mr McClelland said.

A-G puts hopes for justice in 'strategic framework'

In an allied development to the above, the A-G has also announced a new 'strategic framework' for the Australian justice system based on five principles of accessibility, appropriateness, equity, efficiency and effectiveness – supporting aims to:

- allocate resources more efficiently;
- promote fair outcomes;
- encourage the early resolution of problems and disputes;
- enable matters to be directed to the most appropriate method for resolution;
- identify broader issues which may cause specific legal problems; and
- empower individuals, where possible, to resolve their own disputes.

The framework is the central recommendation of an Access to Justice Taskforce established earlier this year in the A-G's Department to recommend ways to improve access to justice.

The report and its recommendations are open for public discussion. A copy of the Strategic Framework for Access to Justice and the Access to Justice Taskforce Report is available at www.ag.gov.au

Aussie legal profession focuses on growth overseas

Legal profession reforms will benefit all Australian lawyers and enhance the domestic and international practice of law, Law Council President John Corcoran said last month, speaking in conjunction with annual law conference, held this year in Perth.

He welcomed the Council of Australian Government's (COAG) decision to establish uniformity in regulation of the legal profession. The Law Council believed the next stage of regulatory reforms would deliver a seamless national legal profession.

Mr Corcoran said that international practice was the largest growth area for Australian lawyers. The focus should be allowing practitioners greater access to overseas markets, especially in the Asia-Pacific region, he said.

WA gets new dose of non-preventative, mandatory legislation

People who assault police in WA will spend a minimum of six months in jail.

New mandatory sentencing laws, which came into force last month, apply to assaults on police, ambulance officers, transit guards, court officers or prison guards. Adults can be locked up for six to 12 months, depending on harm inflicted, and juveniles for three months.

The Police Minister, Rob Johnson, says the legislation sends a strong message to the community. "In the last financial year there were 1,375 assaults on police officers and since June this year there's already been more than 200 assaults," he said.

Of course, the legislation does nothing about minimising the number of assaults – which is what the police union and CLA would prefer. Mandatory sentencing is comforting to non-thinking politicians and rabid media outlets, but doesn't do much for police or anyone else.

Spending the same amount of money on a campaign to prevent assaults would be more useful. Considering that many Indigenous defendants are charged with the unholy trinity of offences: drunk and disorderly conduct, assault, and resisting arrest, and are then advised by Legal Aid to plea guilty (because they will get discounted sentences, even if they are innocent), it is likely that this new law will see even more Indigenous people behind bars in WA.

CLA to help analyse health of Australian political system

CLA will be one of a dozen speakers at a conference in Canberra on 4 Nov on the theme of political parties and civil society in Australia.

The conference is part of an international series by the Forum of Federations, of which Australia is a member. The one day event is being organised as a roundtable with four sessions, three speakers each, and 10-15 minute presentations. CEO Bill Rowlings will represent CLA.

The conference will generate a report and a detailed study in an international book that will serve as a snapshot of the state of civil society in Australia as well as a health report on the state of Australia's federation. Four general questions underpin process:

- How important are political parties and civil society organizations for the working of the federal system? In which ways do they have an impact; what is their political role in federalism (eg, as forces of national integration, regional pressures groups, as informal channels of intergovernmental bargaining, as mediators or agents of territorial conflict)?
- What can we say about the dynamics of change? Is federal (de)centralization triggering the (de)centralization of party systems/party organizations and groups in civil society, or is the causal chain running the other way round? Do changes in party politics and civil society affect the guiding ideas, institutions and public policies of a federal system (even if there are no constitutional changes)?

- What is the relation between parties and civil society? Is there a clear separation between the two types of political organization or are there elements of interlocking (ranging from patterns of dominance/subordination to mutual cooperation)? Is there competition between parties and civil society in the pursuit of political influence?
- Are territorial conflicts and the future of the federation an important line of political conflict in Australia? Who are the main political actors with respect to such cleavages? How important are regionalist and ethno-nationalist parties and civil society organizations? In which ways are such cleavages accommodated within the federal system?

Any CLA member who would like to contribute to the debate is asked to email comment/opinion to: secretary@cla.asn.au



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Bikie Finks know the law better than Attorney-General in SA

The Finks Motorcycle Club has struck a major blow against over-the-top new laws in South Australia trying to target organised crime.

In a complex judgement, a Full Bench of the SA Supreme Court has ruled that the legislation inappropriately involves administrative decision-making on judicial questions, that a person accused has a right to know what he/she is accused of, and that courts have the right to question whether 'criminal intelligence' is criminal, intelligent or, most importantly, factual.

A more detailed analysis of the ruling is available on the CLA website:

<http://www.cla.asn.au/0805/index.php/articles/2009/supreme-court-rules-bikie-law-invalid>

A lawyer representing Finks members, Craig Caldicott, says they have been vindicated by the judgment. "We've said from day one that section 14 of the Serious and Organised Crime Act is invalid, it's draconian and it's just basically un-Australian," he said.

In light of the judgment, Adelaide Magistrates Court has dismissed seven control orders made against Finks members under the legislation and three other applications for orders.

The court has also ruled the Government should pay costs for the bikies' lawyers.

In a bizarre appearance on the ABC's *7.30 Report*, Attorney-General Atkinson declared "war" on some of the citizens of SA, saying he would re-draft the offensive legislation to continue the attack on bikie groups.. He has also proposed a quaint 'special bikie advocate in court' solution, with the advocate allowed access to secret information, though critics say the special advocate would be a government stooge, not a bikie advocate.

With an election early next year, Mr Atkinson may be starting to consider his options for a new career. *– with thanks to several CLA members who helped coverage of this issue*

UN says bikie laws are 'extreme'

A UN report has condemned Australia's anti-bikie laws as "extreme" and "naive".

The report, from the UN Office on Drugs and Crime, comes as police have charged another member of the Comanchero gang over the fatal brawl at Sydney Airport earlier this year. The 41-year-old is the 12th man to be charged with the murder of Hells Angels associate Anthony Zervas.

The report on organised crime in the Asia-Pacific region criticises the anti-bikie laws, saying Australia has among the toughest laws criminalising organisations. The report says the laws merely name and shame groups without fixing the problem.

The author of the report, University of Queensland law academic Andreas Schloenhardt, says the laws are not built on solid ideas. "(They are) really built on the naive belief that by creating a list of those groups, they will disintegrate and disappear, yet there is simply nothing to sustain this belief," he said. [It's] extreme in the sense that they are open to abuse and particularly the way in which these declarations of organisations are made.

"South Australia is by far the most extremist in that it vests all its power in one single person; that's the Attorney-General of South Australia. There's no proper review mechanism and nothing really in the laws to stop the Attorney-General from outlawing a local tennis club."

"In a different political climate, they are quite open to abuse and violate basic human rights of freedom of association and the like."

<http://www.abc.net.au/news/stories/2009/09/03/2676126.htm>

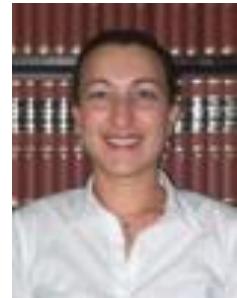
ALRC sets up Indigenous advisory body

The Australian Law Reform Commission has established an Indigenous Advisory Committee.

Speaking at its first meeting in August, ALRC President Professor David Weisbrot said: "The ALRC's intention is to ensure that Indigenous people are effectively engaged in our work, so that Australia's laws have proper regard to Indigenous interests and protect and promote Indigenous culture. The ALRC acknowledges that the Australian legal system historically has failed to deliver better legal, social and economic outcomes for Indigenous peoples."

Foundation Members of the ALRC's Indigenous Advisory Committee are:

- Professor Larissa Behrendt, Director, Jumbunna Indigenous House of Learning, UTS;
- Neva Collings (*pictured*), Solicitor, Environmental Defender's Office;
- Lincoln Crowley, Barrister, NSW Indigenous Barristers Strategy Working Party;
- Megan Davis, Director, Indigenous Legal Centre, University of NSW;
- Darryl French, Program Manager Aboriginal Studies, Tranby Aboriginal College;
- Terri Janke, principal solicitor of Terri Janke & Associates;
- Warren Mundine, Chief Executive Officer, NSW Native Titles Services;
- Steven Ross, Coordinator, Murray Lower Darling River Indigenous Nations; and
- Maurice Shipp, Manager, Indigenous Children's Strategic Policy, ACT Government.



Solicitor 1, education bureaucracy 0

Belconnen (ACT) solicitor David Landers may have set a new precedent for how far lawyers can go in criticising government departments and the practices of bureaucrats.

Over three years, Mr Landers risked his career and having to pay thousands of dollars in costs after expressing his frustration with the ACT Education Department. He was found guilty of unsatisfactory professional conduct by the ACT Law Society's disciplinary tribunal.

Last month the ACT Supreme Court of Appeal unanimously overturned the tribunal's decision, saying "the mere fact that the accusation is made robustly" was not a valid cause for complaint, Emma Macdonald reported in the *Canberra Times*.

In 2006 Mr Landers acted on behalf of an ACT teacher seeking medical retirement. When the teacher's case bogged down, Mr Landers issued a strongly worded letter to the then chief executive of the department, Dr Michele Bruniges, describing his client's treatment as a continuation of "years of malpractice and maladministration by your organisation".

He also said the department had a "long history of failing to communicate at all or to communicate substantively and honestly". The department's director of human resources, Michael Bateman, asked the ACT Law Society to investigate whether Mr Landers' conduct had "breached the standards expected from a legal practitioner".

<http://www.canberratimes.com.au/news/local/news/general/lawyer-wins-right-to-criticise-unhelpful-bureaucrats/1633497.aspx>

State government proposes 'excessive penalties on fishermen'

Even NSW Parliamentarians are against a proposed state bill which continues the oppression of fisherman throughout Australia.

The Legislation Review Committee (LRC) of the NSW Parliament says that Schedule 1[27] of the Fisheries Management Amendment Bill 2009 (NSW), which introduces penalties of up to 10 years

jail and fines of up to 10 times the market value of fish, "may be considered to be excessive punishment and unduly trespass on individual rights and liberties.

"The (LRC) notes the comments in the Agreement in Principle Speech that the provisions are proposed to respond to the growing problem of black market selling of fish. However, the committee refers Schedule 1[27] to Parliament to consider whether the penalties imposed by the provisions are excessive."

For some years, professional fishermen throughout Australia have been under siege from lawmakers and the autocratic, bureaucratic federal and state authorities they have created.

CLA intends to examine liberties and rights in and around the fishing industry and recreational fishers in 2010. The matter is of particular importance in Cairns and Far North Queensland, including the Torres Strait and the Gulf of Carpentaria. Canberra-based bureaucrats have been known to impose ridiculous strictures on where fisherman may or may not fish, using faulty, sealed GPS units to impose fines based on faulty latitude and longitude specifications for which the bureaucrats were responsible.

In one case, fishermen would have had to haul their boats several hundred metres on to land to be legal.

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Judge upholds 'right to die'

Medical professionals must withhold life-saving treatment if a patient has previously made a "living will" that clearly states they do not want a specific treatment, such as kidney dialysis or a blood transfusion.

A landmark NSW Supreme Court ruling last month upheld the right to refuse medical treatment...or the 'right to die'.

The right exists even if the person decided only in anticipation, and well before treatment was needed, Louise Hall reported in the SMH.

Doctors' groups have welcomed the decision, saying it allows them to respect a patient's wishes without fear of prosecution or litigation by relatives. In fact doctors and paramedics who treat a patient against their expressed refusal could be charged with assault and battery or be sued for providing unwanted treatment.

The case concerned Mr A, a Jehovah's Witness, who had been admitted to an emergency department in a critical state on 1 July. He subsequently developed renal failure and went into a coma, kept alive only by mechanical ventilation and dialysis.

On July 14 the hospital discovered that almost a year earlier Mr A had prepared an advanced care directive that specifically refused dialysis. Aware that stopping the treatment would mean death, the Hunter New England Area Health Service sought an urgent hearing to determine if the directive was valid.

Justice McDougall said that while there was no legislation covering the issue, the common law right to refuse treatment stood - regardless of its basis on religious, social or moral grounds, and whether or not it was a sensible, rational decision based on the relative risks and benefits.

Furthermore, the directive is still valid despite patients not being informed at the time of writing of the consequences of their decision. "If an advanced care directive is made by a capable adult, and is clear and unambiguous, and extends to the situation at hand, it must be respected," he said.

"What my orders did was recognise his right to make that decision ... it is no recognition of a 'right to die'." <http://www.smh.com.au/national/right-to-reject-medical-care-upheld-20090903-fa0s.html?skin=text-only>

Members can contribute to electoral reform submission

Cabinet Secretary and Special Minister of State, Senator Joe Ludwig, last month released the second Electoral Reform Green Paper – *Strengthening Australia's Democracy* for public comment.

The paper is the second of two on electoral reform. It covers a range of issues, including:

- current arrangements for elections in Australia;

- definition of who is entitled to vote in Australian elections;
- maintenance of the electoral roll and close of roll provisions;
- arrangements for casting of votes at elections; and
- processes for the counting of votes and determination of election results.

Submissions on the second green paper close on 27 November.

CLA director Jess Mohr is leading the team working on our submission – she would welcome comments/input from CLA members.

An online discussion forum will be held from Monday 9 – Friday 13 November 2009, details: www.pmc.gov.au

Submissions on the First Electoral Reform Green Paper – Donations, Funding and Expenditure – closed earlier in 2009.

AUSTRALIAN BRIEFS

Kirby gets LCA gong: The Law Council of Australia last month made former High Court Justice Michael Kirby an honorary member. LCA president John Corcoran said Mr Kirby was Australia's longest serving judicial officer. In addition to distinguished service to High Court, he was inaugural President of the Australian Law Reform Commission and President of the NSW Court of Appeal, amongst a host of other legal positions he has held, or holds. Sydney barrister Bret Walker SC was awarded the 2009 LCA President's Medal for outstanding contribution to the Australian legal profession: both awards were made at the LCA's annual conference in Perth last month.

New spokesperson goes public on Murder Act

New CLA media spokesperson Tim Vines had his first public outing over the new Murder Act in the ACT jurisdiction.

The ACT Government – under the pump due to no successful murder conviction in the Territory for a decade – bowed to police and victims of crime pressure to change the law.

The ACT has reverted from a nationally-agreed position on definitions of murder to a definition which includes 'intent to cause serious harm' attracting a murder rather than manslaughter charge.

CLA has pointed out the new law leaves police open to a murder charge if they kill someone with a stun gun.

The screenshot shows a news article from ABC News titled "New murder definition 'a PR campaign'". The article discusses changes to the ACT's definition of murder, allowing for charges even if someone intended to cause serious harm rather than death. It quotes Civil Liberties Australia's Tim Vines, who describes it as a PR campaign rather than justice. The page includes standard news navigation links like Home, Radio, Television, News, Your Local ABC, More Stories, and a search bar.

Council 'porky' puts blinkers on CCTV: City of Sydney council has shelved a proposal to allow police to use the council's 81 CCTV cameras for "general intelligence gathering"...because a spokesman told a little porky. The council voted to put the changes on hold pending a full review. Asked earlier about the potential impact on civil liberties, the council spokesman said the planned changes were "fully supported" by a steering committee which included the NSW Council for Civil Liberties. But the NSWCCCL wrote to the council recommending removing the "general intelligence gathering" proposal and implementing stronger prohibitions against the practice.

New cameras take total to 85: Meanwhile, Melbourne has installed 31 more cameras in the CBD, bringing the total to 54. Security contractors monitor the cameras from a small, secret, locked, windowless control room within the Town Hall, according to newspaper reports. The new tilt-and-zoom cameras rotate 360 degrees, and can focus on a face in the crowd.

Australian media bias tracked: Australian journalists are close to the centre of the political spectrum, but their editors are more likely to take a party line, according to research by ANU economist Professor Andrew Leigh from the Research School of Social Sciences and Melbourne Business School economist Professor Joshua Gans. They used a number of different approaches to measure 'media slant' in newspapers, radio and television. PAPER: How Partisan is the Press? Multiple Measures of Media Slant: – UNAA newsletter

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CLA activities for September

Board:

- Tax deductibility status is being pursued;
- Website hits will be analysed to see how best to allocate scarce CLA resources;
- A new Board member will be appointed shortly to replace Anne Cahill-Lambert, who resigned over lack of time due to her duties heading the national organ donor promotion program (and her own health, while she waits for a donor organ to become available);
- CLA accounts are being transited from Excel to Access software by Assistant Treasurer Melissa Hinson and Treasurer Kevin Popple;
- A barbecue will be held on 18 October for members and potential members in the ACT area at the time – see DATES below for details.
- CLA will respond positively to a request from Taser International for a meeting;
- With the Australian Privacy Foundation, CLA is exploring a core web system potentially available for all NGOs;
- A major event, with a significant speaker, is being considered for April/May 2010;
- CLA's financial status is healthy;
- A new system for archiving core CLA documents has been introduced by webmaster/director Lance Williamson;
- CLA is continue to pursue an option to possibly register as a 'community law firm';
- A matter in the NT Supreme Court, involving Criminal Property Forfeiture laws, will be heard by a Full Bench on 3 November (Melbourne Cup Day); and
- Director Jessica Mohr will undertake a Masters in Law at ANU in 2010; and
- Board adopted an adapted business plan for 2010-12.

Other significant matters:

President and CEO undertook a visit to Sydney, to confer on issues and get advice on fund raising strategies;

Tim Vines has been appointed new media spokesperson, and will shortly join board; and

Organisation for Spring BBQ, largely by member Lynne Bliss; and

SA Council for Civil Liberties AGM (CLA congratulates barrister Claire O'Connor, who is new President; Stephen Kenny – who is also a CLA member – is media spokesperson), close liaison endorsed with CLA, including CLArion and other information exchange. Close relationship continues between CLA and SA Law Society, particularly with President John Goldberg.

Meetings:

- Jim Spigelman, Chief Justice of NSW;
- Leon Fink, restaurateur/investor, sponsor of foundations/etc and longtime civil liberties supporter;
- Susie Carleton, restaurateur, publican and sponsor of Aboriginal foundations;
- Roger Clarke, Australian Privacy Foundation;
- Rosh O'Meagher interviewed CLA for her Hons thesis on AFP overseas police cooperative arrangements;

- Senator Steve Hutchins re Serious and Organised Crime legislation, ACC;
- DFAT/NGO consultation meeting attended by President;
- Contact with South Coast (NSW) Amnesty, exchange information;
- Justice Richard Refshauge, general discussion and annual meeting;
- Attended community information session for Islamic School Weston Creek (ACT);
- President Kristine Klugman attended Ombudsman conference Good Better Best, which examined complaint handling (thanks to Ombudsman John McMillan for the invitation).

INTERNATIONAL

(The international articles chosen sometimes predict what may happen in Australia)

DPP lays out reasons not to prosecute assisted suicide

The British Director of Public Prosecutions, Keir Starmer QC, has laid out an 'interim policy on prosecuting assisted suicide'.

There is now a public consultation period until 16 December. The DPP issued a series of factors for and against a decision to prosecute. Public interest factors against a prosecution include that:

- The victim had a clear, settled and informed wish to commit suicide;
- The victim indicated unequivocally to the suspect that he or she wished to commit suicide;
- The victim asked personally on his or her own initiative for the assistance of the suspect;
- The victim had a terminal illness or a severe and incurable physical disability or a severe degenerative physical condition from which there was no possibility of recovery;
- The suspect was wholly motivated by compassion;
- The suspect was the spouse, partner or a close relative or a close personal friend of the victim, within the context of a long-term and supportive relationship;
- The actions of the suspect, although sufficient to come within the definition of the offence, were of only minor assistance or influence, or the assistance which the suspect provided was as a consequence of their usual lawful employment.

http://www.cps.gov.uk/news/press_releases/144_09/

World Cup may see 'shoot to kill' policy

South Africa may introduce zero tolerance policing for next year's football World Cup, making it easier for officers to "shoot to kill" suspected criminals.

It could mark a return to "apartheid-era policing", with officers having the right to shoot fleeing suspects in the back.

A new national police commissioner, Bheki Cele, – called a "cowboy" with a penchant for pinstripe suits and panama hats – has called for a change in legislation that would allow police to open fire on suspects without having to worry about "what happens after that".

He received backing this week from Nathi Mthethwa, the country's police minister. "We are tired of waving nice documents like the constitution and the human rights charter in criminals' faces," Mthethwa said. "We are going to meet these thugs head on, and if it means we kill when we shoot, then so be it."

South Africa has one of the highest crime rates in the world, with an average of 50 murders a day. More than one person a day is shot by police, according to the country's Independent Complaints Directorate.

Last year 538 South African police staff were found guilty of crimes such as murder, rape, theft and corruption. <http://www.guardian.co.uk/world/2009/sep/16/south-africa-police-world-cup>

Law Lords put stop to abuse of control orders by government

A terror suspect in virtual house arrest for three years under a control order has been freed because the British Government's use of secret evidence is unraveling after a Law Lords' ruling.

The man – of dual Libyan and British nationality and known only as AF – was released last month from an order electronically tagging him and keeping him under a 14-hour curfew.

He was one of three terror suspects to benefit from a landmark ruling in June which found it was unlawful to use "secret evidence" to place people under a regime including a 16-hour curfew.

The unanimous ruling by a panel of nine judges said it was a fundamental principle that everyone was entitled to the disclosure of sufficient material to enable them to answer effectively the case made against them.

NOTE: This was one of the cases referred to by Bleby J in declaring the South Australian bikie laws illegal.

AF had been subject to a control order since 2006 because of alleged links with Islamic terrorists, but the Home Secretary, Alan Johnson, last month effectively bowed to the Lords ruling by revoking the order. Lord Carlile, the UK's independent reviewer of terror legislation, will consider if the overall control order system is still viable.

<http://www.guardian.co.uk/uk/2009/sep/07/control-order-terror-law-lords-johnson>



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Warrant required for GPS tracking devices

The Massachusetts Supreme Judicial Court has ruled that using GPS devices to monitor vehicles constitutes a seizure under the Massachusetts Constitution and therefore may only be done under a valid warrant.

The court also ruled that the warrants would expire after 15 days.

The rulings place Massachusetts firmly on one side of the state split on the issue in the USA. A Wisconsin appeals court has ruled that GPS tracking does not require a warrant, while earlier this year New York's highest court ruled in favor of a warrant requirement.

<http://epic.org/privacy/connolly/>

India's 1.2 billion citizens are to get biometric ID cards

India has started issuing everyone with a unique identity number. Within five years, giant computer servers will hold the personal details of at least 600 million people, at a cost of about \$2.8bn.

Indians now have numerous identity verifiers, ranging from electoral rolls to ration cards, yet almost none can be used universally. The new system will be a national proof of identity, effective for everything from welfare benefits to updating land records.

Eventually, cards will hold the person's name, age, and birth date, as well as fingerprint or iris scans, though no caste or religious identification.

<http://www.guardian.co.uk/world/2009/sep/16/india-population-biometric-id-cards>

Tamil journalist jailed for 20 years...after war is over

A Tamil journalist who wrote articles criticising the Sri Lankan government's war against the Tamil Tigers has been sentenced to 20 years' hard labour under the country's anti-terrorism laws.



Judge Deepali Wijesundera of the High Court in Colombo convicted JS Tissanayagam (*pictured*) on three charges of conspiracy, breaking prevention of terrorism laws, and violating wide-ranging emergency regulations. He was guilty of causing racial hatred and receiving money from the banned Liberation Tigers of Tamil Eelam to fund his website.

The journalist, a former respected columnist for Colombo papers, was arrested in 2008 and charged five months later with inciting violence in articles in his magazine, the *North Eastern Monthly*, now closed.

Tissainayagam's defence lawyers said their client would appeal, maintaining he had always fought for human rights. The journalist's case has attracted international attention, with US President Obama saying earlier this year it was "emblematic of the hundreds of journalists who face intimidation, censorship, and arbitrary arrest".

<http://www.guardian.co.uk/world/2009/aug/31/tissanayagam-sri-lanka-jailed-tamil>

Doctors want other doctors censured for 'Cheney torture'

Physicians for Human Rights, a US-based lobby group, has released a report indicting medical professionals who were involved in the 'Cheney Torture' protocols endorsed by the US Administration under President George W. Bush.

PHR says: "The newly released version of the May 2004 CIA Inspector General's report on Counterterrorism Detention and Interrogation Activities reveals the use of a number of previously undescribed torture techniques including:

- forced shaving
- hooding
- dietary manipulation
- prolonged diapering
- walling
- confinement in a box

"These techniques used alone or in combination may meet the definition of torture under US and international law. They also represent clear violations of well-established medical ethics governing the behavior of health professionals.

The report also confirms use of previously reported techniques, covered in the PHR and Human Rights First report *Leave No Marks*, such as isolation, forced nudity, stress positions, temperature manipulation, waterboarding, mock executions, brandishing guns and power drills, threats to sexually assault family members and murder children, and other techniques which were used in ways that violated the torture statute and international law.

PHR wants accountability for war crimes and reparation such as compensation, medical care and psycho-social services. PHR is also calling for health professionals to be held accountable through criminal prosecution, loss of license and loss of professional society membership.

Project aims to scan all your behaviours

A five-year research program in Europe, called Project Indect, aims to develop computer programmes which act as "agents" to monitor and process information from web sites, discussion forums, file servers, peer-to-peer networks and even individual computers to automatically detect threats and abnormal behaviour or violence.

Project Indect, with nearly \$18 million in funding from the European Union, involves the Police Service of Northern Ireland and computer scientists at York University, in addition to colleagues in nine other European countries.

A separate EU-funded research project, called Adabts – the Automatic Detection of Abnormal Behaviour and Threats in crowded Spaces – has received nearly \$5.5 million. Its is based in Sweden but partners include the UK Home Office and BAE Systems.

It is seeking to develop models of "suspicious behaviour" so these can be automatically detected using CCTV and other surveillance methods. The system would analyse the pitch of people's voices, the way their bodies move and track individuals within crowds.

Intelligence gathered by Indect, Adabts and other such systems could be used by a little-known body, the EU Joint Situation Centre (SitCen), which critics claims is effectively the beginning of an EU secret service, likely to develop into "Europe's CIA".

<http://www.telegraph.co.uk/news/uknews/6210255/EU-funding-Orwellian-artificial-intelligence-plan-to-monitor-public-for-abnormal-behaviour.html>

'Drugs worse than terrorism...utterly mad'

"The greatest social menace of the new century is not terrorism but drugs, and it is the poor who will have to lead the revolution," Simon Jenkins wrote in *The Guardian* last month.

"The global trade in illicit narcotics ranks with that in oil and arms. Its prohibition wrecks the lives of wealthy and wretched, east and west alike. It fills jails, corrupts politicians and plagues nations. It finances wars from Afghanistan to Colombia. It is utterly mad."

<http://www.guardian.co.uk/commentisfree/2009/sep/03/drugs-prohibition-latin-america>



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INTERNATIONAL BRIEFS

Iran protestor died of 'abuse, neglect': The son of an adviser to a prominent Iranian conservative politician had died of "physical stress, conditions of imprisonment, repeated blows and harsh physical treatment." The semi-official *Mehr News Agency* reported "informed sources" said the medical examiner found Mohsen Ruholamini, 25, died of abuse and neglect after being held in the Kahrizak detention center and then being transferred to Evin prison under "unsuitable conditions." He was one of hundreds of people arrested as mass protests swept major Iranian cities after President Mahmoud Ahmadinejad claimed a landslide victory in June, and one of dozens who died. <http://www.nytimes.com/2009/09/01/world/middleeast/01iran.html?th&emc=th>

Law professor questions age of consent: A Cambridge University Law professor, John Spence, has created controversy in England by suggesting the current age of consent of 16 ignores reality. More than half of all teenagers have their first sexual experience by the age of 14, according to the UK's National Survey of Sexual Attitudes and Lifestyles. "All these sexually active young teens are branded by the law as criminals and sex offenders, lumped together with pedophiles – how can this be right?" asks Peter Tatchell, writing in *The Guardian*.

<http://www.guardian.co.uk/commentisfree/libertycentral/2009/sep/24/sex-under-16-underage>

Study shows ex-soldiers predisposed to prison: The proportion of war veterans in prison in the UK has risen by more than 30% in the past five years, according to a study by the probation officers' union, Napo. The snapshot of 90 probation case histories of convicted veterans shows a majority with chronic alcohol or drug problems, and nearly half suffering from post-traumatic stress disorder or depression as a result of their wartime experiences on active service in Northern Ireland, Bosnia, Iraq and Afghanistan. They are most likely to have been convicted of a violent offence, particularly domestic violence. The study provides the strongest evidence yet of a direct link between the mental health of those returning from combat zones, chronic alcohol and drug abuse and domestic violence. It is not known if there is an equivalent study for Australia.

<http://www.guardian.co.uk/uk/2009/sep/24/jailed-veteran-servicemen-outnumber-troops>

Hate speech raises rights concerns: The Canadian Human Rights Tribunal ruled last month that section 13 of the Canadian Human Rights Act – legislation against hate messages – unreasonably limits the right to freedom of expression. The issue revolves around the same question posed in Australia: does banning hate speech limit freedom of speech. CLA believes it does.

<http://www.lifesitenews.com/ldn/2009/sep/09090209.html>

Thailand resumes executions: Thailand has resumed judicial killing after a six-year hiatus by executing two men by lethal injection at Bang Khwang prison. Bundit Jaroenwanit, 45, and Jirawat Poompreuk, 52, were convicted of drug trafficking on 29 March 2001 and sentenced to death. It was reported they were only given 60 minutes' notice before the executions were carried out.

2030 vision sees a 'perfect storm': As the world's population grows, competition for food, water and energy will increase. Food prices will rise, more people will go hungry, and migrants will flee the worst-affected regions – that's the simple idea at the heart of the warning from John

Beddington, the UK Government's chief scientific adviser, of a possible crisis in 2030. Specifically, he points to research indicating that by 2030 "a whole series of events come together": the world's population will rise from 6bn to 8bn (33%); demand for food will increase by 50%; demand for water will increase by 30%; and demand for energy will increase by 50%. He foresees each problem combining to create a 'perfect storm' in which the whole is bigger, and more serious, than the sum of its parts. Report: <http://news.bbc.co.uk/2/hi/science/nature/8213884.stm>

Thai gets 18 years for insulting monarch: A Thai court has sentenced an outspoken anti-coup activist to 18 years jail for insulting the monarchy in speeches during political rallies. Daranee Charnchoengsilpakul, 46, was charged with violating Thailand's lese majeste law, which mandates a jail term of 3 to 15 years for anyone who "defames, insults, or threatens the King, the Queen, the Heir-apparent, or the Regent." Daranee, nicknamed 'Da Torpedo' for her aggressive speaking style, has been detained without bail since July 2008 for making speeches deemed insulting to the monarchy at public political gatherings. The court sentenced the woman, a journalist-turned-activist, to six years in prison for three different remarks, said Judge Phrommaj Poosae.

<http://www.aol.com.au/news/story/Thai-woman-gets-prison-term-for-insulting-monarchy/1259711/index.html>

Control orders system being reviewed: The British Home Secretary, Alan Johnson, has ordered a wholesale review of control orders after a law lords ruling that "secret evidence" must not be used to place people under a regime that includes a 16-hour curfew. The court ruled last year that terror suspects placed on control orders should be told about secret evidence used against them. The orders restrict their movements and whom they can see.

<http://www.guardian.co.uk/politics/2009/sep/16/control-order-review-secret-evidence>

Yahya says 'No-No' to human rights workers: Gambian President Yahya Jammeh's threatened late last month to kill human rights defenders and other "saboteurs". President Jammeh's threat was made on state television before he left for a UN General Assembly meeting. Reports quote President Jammeh saying: "If you are affiliated with any human rights group, rest assured that your security is not guaranteed... we are ready to kill saboteurs... I will kill anyone who wants to destabilize the country." Human rights groups in Gambia and across Africa have responded with a petition to see the African Commission for Human and Peoples' Rights removed from Gambia to another country. <http://www.dd-rd.ca/site/media/index.php?id=3031&subsection=news>

DATES:

1-2 Oct, Canberra: Sex Discrimination Act Silver Anniversary conference, plus its future in light of a possible Equality Act and a Charter of Human Rights, Old Parliament House & The National Museum of Australia. Info: http://law.anu.edu.au/coast/events/sex_discrim/conference.htm

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

7 Oct, Canberra: Death and Dying in Multicultural Australia forum, chair Phillip Adams, National Museum of Australia, 7-9pm

7-9 Oct, Canberra: Aust and NZ Sports Law Assn conference: www.anzsla.com.au

4-9 Oct, Madrid, Spain: Int'l Bar Assn annual conf.: <http://www.int-bar.org/conferences/Madrid2009/>

18 Oct, Canberra: CLA Spring BBQ, 4-7.30pm, advise secretary@cla.asn.au if you are coming, and how many people you are bringing.

29 Oct, Canberra: Conference on the International Court of Justice's first matter, the Corfu Channel Case. <http://law.anu.edu.au/coast/events/Corfu/conf.htm>

29-31 Oct, Frankfurt, Germany: World Religions and their Influence on Legal Systems: <http://globalday.legal-profession.org>

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

11-14 Dec, India: 10th International Conference of Chief Justices of the World - Global Symposium, <http://wmgd.net/symposium/2009/invitation.html>

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

27–28 Nov, Sydney: International Conference on HR in A-P Region, Sydney Law School, details: law.events@usyd.edu.au or <http://www.law.usyd.edu.au/events> or ph 0 9351 0238

10 Dec, world: Universal human rights day

2010:

20 Feb, worldwide: World Day of Social Justice

16–17 March, Melbourne: Human Rights Conference, Victorian Equal Opportunity and Human Rights Commission, at the Melbourne Park Function Centre. Call for abstracts open until 3 Nov.
<http://www.humanrightsconference.com.au/>

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

9–10 June, Wollongong: ISTAS 10 - Social Implications of Emerging Technologies conference, Novotel Northbeach, Details: Katina Michael at: katina@uow.edu.au More info: www.ieeessit.org

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

15–18 June, San Jose USA: Computers, Freedom and Privacy conference converges for the first time ever in Silicon Valley. Details: <http://cfp.acm.org/wordpress/?p=6>

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

LAST WORD: Sex offenders turn into pumpkins on Halloween

The US Court of Appeals for the Eighth Circuit last year upheld a Missouri state law designed to prevent registered sex offenders from participating in Halloween activities.

The law requires sex offenders to post a sign reading "*No candy or treats at this residence*," to turn off porch lights, to avoid Halloween-related activity with children, and to remain in their homes on Halloween between 5pm and 10:30pm unless there is just cause to leave.

Missouri Governor Matt Blunt said last year that he had signed tough legislation to increase penalties for sexual predators, particularly those who commit crimes against children. A report by Human Rights Watch found it unclear whether sex offender laws "do more harm or good".



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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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