

Table of Contents

Greens try to weasel out of election ‘fraud’	1
<i>LAST WORD:</i> Children spared naked scanning	2
Doomadgee Palm Island death inquest to re-open	2
Queensland bikie laws learn – but wrong lesson – from SA fiasco.....	2
Assisted suicide bill passes first stage in SA Parliament	3
Senate Committee wimps out of anti-terror laws reform	3
Government must consult to end NT discrimination.....	4
Freedom of non-belief to get airing in Melbourne.....	4
A-G starts softening-up process on human rights charter.....	4
Queensland jails break law, abuse prisoners’ rights: Ombudsman	5
UN report, with Down Under connections, calls for migration support	5
Stun guns should be scrapped after ‘fire in back’ warning, says lawyer	6
Bikie laws ‘limit’ power of courts	6
Uni lecturer criticises ‘pure evil’ and ‘little turds’ comments	7
Government agrees to beef up some privacy laws	7
WA’s Chief Justice says law and order policy erroneously based	8
Van death firm wins new secure transport contract in Victoria.....	8
Police bullies cost NSW \$40,000 in compensation	8
SA Upper House passes bill for an ICAC	9
CLA joins worldwide bid to raise privacy standards	9
Post office becomes hub of national ‘Big Brother’ network	9
NT Supreme Court asked to place a bet on the side of a fair go	10
New electric chair pics up an inside job.....	10
Howard’s military law fiasco comes home to roost.....	10
Idea of protecting Aussie data gets a boost in the polls	11
AFP spends \$1.57m on 78 witnesses	11
Abjorensen will take revisionist approach to Deakin	11
Voting: what are the likely dates?	11
Police plan to snoop on social networking sites	12
CLA’s main activities - October 09	13
Alston says US drone bombing illegal	14
Government plan for secret inquests causes outrage.....	15
Doctors act to shorten period of pain surrounding death	15
CIA buys ability to suss out social media	16
Obama wants reporters to carry a small shield only	16
USA plans 150 more see-through scanners.....	16
Innocent man to be freed after 17 years in jail	16
Prisoners swapped like pawns to avoid inspections	17
USA developing heat rays to control civilians	17
Cops log on to produce huge database.....	18
Felons let out early to save \$millions.....	18
Clinton speaks up for freedom to speak out.....	18
FBI will have your whole body numbered.....	18
Alcohol, tobacco worse than cannabis, ecstasy: (sacked) drugs professor	18
<i>LAST WORD:</i> Children to be spared see-through scanning	21

Greens try to weasel out of election ‘fraud’

The Australian Greens are trying to use weasel words to explain away their inappropriate choice of candidate for the Higgins by-election on 5 December.

They have chosen Dr Clive Hamilton, the poster boy for Labor Senator Conroy in his rabid campaign to censor the internet in Australia, for which Senator Conroy has been voted ‘Internet International Villain of the Year’.

Dr Hamilton jumped on board the censorship bandwagon early and with a flourish. He endorsed a virtual "anything goes" approach to government censorship. It didn't matter how slow the internet got, or how the government curtailed people's freedoms to access information...all would be OK under the dictatorial approach of Dr Hamilton.

For years Dr Hamilton had worn sheep's clothing as head of the Australia Institute, but he suddenly revealed he was a wolf when it came to denying people freedom of information, expression and communication.

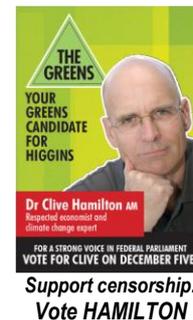
His candidacy for Peter Costello's vacated Victorian seat has forced the Green's Communications spokesperson, Senator Scott Ludlam, into impersonating a pretzel. He said:

"The Greens position on the Government's proposed internet filtering plan remains the same – we have serious concerns over the viability of the scheme being put forward by Communications Minister Conroy. Dr Hamilton has, in the past, outlined his support for any system designed to prevent children accessing pornography online – a sentiment that the Australian Greens fully support.

"We are still awaiting an actual policy from the Government – the Greens will make a final call once we've seen the trial results and some hint of an actual policy from the Government," Senator Ludlam said.

So, do the Greens change their avowed policy against internet censorship, or does Dr Hamilton change his repressive philosophy supporting internet censorship?

The two are absolutely incompatible, and for Dr Hamilton to stand on a Greens ticket will be a political fraud in Higgins on either his or the party's behalf...depending on how the question is answered.



LAST WORD: Children spared naked scanning

A new scanner at Manchester Airport in England produces "naked" images so detailed and invasive that they likely violate child pornography laws.

Just days into a year-long trial of the scanners (already trialled in Australia), children have been excluded from the scanning process at Manchester. *Read more at the end of this bulletin.*

Doomadgee Palm Island death inquest to re-open

Queensland's Deputy Chief Magistrate, Brian Hine, will re-open the inquest into the death of Cameron (Mulrunji) Doomadgee on 20 November 2009 in Townsville.

Mr Doomadgee, 36, died in the watchhouse of Palm Island, off Townsville, in 2004, not long after being put in a cell by a police officer. An autopsy showed he died from a ruptured liver and four broken ribs, the announcement of which sparked a riot on the island.

The first coronial inquest stalled when the coroner stood down amid claims of bias. A second inquest in 2006 by Deputy Coroner Christine Clements found Queensland Police Senior Sergeant Chris Hurley caused the fatal injuries.

Reportedly for the first time in Australia's history, a police officer went on trial for manslaughter over a death in custody, despite about 150 Indigenous people dying in custody since the early 1990s.

In June 2007, Sergeant Hurley was acquitted of manslaughter.

After several legal challenges to the original evidence, Queensland's Court of Appeal ruled the inquest into the death be reopened.

<http://www.abc.net.au/news/stories/2009/10/07/2707229.htm>

Queensland bikie laws learn – but wrong lesson – from SA fiasco

Queensland has redrafted its bikie laws to withstand High Court challenges in light of the ruling in the SA Supreme Court over similar legislation in that state.

The new Queensland legislation, introduced by Attorney-General Cameron Dick last month, is expected to pass this month.

The Qld police commissioner would ask the Supreme Court to declare an organisation, such as a bikie gang, as a criminal organisation. The SA legislation failed in that state's Supreme Court because the declaration was an administrative act, made by the A-G, not by a court.

Once declared criminal in Qld, individuals within the organisation could be subjected to control orders, such as stopping them working in the gaming, security or liquor industries, congregating at particular places or meeting with particular people.

Anyone faces up to five years' jail if they ignore the order.

While Qld has learned a literary drafting lesson, the fundamental problem still remains that the evidence put before the Supreme Court by the Police Commissioner would be secret, and could not be known to or challenged by the body to be 'declared'.

Any law that secretly singles out one organisation – bikies this year, but maybe unionists next year and civil liberties groups the year after – is wrong in principle and practice.

Assisted suicide bill passes first stage in SA Parliament

A private member's bill to permit assisted suicide in South Australia passed the second reading stage in a late-night sitting late last month.

Greens MP Mark Parnell's bill won a vote 11-10 with support from Independent MP Ann Bressington at the second reading stage. The bill is now in the committee stage, after which it must pass a third reading before being sent to the lower house.

If it makes it that far, the two major parties will allow a conscience vote. However, the parliament may rise for an election before the bill can get that far.

Meanwhile Switzerland is considering tightening its liberal assisted suicide provisions – the Swiss Parliament is likely to vote on the issue in March 2010. There are about 400 cases of assisted suicide in Switzerland annually, about 130 of them involving patients from abroad.

The parliament will debate whether Swiss law is too liberal in relation to foreigners.

Senate Committee wimps out of anti-terror laws reform

The Senate Legal and Constitutional Affairs Committee (known by the acronym SLAC) has wimped an opportunity to place on the record a series of recommended changes that the government should consider across anti-terror legislation.

Instead, the committee has forfeited credibility by refusing to make recommendations after a four-month process of considering a private member's bill by Australian Greens Senator, Scott Ludlam. Thousands of hours of work went into 26 submissions to the committee by individuals and groups, particularly from the Muslim community, but also from such bodies as the Law Council of Australia. But the best the SLAC could produce was this:

"The committee makes no formal recommendation about the passage of this Bill but has used this inquiry process as a mechanism to further the public discussion on ways to improve laws relating to terrorist activity in Australia. To this end, the committee will forward to the Attorney-General copies of this report, along with Hansard transcripts and submissions to the inquiry so that they might assist him in progressing the consultation currently underway on the national security legislation framework."

What a waste of time, money, effort by the community...and goodwill by SLAC. The committee owes the community an apology.

The Bill introduced in the Senate on 23 June 2009 by Senator Ludlam sought to amend the Criminal Code Act 1995 (CCA), the Crimes Act 1914 (CA), and the Australian Security Intelligence Organisation Act 1979 (ASIO Act), and to repeal the National Security Information (Criminal and Civil Proceedings) Act 2004.

The Explanatory Memorandum described the Bill's purpose as the restoration of 'core democratic principles into Australian laws dealing with terrorism offences'.

It looks like Australia's anti-terror laws will continue to lack 'core democratic principles', as apparently does the SLAC committee.

http://www.aph.gov.au/senate/committee/legcon_ctte/anti_terrorism/report/report.pdf



[To Table of Contents](#)

Government must consult to end NT discrimination

The Law Council of Australia has warned the Federal Government to redesign the intervention in partnership with affected communities to fully restore human rights for Aboriginal people in the NT. New legislation aims to make the NT Intervention conform with the Racial Discrimination Act.

The NT Intervention has been declared contrary to Australia's international treaty obligations by the UN Human Rights Committee, the UN Race Discrimination Committee, the Australian Human Rights Commission, the UN Special Rapporteur on Indigenous Human Rights and the Government's independent 12-month review into the NT Intervention.

The LCA also rejected the notion that the NT Intervention is comprised of "special measures", within the meaning of the term in international law, citing lack of evidence that they are supported by the majority of those affected.

LCA President John Corcoran said measures such as compulsory income management, bans on judicial consideration of customary law in bail, and sentencing and restrictions on alcohol are highly discriminatory. "It is clear many affected communities do not support the measures and there are doubts as to whether they are improving the lives of Aboriginal men, women and children," he said.

Freedom of non-belief to get airing in Melbourne

A conference in Melbourne for the true non-believers sold out its premium tickets within days of the announcement.

The *Rise of Atheism – Global Atheist Convention* will be held in Melbourne at the Convention and Exhibition Centre from 12-14 March 2010.

Organisers claim the conference is sending a strong message that atheism is gaining momentum as a political issue in Australia.

President of the Atheist Foundation of Australia (AFA), David Nicholls of Maitland SA, said: "Non-religious Australians are fed-up with an unrepresentative Christian minority influencing important civil rights issues like abortion, euthanasia, stem cell research and gay marriage – all issues which the majority of Australians support."

Atheists claim surveys show that only 7.5% of Australians attend church regularly. Official Census figures show Australia's 'non-religious' make up 20% of the population, but Nicholls estimates that non-believers in Australia are probably closer to 50%.

A survey by Germany's Religion Monitor (2008) found that 31% of Australians do not believe in God, a divine power or life after death, while a further 26% were uncertain to varying degrees.

Source: *Religion Monitor (2008)*, 'Australia: High level of religious identity paired with low level of Belief', Bertelsmann Stiftung Foundation, Sydney/Gütersloh (Germany).

More conference information: <http://www.atheistconvention.org.au>

A-G starts softening-up process on human rights charter

Attorney-General Robt McClelland is starting to carve out a position for the government which is far short of implementing a charter of rights for Australia.

In a media release last month, he noted that the National Human Rights Consultation Committee report "has also shown that there are many other important ways to protect and promote human rights including, for example, through enhanced education and improved parliamentary scrutiny".

"The key debate, therefore, is not about whether we protect human rights – it is about how we protect human rights."

The Consultation has demonstrated that there are many views on how human rights and responsibilities should be protected, promoted and realised, including on the merits of a Human Rights Act.

CLA's position has always been that the Parliament should take over the process of considering a human rights instrument: it should be removed from the Executive, who currently control the issue.

A review of the report is on the CLA website: <http://www.cla.asn.au/>

Queensland jails break law, abuse prisoners' rights: Ombudsman

The Queensland jails system is in chaos. It is a black hole, from which the rule of law is absent and major denials and abuses of prisoners rights go unrecorded, unwatched and unpunished.

Though dramatic, this is the only possible conclusion from the latest report of the Queensland Ombudsman, David Bevan, after a year-long inquiry he mounted as an 'own initiative' investigation into the state's jails.

He found systemic deficiencies in the management of discipline in Queensland prisons, including a failure to comply with the law.

CLA believes the Queensland system may be the worst in Australia...but all 'corrective' systems throughout Australia need a magnifying glass applied to them. It is too many decades since a Royal Commission into Prisons put the spotlight on the hidden abuses of Australian jails.

While running and working in jails is a tough job, the system does not have to be bestial, and it should not break the law: if it does, prison chiefs and warders should go to jail. They should not be above the law, CLA believes.

The report makes 39 recommendations, including monitoring officers' compliance with the law, providing extra training and changing disciplinary procedures. The Chief Inspector of Prisons has been asked to report back in 18 months.

"The inspector will be busy as just three months ago he was tasked with doing another review of officers' compliance with procedures," the *World Today* reported.

That stemmed from an ombudsman's report in July that found a widespread lack of accountability about inmates' security conditions and transfers between jails. In one case, that report said, laws governing prisoner information had been contravened.

The ombudsman had instigated that inquiry after learning that earlier recommendations, about an inmate being wrongly kept in a high security jail, had been ignored.

Queensland Corrective Services (QCS) 'is responsible for managing Queensland's 11 publicly-run and two private correctional centres, which incorporate a variety of high and low security facilities. Until 26 March 09, QCS was a department of the Queensland Government until March 09, when it became part of the Department of Community Safety.

World Today report: <http://www.abc.net.au/worldtoday/content/2009/s2726498.htm>

CLA's fuller coverage of the report: <http://www.cla.asn.au/>

See also: **Prisoners swapped like pawns to avoid inspections** in International section below.

UN report, with Down Under connections, calls for migration support

Supporting migration – both within and between countries – could improve the lives of millions worldwide, according to the UN's 2009 Human Development Report launched last month in Bangkok, Thailand.

Nearly one billion people, or 1 in 7, are migrants according to the report, *Overcoming barriers: Human mobility and development*.

Migration can enhance human development for the people who move, for destination communities and for those who remain at home, the highly topical report says.

"Migration can be a force for good, contributing significantly to human development," says UN Development Program (UNDP) Administrator Helen Clark, the former NZ Prime Minister. "But to realize its benefits, there needs to be a supportive policy environment as this report suggests."

This migration report is one of a 19-year UN series on the most pressing challenges facing humanity, from climate change to human rights. Dr Jeni Klugman who led the team which produced the 2009 Report, is an Australian (and is the eldest daughter of CLA President, Dr Kristine Klugman). *Photo shows Clark, Thai PM Abhisit Vejjajiva and Klugman at the launch.*



The report lays out core reforms, six 'pillars', calling for:

- Opening existing entry channels for more workers, especially those with low skills;
- Ensuring human rights for migrants, from basic services, like education and health care, to the right to vote;
- Lowering the transaction costs of migration;
- Finding collaborative solutions that benefit both destination communities and migrants;
- Easing internal migration; and
- Adding migration as a component for origin countries' development strategies.

The 2009 UN report does not advocate wholesale liberalization of international migration, since people at destination places have a right to shape their societies, it says. But it argues there is a strong case for increased access where there is high labour demand, including for the low-skilled.

This is particularly important for developed countries because their populations are aging, which may increase the demand for migrant workers, the report says.

<http://hdr.undp.org/en/reports/global/hdr2009/news/title.19319,en.html>



[To Table of Contents](#)

Stun guns should be scrapped after 'fire in back' warning, says lawyer

A manufacturer's recommendation that a particular brand of stun gun not be aimed at a person's chest is proof the weapons are lethal and should be scrapped, according to a Queensland lawyer.

Manufacturer Taser International recently issued changed training advice after years of controversy over the impact of the stun guns on the human heart. An Amnesty report showed stun guns were suspected of contributing to death in more than 300 cases in North America over a few years.

There are two cases pending in Queensland in which stun guns are suspected of causing or contributing to people's death.

Criminal defence lawyer Jim Coburn of law firm Ryan and Bosscher said the official warning from Taser was a "spectacular disclosure of the possible health risks from firing the devices into a person's chest and seriously undermined Queensland police and state government assurances that Tasers were safe to use," according to a report by Robyn Ironside in the *Courier Mail*.

Queensland's Police Union has also criticised the directive, calling it impractical. "The decision by Taser makes it almost impossible for police who are using Tasers," said QPU general president Ian Leavers. "It's just not practical to ask a suspect to turn around so they can be Tasered in the back."

A joint Queensland Police Service–Crime and Misconduct Commission report released last month recommended police be prohibited from aiming Tasers at a person's face, neck or eyes.

http://www.news.com.au/couriermail/story/0,20797,26204278-3102,00.html?from=public_rss

Bikie laws 'limit' power of courts

A review of SA's anti-bikie laws has found the legislation seeks to limit the power of the courts.

Retired district court judge Alan Moss says that is the intent of the laws, and that they are being applied appropriately.

Mr Moss says the legislation goes against the rules of natural justice and has a built-in bias that cannot be avoided. But he has found information to declare the Finks Motorcycle Club an outlaw organisation was generally reliable.

The Attorney-General, Michael Atkinson, says his findings confirm the powers are being applied appropriately. "It is pleasing that a retired judge has analysed this process," he said.

Shadow A-G Vickie Chapman says the Government has an agenda. "What the Attorney-General has done is to give a description of the review to bolster his decision to take it to the High Court," she said.

On 20 Oct 09, the South Australian Government formally lodged an appeal in the High Court against the SA Supreme Court ruling on its anti-bikie laws. In September the Supreme Court found in favour of the Finks Motorcycle Club, declaring that a part of the Act concerning control orders was invalid.

For CLA's analysis of the SA Supreme Court decision:

http://www.cla.asn.au/0805/index.php/articles/2009/supreme-court-rules-bikie-law-invalid?zoom_highlight=bikie+supreme

Moss report story: <http://www.abc.net.au/news/stories/2009/10/13/2713179.htm>

Uni lecturer criticises 'pure evil' and 'little turds' comments

Adelaide Uni criminology expert Dr Allan Perry last month slammed comments by politicians that members of an Aboriginal gang were "pure evil" and "little turds".

Such comments only encourages their behaviour, Dr Perry said.

A reported 50-member gang has been accused of a five-week rampage, including armed hold-ups and home invasions.

SA's Attorney-General Michael Atkinson called them "pure evil" and beyond rehabilitation. "We are dealing with an evil phenomenon. We are dealing with a criminal gang, gunmen, who go round in gangs hitting soft targets. This is about pure evil," he said.



His Opposition counterpart Vicky Chapman (*pictured*) said: "These are children who are really little turds, let's be honest, they really are difficult children and they have got all sorts of hideous backgrounds and they're nasty little pieces of work," she said.

Dr Perry said the politicians' emotional outbursts didn't improve things. "I'm afraid all it does is reinforce the extremely inefficient punishment paradigm that has characterised the correction system in SA for a very long time."

"For senior government officials and Opposition officials to come out in this sort of way, I think increases the (gang members') sense of celebrity," he said. "It's been done purely for political reasons, which is what so much of criminal justice policy is underpinned by and why overall it's so ineffective." <http://www.abc.net.au/news/stories/2009/10/13/2713166.htm>

Government agrees to beef up some privacy laws

The Australian Government has decided to largely implement 197 of 295 recommendations made by the Australian Law Reform Commission's privacy report.

ALRC President David Weisbrot said the government has accepted 141 of the 197 recommendations in full or in principle, with another 34 recommendations accepted with qualification and two others noted but not requiring action.

The ALRC report – *For Your Information: Australian Privacy Law and Practice* (ALRC 108) – was released in August 2008 after two years of research and international benchmarking as well as the largest community consultation exercise in ALRC history.

Cabinet Secretary and Special Minister of State, Senator Joe Ludwig, last month said the government's first stage response focuses on the foundations: a clear and simple framework for privacy rights and obligations, including

- a harmonised set of Privacy Principles;
- redrafting of the Privacy Act to make it more accessible;
- new comprehensive credit reporting framework;
- improvements in health sector information flows; and

- enhanced powers for the Privacy Commissioner.

There will be an exposure draft of the new legislation in early 2010.

The remaining 98 ALRC recommendations – which consider such important matters as the removal of exemptions, a scheme for compulsory data breach notification, and the creation of a cause of action for serious invasions of personal privacy—will be considered in Stage 2 of the Australian Government response.

The ALRC report, information on its recommendations and the full text of the Australian Government's response are available at www.alrc.gov.au

WA's Chief Justice says law and order policy erroneously based

WA's Chief Justice Wayne Martin last month said state government policy was driven by a misinformed public who wrongly believed crime rates were spiralling and judges were too soft.

"Alarm arises from the fact that public perception appears to be driving public policy, and in particular driving the parliamentary branch of government to respond to perceived problems, which do not in fact exist," CJ Martin told journalism students at Curtin University.

"Many in our community consider that our community is being swamped by a wave of crime of tsunami-like proportions, to which the judiciary is responding insipidly with increasingly lenient sentences. Neither of these things is true."

The general imprisonment rate per capita had more than doubled over the past two decades, whereas offending rates per capita were about constant, or had fallen.

<http://www.news.com.au/perthnow/story/0,21598,26217512-2761,00.html>



[To Table of Contents](#)

Van death firm wins new secure transport contract in Victoria

A company has won a new five-year contract to transport prisoners in Victoria after being implicated in the death of a man it was transporting in custody in WA early last year.

A coroner found the private security company, G4S, contributed to the death of 46-year-old Ian Ward, who died of heat stroke during a 360km journey in WA early last year.

Company spokesman Tim Hall said the WA incident involved misconduct by two escort officers, and does not mean the company is unfit to transport prisoners in another state.

The WA coroner said the Aboriginal elder's death in searing desert heat was a disgrace, as the van was "not fit for humans" but the WA Government has decided not to terminate the contract of G4S.

<http://www.abc.net.au/news/stories/2009/10/04/2704263.htm>

Police bullies cost NSW \$40,000 in compensation

A female criminal lawyer, minding her own business on a train on the way to a bushwalk, was harassed by two patrolling NSW police who claimed she had taken a photo of them.

They threatened arrest for photo-taking – which is not illegal – and forced her off the train.

Then eight other police arrived as back-up to help detain the lawyer woman on a station platform...but after 30 minutes the Ploddery (that is, the combined police brains trust, on the station and being consulted by phone) couldn't work out any offence to charge her with, so they let her go.

After she phoned the local police station later in the day to complain, a false entry was lodged in the police computer system* that she had been committing a terrorism offence by taking a photo of railway property.

(* *The acronym for the police computer system is...COPS. Who would have thought!*)

Ultimately, the matter ended up in the District Court recently, where lawyer Andrea Turner was awarded \$40,000 compensation for wrongful arrest and false detention.

None of the assembled or phone-consulted plods have been counselled, reprimanded or re-educated. The NSW Police tradition continues: everywhere else in society, bullying is frowned upon...but among NSW police it appears to be condoned at the very least.

Oh, by the way, in NSW the privacy principles – even the accuracy principle – have been found not to apply to the NSW Police COPS database, so correcting any wrongfully-entered record is a matter of grace and favour of the Plodderly. At what stage does a state become a police state?

<http://www.smh.com.au/national/compensation-for-lawyer-after-wrongful-arrest-20091005-gjfk.html>

SA Upper House passes bill for an ICAC

The South Australian Parliament's Upper House has passed a bill to appoint an independent commission against corruption (ICAC) in the State.

Robert Brokenshire of Family First introduced the private member's bill, which gained support from the Opposition, Greens and independents, but was opposed by the Labor Government's Upper House members.

The bill may now go to the House of Assembly...or could be delayed and then die from the proroguing of parliament in readiness for the March 2010 election.

Labor MP Ian Hunter says the bill is poorly constructed, "fatally flawed" and a commission would be an expensive folly, according to an *ABC Radio* report. Labor Premier Mike Rann says he favours a national model. Mr Brokenshire says the the SA public want an ICAC.

SA's Director of Public Prosecutions Stephen Pallaras, in his annual report to Parliament, said an independent commission was inevitable. But the state's 68 councils, holding their annual general meeting in Adelaide late last month, voted overwhelmingly against setting up an anti-corruption watchdog.

<http://www.abc.net.au/news/stories/2009/10/15/2714592.htm>

CLA joins worldwide bid to raise privacy standards

CLA has joined organisations throughout the world in the bid to raise privacy standards.

Global Privacy Standards in a Global World (<http://thepublicvoice.org/events/madrid09/>) is being held on 3 November, just preceding the *31st International Conference of Data Protection and Privacy Commissioners* (<http://www.privacyconference2009.org/privacyconf2009/home/index-iden-idweb.html>) in Madrid from 4 to 6 Nov.

The first event will include the public launch of a 'Civil Society Declaration' which is intended to influence the work that is going on in several international forums (OECD, APEC, ISO, EU etc) towards a 'global privacy standard'. The declaration amounts to a 'log of claims' by civil society, liberty and rights groups. CLA supports the move.

The declaration text is at <http://thepublicvoice.org/madrid-declaration>

Post office becomes hub of national 'Big Brother' network

Australia Post is introducing technology so staff at its 4443 retail outlets can take fingerprints, biometric scans and digital signatures from customers applying for bank accounts, passports and other services.

The government-owned corporation is secretly testing the Big Brother technology at 25 outlets after its directors approved funding for the project at a March board meeting.

Australia Post plans to install the data capture equipment at 375 outlets by the end of June, followed by another 400 in 2011, according to George Lekakis, writing in the *Herald Sun* last month.

Trials for the "Identification Services Program Project" are being held at 25 Australia Post-owned outlets in NSW and Western Australia, but the corporation is also planning to install the technology at 2000 privately managed post offices nationwide.

<http://www.heraldsun.com.au/news/privacy-fears-on-post-office-push/story-e6frf7jo-1225788507694>

NT Supreme Court asked to place a bet on the side of a fair go

A Full Bench of the NT Supreme Court will consider a case on 3 November, Melbourne Cup Day, in which a NT man who has been convicted and served time for a relatively minor marijuana crime is being sued civilly under the Territory's criminal property forfeiture laws for a massive sum.

The man, offshore oil rigger Lloyd Green, who does not appear to be connected with mafia interests or bikie gangs, grew 18 marijuana plants hydroponically on a large rural property he was renting.

For growing the pot, and making one sale of cannabis, he was sentenced to two years jail, suspended into nine months home detention, which he completed.

After serving his time, the NT Director of Public Prosecutions took him to the Supreme Court, in its civil jurisdiction, claiming the value of the property on which the marijuana was grown.

The large rural property was valued at \$1.5m, so that Mr Green is liable to pay \$1.5m compensation for growing 18 marijuana plants on the rented land...on top of already paying for his crime through a criminal sentence.

The case raises basic issues of fairness and justice in Australian law, and may have significant ramifications for property owners and people who 'control' property. There is also an issue of whether a spouse's share of property can be caught up in such unconscionable laws.

Similar criminal property forfeiture legislation exists in every State, and federally. As well, the Australian Government is beefing up its 'proceeds of crime' legislation to be even more draconian in terms of seizing assets without notifying the owner in advance.

People at the top end of town are so far unaware of how the proposed federal legislation could be used to target them and their frequent acquaintances... at lunch, racetrack, church, charity or club.



[To Table of Contents](#)

New electric chair pics up an inside job

Queensland is getting an electric prison chair which takes unique photos.

The new body cavity scanning chair will produce X-ray images of the insides of inmates, doing away with physical body cavity searches, according to Corrective Services Minister Neil Roberts. Prisoners will be kept in isolation until any contraband has been removed or "passed".

The first \$18,000 chair (*pictured*) will go to Borallon Correctional Centre, near Ipswich.

Queensland Corrective Services also plans a new radar surveillance system for its border fencing, as well as hand-held mobile phone detectors.

"Any prisoner caught with contraband in their possession risks up to two years additional jail time," Mr Roberts said.

In the past year, 16 prisoners were charged for possessing illegal items such as mobile phones, SIM cards, weapons, pornographic material and petrol.

Another 96 prisoners were charged with 104 offences relating to possession and supply of dangerous drugs, including amphetamines, opiates and cannabis.

More than 40 people visiting prisoners were charged with smuggling in drugs and weapons.

<http://www.news.com.au/couriermail/story/0,23739,26191136-3102,00.html>



Howard's military law fiasco comes home to roost

The Department of Defence has advertised in newspapers for anyone convicted under military law or regulations between October 2007 and 26 August 2009 to apply for a review of their case.

The legal fiasco results from the High Court striking down the Howard Government legislation that set up a separate Australian Military Court and system. Despite being warned the arrangement was unconstitutional, the Howard Government persisted.

Now the mess has to be unravelled in terms of every conviction or finding made under the illegal, "legal" system. Requests for review must be lodged by Defence people by 23 November.

Idea of protecting Aussie data gets a boost in the polls

Bank customers want the Federal Government to legislate to stop major banks from sending personal data to overseas processing centres.

In a national poll, 83% want the banks to get written permission from customers before sending personal details for offshore processing.

This was precisely the provision that CLA campaigned for when the Australian Law Reform Commission was considering privacy issues in relation to data. Once sent overseas, the full details of any Australian - travel history, accommodation preferences, drinking, entertainment or shopping likes, as well as full personal details – become available to a foreign power and subject to foreign laws.

Independent Senator Nick Xenophon wants the Government to embrace changes to consumer protection legislation – currently before parliament. The amendments would force banks to obtain written permission from customers before sending addresses, passport numbers and other key information to offshore centres.

<http://www.news.com.au/couriermail/story/0,23739,26258603-952,00.html>

AFP spends \$1.57m on 78 witnesses

The Australian Federal Police ran 34 active operations, protecting and assisting 78 people, under the National Witness Protection Program last financial year, which cost almost 50% more than the previous year.

Total expenditure on the scheme was \$1,570,620.88 – up \$522,872.36 on the \$1,047,748.52 spent on the scheme the year before (for some inexplicable reason, the AFP reports these annual witness protection figures down to the individual cents level – a degree of excess detail that makes the reporting suspect! Why report to the level of \$0.88 cents in a \$1.5m program?)

The total expenditure on witness protection in 08-09 was an increase of 49.9% year-on-year.

“AFP members deployed to WP are required to undertake a WP Skills Maintenance Training Program each year to maintain and enhance operational Witness Protection skills and performance during the reporting period,” the AFP’s report says.

Interesting! That means that protecting 78 people – many of whom are likely to be criminals themselves – involves a higher level of training requirement than exposing thousands of innocent bystander Australians to police chases every year. AFP vehicle drivers are NOT required to undertake any annual car-chase driving training or certification.

Abjorensen will take revisionist approach to Deakin

CLA member Dr Norman Abjorensen has won one of nine Australian Prime Ministers Centre Fellowships for 2009-10.

His project will “take a revisionist approach to Deakin seeking to explain the collapse of his social liberal constituency in the first decade of Federation. The project will be loosely based on George Dangerfield’s work *The Strange Death of Liberal England*.”

The fellowship program is designed to help researchers explore the history of Australia’s Prime Ministers and their contribution to Australian society. Fellowships are selected by an independent panel convened by the Museum of Australian Democracy.

http://www.smos.gov.au/media/2009/mr_422009.html

Voting: what are the likely dates?

Fixed or likely dates for elections throughout Australia (and NZ) over the coming three years.

Tasmania: March 2010

South Australia: Saturday, 20 March 2010

Victoria: Saturday, 27 November 2010

NSW: Saturday, 26 March 2011

Australia: Between 7 August 2010 – 16 April 2011; likely is a double dissolution in Sept 2010

New Zealand: November 2011

Queensland: early-2012

WA: mid-2012 (23 June 2012 – 4 May 2013)

NT: August 2012 (unless instability causes an earlier election)

ACT: 20 October 2012

Police plan to snoop on social networking sites

Cairns police plan to monitor mass party invitation sites online to pre-empt mass gatherings in secluded parts of Cairns at the end of the school year.

They'll be watching sites such as Facebook, Twitter and MySpace, the *Cairns Post* reported.

Intriguingly, the newspaper also reported that police would be "relying on sources for mobile phone text messages sending open invitations". Exactly how this was to be achieved was not made clear.

The police move followed about 500 revellers, well fuelled, turning up to one recent weekend party.

In the early hours of the morning, seven police crews attended for four hours, as well as paramedics, police said. Teenagers attending the same party claimed all was well until the mass police arrival and hundreds of young revellers were turned out on to the streets at the one time.

http://www.cairns.com.au/article/2009/10/30/72831_local-news.html



[To Table of Contents](#)

AUSTRALIAN BRIEFS

Govt fails to provide proper share of legal aid: Commonwealth funding for legal aid has been dropping sharply, with Law Council of Australia figures showing a steady decline since the late 1990s. In evidence provided this week to a Senate inquiry into access to justice, the LCA highlighted that the Commonwealth's share of legal aid funding has fallen about 20% between 1996/97 and 2009/10. In 1996-97, the Commonwealth's contribution, out of a total income for legal aid commissions around the country of \$264 million, was \$128 million – or roughly 50% of legal aid income. By contrast, the Commonwealth's contribution in 2009/10 has dropped to \$168 million from a total income of \$531 million – less than 32%.

SA's alternative Premier puts charge in her campaign: South Australian Opposition leader Isobel Redmond has offered to suffer the effect of being shot with a stun gun to prove the worth of the 50,000-volt electrical devices for police in the state. There is apparently no truth in the rumour that the idea was originally conceived to put more life into the Liberal's campaign for the 2010 election, where Labor Premier Michael Rann is way ahead in the polls. A major Amnesty report indicated stun guns may have been responsible for 300 deaths in America this decade. The major manufacturer has just issued a 'training instruction' that the weapons should not in future be aimed at the chest.

Laboratory mistake costs man jail sentence: A NSW laboratory mislabeled a tissue sample, which resulted in a man being sentenced to a jail term for a crime he did not commit. The man's conviction was annulled last month after NSW Health admitted the error. The mistake only emerged through discovery of an unrelated DNA blunder, but only after the man's nine-month suspended sentence had been served. – various newspaper sources, but see: <http://www.theaustralian.news.com.au/story/0,25197,26158490-5006784,00.html>

WA goes for 'tough on drugs' approach: WA is to do away with a two-plant cultivation limit for marijuana: growing any marijuana will be illegal. The government will also lower the amount attracting a criminal possession charge from 30g to 10g, scrap the infringement notice system for first offenders and force people caught with amounts under the limit to have compulsory counseling. Premier Colin Barnett hopes the new laws will cut the use of drugs: why he should want to cut the use of certain drugs when he doesn't impose similar rules on the use of alcohol, another drug, has not been explained...unless it is because alcohol brings in taxes. Why not regulate and tax other drugs in a similar fashion?

Govt keeps contract information secret: As many as 8 out of 10 "confidential" Federal Government contracts are being inappropriately shielded from public scrutiny, a National Audit Office survey has found. People are being denied information because public servants are wrongly classifying tender deals as "confidential". Of the 4592 contracts listed last year from five government agencies, 397 were identified on departmental websites as "confidential". In a sample of 115, the audit office found that 59 had nothing confidential in them, while 33 had confidential provisions that were not justified. That left only 23 – or 20% – that were correctly listed as "confidential". <http://www.theage.com.au/national/secretcy-fostered-by-public-service-20091017-h26x.html>

Judges to sit in dual jurisdictions: Justice Dodds-Streeton in February 2010 will become Australia's first judicial dual Federal-State appointee when she joins the Federal Court while continuing to sit as a Court of Appeal judge in Victoria. NSW is likely to follow suit shortly with a similar appointment.

Kirby supports independent review of criminal cases: Retired High Court judge Michael Kirby told an audience at Murdoch University in Perth last month that a nationwide institution should be set up to deal with potential miscarriages of justice. A dedicated institution like the Criminal Cases Review Commission in UK was needed so that cases carrying the hallmarks of wrongful convictions would be dealt with independently and quickly, he said. Kirby's comment came in support of the Innocence Project of WA which investigates cases of wrongful convictions.

McCallum appointed UN committee chair: Professor Ron McCallum chair of the UN Committee on the Rights of Persons with Disabilities. Prof McCallum is a leading Australian legal academic who was elected as a representative to the Disabilities Committee in November last year, the only Australian currently on a UN treaty body. In March, he was also appointed as the inaugural General Rapporteur with responsibility for reporting to the UN General Assembly on the recommendations and activities of the Committee.

CLA's main activities - October 09

Submissions

- War Powers Bill (private Member's Bill: Jessica Mohr, Lance Williamson, Bill Rowlings)
- Model Evidence Bill (Evidence Working Group of the Standing Committee of A-Gs (by invite, but requiring mandatory assurance of secrecy: various contributors)
- Inquiry into Machinery of Referendums (Dreyfus Inquiry: Tim Vines, Rhys Michie)

In preparation: Suicide Inquiry (members invited to contribute to submission: Kris Klugman et al)

No submission due to lack of resources: Inquiry into the Crimes Legislation Amendment (Serious and Organised Crime) Bill (No. 2) 2009

Campaigns:

Electoral Parity: Wayne Berry and ACT MPs: campaign to get near-equal value for ACT votes in federal elections: Liberals planning to introduce a Private Member's Bill following two years of

efforts by CLA; Labor appears to have reverted to being inactive, despite personal assurances by all three ACT MPs.

CensorFree: anti-internet censorship - member Arved von Brasch wrote article and had it published in several influential online ezines.

Meetings:

Anne Cahill-Lambert re board duties, organ donor campaign

Bill Stefaniak re advice on Electoral Parity campaign

Kelly Haines-Sutherland re internship paper on Bill of Rights for the Pacific

Prof Scott Prasser, Australian Catholic University, launch of Public Policy Institute

Prof Greg Craven, Vice-Chancellor, Australian Catholic University, re Bill of Rights

Seminar ANU Chris Michaelsen, Fergus Hanson on terrorists and legal responses

Michael Moore, meeting with former Seattle USA Police Chief Norm Stamper (*pictured, with CLA President Dr Kristine Klugman*) re new approach to drug laws

BBQ for around 40 ACT CLA members, families and friends, and potential new members

Bob Debus MP re Proceeds of Crime funds and ability for CL/HR groups to tap into funding

Dr Dierdre Pearce ANU, re potential for more young members from ANU colleges



[!\[\]\(d4a6cd25494365257969801de384a807_img.jpg\) To Table of Contents](#)

Media activity: (by spokesperson/Director Tim Vines):

Press release re stun guns lethal force

- Drivetime ABC Radio Cairns, Ginger Gorman, ID in nightclubs;
- WA Community Papers, various, Stop and Search Powers (WA);
- Media Release re Findings of the Human Rights Consultation Committee, various news papers;
- Radio interview, SBS Radio, Aboriginal incarceration rates;
- TV Interview with ABC Canberra and media release, ABC News Radio, re Murder definition change (although this was late September).

Complaints – follow-ups to previous issues:

Moama Police: re unauthorised entry by police - fail to leave when asked (ongoing, Kris Klugman)

Green case NT: Forfeiture of Property: Full Bench of NT Supreme Court hearing due 3 Nov (Ernst Willheim, Bill Rowlings)

Ombudsman: denial of access to client by lawyer, plus re complaint handling in general (Anthony Williamson, Kris Klugman)

Reports analysed:

Human Rights Consultation Committee Report: Kris Klugman, on website

Senate annual report: Bill Rowlings

ACCC annual report: Bill Rowlings

INTERNATIONAL

Alston says US drone bombing illegal

The UN Special Rapporteur on Extrajudicial Killings, Philip Alston, claims that bombing by American unmanned Predator 'drone' aircraft in Pakistan and Afghanistan may violate international law.



Alston (*pictured*), an Australian who is also a professor of law at New York University and co-chair of the law school's Center for Human Rights and Global Justice, was interviewed by *Democracy Now*.

"It's extraordinary that it's the Central Intelligence Agency which is actually operating a missile program, which is actually deciding who to kill, when and where," Alston said.

"I'm calling for the (US) government to make clear the details of the program; the legal basis, under US law, on which they are relying; the rules that they have put in place which govern the CIA actions, assuming there are rules; and what sort of accountability mechanisms they have." Investigative reporter Jane Mayer of *The New Yorker* magazine revealed last month that the number of US drone strikes in Pakistan has risen dramatically under President Obama to a rate of approximately one bombing a week.

http://www.democracynow.org/2009/10/28/un_special_rapporteur_on_extrajudicial_killings

Government plan for secret inquests causes outrage

The British Government is introducing secret inquiries into controversial deaths from which the public and bereaved families could be banned.

The government says it will push the measures through the House of Commons, despite last month suffering a humiliating defeat for the proposals in the House of Lords.

"Harmful material" must not be made public, the government claims, according to a report in *The Independent*.

The measure is buried in the *Coroners and Justice Bill*, and would give the Lord Chancellor, currently Jack Straw, absolute discretion to order a secret inquiry in place of a public inquest.

The new powers would allow the government to turn inquests like that of Jean Charles de Menezes (shot seven times in the head on a train during an out-of-control police operation) or those involving the deaths of British soldiers in Iraq or Afghanistan into secret hearings.

If the measure gets up in Britain, expect the Rudd Government to try to introduce similar legislation here on the usual 'anti-terrorism' grounds. <http://www.independent.co.uk/news/uk/home-news/outrage-at-government-plan-for-secret-inquests-1806867.html>

Doctors act to shorten period of pain surrounding death

About one-third of doctors say they have given drugs to terminally ill patients or withdrawn treatment, knowing or intending that it would shorten life, research reveals.

A study of doctors in charge of the last hours of almost 3,000 people revealed decisions almost always had to be made on whether to give drugs to relieve pain that could shorten life or whether to continue resuscitation and artificial feeding.

In 211 cases (7.4%), doctors say they gave drugs or stopped treatment to speed the patient's death. In 825 cases (28.9%), doctors made a decision on treatment that they knew would probably or certainly hasten death. One in 10 patients asked their doctor to help them die faster.

What doctors do varies according to their religious beliefs, according to Prof Clive Seale, of Queen Mary, University of London, who carried out the research. But, he said, there was no evidence of a "slippery slope": that deaths of the most vulnerable, such as very elderly women and those with dementia, are being hastened more than others. "People sometimes say if you legalise assisted dying, then very elderly people in care homes will be pushed towards death," Seale said. "But the paper is fairly reassuring on that."

His survey of 3,733 doctors, published online in the journal *Social Science and Medicine*, finds that only 242 people out of 2,855 who died (8.5%) were given no drugs for pain or other symptoms and did not have treatment withdrawn or withheld.

In the largest proportion of deaths (1,577 or 55.2%), doctors had given pain relief or withdrawn or withheld treatment, but said it had not shortened life. Seale found almost 10% of dying patients had asked a doctor to help them die.

<http://www.guardian.co.uk/society/2009/oct/23/assisted-suicide-doctors-terminally-ill>

CIA buys ability to suss out social media

In-Q-Tel, the investment arm of the CIA according to the *Wired* e-zine, is putting cash into Visible Technologies, a software firm that specializes in monitoring social media.

Wired says it's part of a larger movement within the spy services to get better at using "open source intelligence" – information that's publicly available, but hidden in TV shows, newspaper articles, blog posts, online videos and radio reports generated every day.

Visible crawls over half a million web 2.0 sites a day, scraping more than a million posts and conversations taking place on blogs, online forums, Flickr, YouTube, Twitter and Amazon. (It doesn't touch closed social networks, like Facebook, at the moment).

Customers get customized, real-time feeds of what's being said on these sites, based on a series of keywords. Then Visible "scores" each post, labeling it positive or negative, mixed or neutral. It examines how influential a conversation or an author is.

<http://www.wired.com/dangerroom/2009/10/exclusive-us-spies-buy-stake-in-twitter-blog-monitoring-firm/>

Obama wants reporters to carry a small shield only

The Obama Administration opposes legislation to protect reporters from prison for refusing to disclose confidential sources leaking material about national security.

The Administration has proposed sweeping revisions to a "media shield" bill that would significantly weaken its protections against forcing reporters to testify. The bill includes safeguards to require prosecutors to exhaust other methods for finding the information source before subpoenaing a reporter, and would balance investigators' interests with "the public interest in gathering news and maintaining the free flow of information".

But under the Administration's proposal, such procedures would not apply to leaks of a matter deemed to cause "significant" harm to national security. Moreover, judges would be instructed to be deferential to Executive branch assertions about whether a leak caused or was likely to cause such harm, according to officials familiar with the proposal.

<http://www.nytimes.com/2009/10/01/us/01shield.html>

USA plans 150 more see-through scanners

The US Transportation Security Administration plans to install 150 scanners at airport checkpoints that see under passengers' clothes and can reveal hidden bombs and knives, proponents say.

Others label the devices intrusive. The US House of Representatives in June overwhelmingly passed a measure to restrict their use to passengers flagged by other types of screening, such as metal detectors. The measure is pending in the US Senate.

The \$115,000 scanners shoot low-intensity X-rays that penetrate clothing, bounce off a person's skin and create images that show solid objects as dark areas.

The TSA machines have privacy additions to create images that look like etchings. Screeners view them on a monitor in a locked room near a checkpoint and delete them immediately after viewing.

The National Council on Radiation Protection & Measurements, which the US Congress created to develop radiation guidelines, said people can safely be scanned by the machines up to 2,500 times a year. That is, of course, provided you have had no other type of scan or X-ray that year.

http://www.usatoday.com/tech/news/surveillance/2009-09-30-backscatter-body-scanners_N.htm



[To Table of Contents](#)

Innocent man to be freed after 17 years in jail

A Japanese man who spent 17 years in jail for the murder of a four-year-old girl has now pleaded not guilty in a retrial of his case.

Toshikazu Sugaya, 63, was released earlier this year after fresh DNA tests showed that evidence found at the murder scene did not match his DNA.

He was sentenced to life in jail after saying during a police interrogation that he committed the crime. He later retracted this statement, saying it was made under duress.

Human rights groups have criticised Japan's system of police interrogations, where suspects can be detained and questioned for up to 23 days without the presence of a lawyer.

The conviction rate in Japan is more than 99%, with critics saying some convictions are based on confessions extracted from suspects against their will.

<http://news.bbc.co.uk/2/hi/asia-pacific/8318031.stm>

Prisoners swapped like pawns to avoid inspections

Two of Britain's most senior prison governors have been charged with gross misconduct and face the possible sack for a prisoner swap scandal designed to subvert official inspections.

Ian Mulholland, who ran Wandsworth jail, and Nick Leader at Pentonville were found to have been temporarily transferring difficult and vulnerable prisoners between the two jails just before inspection visits. Three other senior managers at the prisons, two of London's biggest, have also been charged with disciplinary offences. An official investigation into a similar happenings at Brixton prison is also under way.

The chief inspector of prisons, Dame Anne Owers, says that the transfers were "completely pointless, irresponsible and potentially dangerous". She reveals two prisoners from Wandsworth who had been moved out the weekend before an inspection had tried to kill themselves. One made four attempts immediately after his move to Pentonville.

Six Pentonville prisoners were moved to Wandsworth before the inspectors arrived in May this year and returned immediately afterwards. Five Wandsworth prisoners were similarly swapped the weekend before an inspection in June. Owers described the swaps as "a concerted attempt by managers at both prisons" to subvert her inspections.

<http://www.guardian.co.uk/society/2009/oct/20/prisons-transfer-scandal-pentonville-wandsworth>

USA developing heat rays to control civilians

The US Defense Department has developed a small, handheld version of a heat ray that can disable someone by burning the skin.

The weapon, claimed to cause no permanent harm, is also being designed for police to control civilians. Despite the claim, the weapon is no different from a stun gun: used inappropriately, it could kill, CLA believes.

The idea of the weapon is to "create a heating sensation that repels individual adversaries", according to the Joint Non-Lethal Weapons Directorate (JNLWD) in Quantico, Virginia.

Tests with a rifle-mounted infrared laser, carried out at a US air force lab in Ohio, have produced a laser pulse power and wavelength that causes an alarming, hot sensation on the skin, but which stops short of causing a burn, says JNLWD project engineer Wesley Burgei.



The Pentagon already has a large crowd control weapon (*pictured*), part of Active Denial System technology, that can heat whole groups of people, causing them to flee. It uses a flat-plate antenna mounted on a truck or helicopter to aim a 2-metre-wide microwave beam at a crowd.

The handheld system looks like a rifle, with a sight to aim the invisible infrared laser. The solid-state laser system is battery-powered, and could become hand-held "in the near future", Burgei says.

The weapon, which has been evolving since 2005, is officially known at the Pentagon as the Thermal Laser System. The US National Institute of Justice, which is also funding development

for possible police use, refers to it as the IR-Lesslethal device.

<http://www.newscientist.com/article/mg20427286.100>

Cops log on to produce huge database

New York cops are allegedly logging the serial numbers of mobile phones from people arrested so as to amass a huge database of the devices.

An internal memo says officers should remove the suspect's mobile battery "to avoid leakage", then note the International Mobile Equipment Identity number. The IMEI registers with the service provider whenever a call is made. The information could allow matching mobile phones networks of calls, according to the *NY Daily News*.

NY Civil Liberties Union associate legal director Christopher Dunn said the NY Police Department was apparently "taking phones apart to get information" without warrants.

http://www.nydailynews.com/news/ny_crime/2009/10/08/2009-10-08_number_please_nypd_tracking_cell_phone_owners_but_foes_arent_sure_practice_is_le.html

Felons let out early to save \$millions

A man accused three times of sex offences, a drunken driver convicted of vehicular homicide and a third man nabbed 46 times for alleged crimes including assault are all among the first 10 Colorado inmates granted early prison releases last month.

And they were considered the best of the bunch, the *Denver Post* reported.

The 10 whose sentences were cut by weeks or months by the Colorado Parole Board were among a smaller-than-expected number the board considered safe to let go. And the volume and diversity of the 10 inmates' prior offenses shows how difficult it will continue to be for the state to choose among thousands of convicted criminals for early release.

The early-release initiative is part of a plan to save \$21 million toward filling a \$346 million gap in this year's Colorado state budget. Over the two years, 8,003 inmates will be eligible, but Governor Bill Ritter has said that killers, kidnappers and sex offenders would not get out early.

Corrections officials initially estimated that the parole board would deny 20% of the early-release cases, leaving about 6,400 who could be released up to six months early.

http://www.denverpost.com/ci_13564285

Clinton speaks up for freedom to speak out

US Secretary of State Hillary Clinton spoke up strongly last month against laws that make religious defamation a crime, saying freedom of speech and religion should be upheld equally.

"Some claim that the best way to protect the freedom of religion is to implement so-called 'anti-defamation' policies that would restrict freedom of expression and the freedom of religion," she said.

"I strongly disagree. The United States will always ... stand against discrimination and persecution ... But an individual's ability to practice his or her religion has no bearing on others' freedom of speech," Clinton said. <http://www.news.com.au/story/0,27574,26266263-23109,00.html>

FBI will have your whole body numbered

The next-generation FBI database system is expected to include fingerprints, DNA, iris scans, advanced 3-D facial imaging and voice scans among its multi-modal biometrics.

So said Louis Grever, executive assistant director of the FBI's science and technology branch, in a presentation at the Biometric Consortium Conference in Tampa, USA, last month.

He also claimed there were no "privacy or civil liberties issues beyond those associated with fingerprints".

The FBI is aiming is to drop from a roughly two-hour response time for urgent ID-matching requests to less than 10 minutes.

Alcohol, tobacco worse than cannabis, ecstasy: (sacked) drugs professor

Alcohol and tobacco are more harmful than many illegal drugs, including LSD, ecstasy and cannabis, according to a paper from a UK drugs expert.

Professor David Nutt, chairman of the UK Government's advisory committee on the misuse of drugs, criticised politicians for "distorting" and "devaluing" the research evidence.

The Imperial College professor argued for a new way of classifying the harm caused by both legal and illegal drugs, as reported by *The Guardian*.

"Alcohol ranks as the fifth most harmful drug after heroin, cocaine, barbiturates and methadone. Tobacco is ranked ninth. Cannabis, LSD and ecstasy, while harmful, are ranked lower at 11, 14 and 18 respectively," said Nutt in the paper from the centre for crime and justice studies at King's College, London, published last month.

In a shock move at the end of the month, the UK Government sacked Prof Nutt from his unpaid, advisory position because he had the temerity to speak out for a more consistent drug policy.

<http://www.guardian.co.uk/politics/2009/oct/29/nutt-drugs-policy-reform-call>



[To Table of Contents](#)

INTERNATIONAL BRIEFS

Sri Lanka goes to polls - constitution change likely? Sri Lanka will hold both presidential and parliamentary elections before April 2010, according to state radio. Holding a presidential poll two years early will attempt to capitalise on government popularity after military defeat of the Tamil Tiger fighters. President Mahinda Rajapaksa, popular among the Sinhalese majority, is likely to win the election and, with the opposition weak, the president is hoping for a two-thirds majority so he can change the constitution, possibly making provision for more than two successive presidential terms. Tamils fear further Sinhalese domination will lead to curbing of civil liberties.

Ohio plans to resume killing in December: The US state of Ohio has postponed three executions because it can't find a foolproof way to kill people. After the mid-September lethal injection execution of Romell Broom collapsed along with his veins, two more executions were put on hold. But Ohio hopes to have backup procedures in place to revert to killing by the scheduled execution of Kenneth Biros on 8 December.

Survey shows web users want privacy rights: A recent US survey sought opinions from 1000 internet users on laws regarding tracking what people do, where they go, and what they buy online. The survey asked if there should be a law that gave people the right to know everything a website knew about them: 69% of respondents said yes. An even higher 92% supported a hypothetical law that required websites and advertising companies to delete all information about an individual upon request. Perhaps the Office of the Privacy Commissioner in Australia could take notice...and take action to introduce laws akin to these in Australia.

<http://www.nytimes.com/2009/09/30/business/media/30adco.html?th&emc=th>

Arab countries turn off terrorism: Between 2002 and 2009, the view that suicide bombings are "often or sometimes justified" has declined, according to the Pew Global Attitudes Project, from 43% to 12% in Jordan; from 26% to 13% in Indonesia; and from 33% to 5% in Pakistan (excluding some sparsely populated, embattled areas). Positive ratings for Osama bin Laden have fallen by half or more in most of the countries Pew polled.

<http://www.nytimes.com/2009/09/27/weekinreview/27shane.html?hpw>

Bewigged judges go all twittery: Britain's High Court has ordered its first injunction via Twitter, saying that was the best way to reach an anonymous tweeter. The court granted an injunction against the micro-blog page – <http://twitter.com/blaneysblarney> – for impersonating right-wing blogger Donal Blaney, the owner of the firm seeking the order, Griffin Law. A spokesman for the

firm said the anonymous tweeter targeted by the writ would get a message from the High Court the next time they opened their online account. "They will be told to stop posting, to remove previous posts and to identify themselves to the High Court via a web link form," he said. Matthew Richardson, the barrister who won the injunction, said the ruling was a huge step forward in preventing anonymous abuse of the internet. <http://www.theage.com.au/technology/biz-tech/technology/twitter>

New Asian 'tiger' bares its gums: The Association of Southeast Asian Nations last month launched the Intergovernmental Commission on Human Rights at the Association of South-East Asian Nations (ASEAN) summit in Thailand last month. If that sentence sounds unwieldy, it reflects the new Asian HR body, which has no power to investigate governments, nor pull states into line for continued abuses. It has a mandate to "promote" rather than protect rights. It is a classic 'toothless tiger'.

http://online.wsj.com/article/SB10001424052748704335904574494771231953200.html?mod=googlnews_wsj

Former ACLU head dies: John de J. Pemberton Jr. (*pictured*), who as executive director of the American Civil Liberties Union during the turbulent 1960s helped double its size and shift its focus to the criminal courts for issues like civil rights and Vietnam, died last month in California, aged 90. When he became executive director in 1962, there were 28 ACLU affiliates with a membership of 61,000 people and a total income of \$US535,000. When he stepped down in 1970, there were 47 affiliates with a membership of 144,000 and a total income of \$US2 million.



DATES:

4 Nov, Perth: Corruption and Crime Commission: *Conceptualising Current Challenges* public lecture by Len Roberts-Smith, Commissioner of the WA CCC, on challenges facing the organisation. 4.30-6.15pm, ECL4 Theatre, Murdoch U. Contact: j.young@murdoch.edu.au

5-6 Nov, Budapest, Hungary: 2009 European Pro Bono Forum of the Public Interest Law Institute (PILI). http://www.pili.org/index.php?option=com_content&task=view&id=956&Itemid=95

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

9-12 Nov, Ho Chi Minh City, Vietnam: LAWASIA 22nd conference, Competition and Cooperation: http://lawasia.asn.au/Lawasia_conference_2009

10 Nov, Parramatta: Open Forum organised by CLA member Sev Ozdowski, U. of Western Sydney Director Equity and Diversity, *'Future of the Media Industry'*, speaker ABC Radio presenter and columnist Phillip Adams, UWS Parramatta campus, 5.30 for 6pm. RSVP: d.mey@uws.edu.au or 02 9678 7374.

12 November, Sydney: Australian Privacy Awards & Australian Privacy Medal 2009. <http://www.privacy.gov.au/news/awards>

12-13 Nov, Sydney: Civil Law Conference on human rights. E: Mary.Healy-North@legalaid.nsw.gov.au or 02 9219 5656.

10 Dec, Sydney: National Human Rights awards: <http://www.humanrights.gov.au/about/events/index.html>

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 Sawyer lecture and dinner AND...

13 Nov, Canberra: *That Australia should have an entrenched Bill of Rights?* debate between two CLA members, FOR: Prof George Williams, AGAINST: Prof Simon Bronitt, chaired by Prof Ashley Goldsworthy, with commentators: Sir Anthony Mason, Susan Ryan, Prof Brian Opeskin and Prof Charles Sampford, organised by the Socratic Forum., 5-6.30pm, Finkel Theatre, John Curtin School, ANU. RSVP: c.connors@griffith.edu.au or 07 37356980 by 10 November 2009

18 Nov, Canberra: National Symposium on Sex Worker Rights in Australia, Old Parl. House, 1.45-4.30pm

18 Nov, Canberra: Balibo and the Laws of War: Prosecution and Accountability, 5.30-7.30 ANU College of Law, Speakers: Dr Clinton Fernandes (ADF, UNSW) and Geoff Skillen (A-G's Dept).
<http://law.anu.edu.au/cipl/Events.asp>

20 Nov Sydney: Chinese Australian Forum (NSW) will hold a dinner seminar on Bill of Rights with Father Frank Brennan as chair, China Grand Restaurant Chinatown from 6.30. Bookings/details: www.caf.org.au

22-25 Nov, Perth: ANZ Society of Criminology conference, Crime and Justice Challenges in the 21st Century: Victims, Offenders and Communities. <http://www.anzsoc2009.org/>

25 Nov, Canberra: Human Rights in Asia: Towards Institution Building - Prof David Matas, Faculty of Law, U. of Manitoba, Canada. Details: <http://law.anu.edu.au/cipl/Events.asp>

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 02 9351 0238

4 Dec, Adelaide: Roundtable: *A Judicial Life? Judicial and Political Biography*, U. Adelaide/Austn Assn of Constitutional Law. 9.15am-5pm, LG 28 Napier Bldg, U Adelaide. Info: cheryl.chapman@adelaide.edu.au or 08 8303 4020

10 Dec, world: Universal human rights day

2010:

19 Feb, Sydney: Constitutional Law conference, Art Gallery of NSW, dinner at NSW Parliament: details/bookings: Belinda McDonald 02 9385 2257 or E: gtcentre@unsw.edu.au

20 Feb, worldwide: World Day of Social Justice

12-14 March, Melbourne: Rise of Atheism conference, Atheist Foundation of Australia and Atheist Alliance International, Melbourne Convention and Exhibition Centre. Info: <http://www.atheistconvention.org.au/>

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.humanrightskonference.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)

21 May, Melbourne: Children, Young People and Privacy conference, Office of the Victorian Privacy Commissioner, <http://www.privacy.vic.gov.au/>

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

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

17-25 Sept, Brisbane: IFIP Human Choice and Computers International Conference, part of the IFIP world conference, details: <http://www.wcc2010.com/HCC92010/index.html> Sessions include ethics and ICT governance, surveillance and privacy.

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

LAST WORD: Children to be spared see-through scanning

Manchester Airport in England has been forced to rethink trials of its invasive new X-ray machine after claims the "naked" images of airline passengers could violate child pornography laws.

The airport last month began a year-long trial of the full-body scanner, which can instantly detect any hidden weapons or explosives without passengers having to remove any of their clothing for a search...but passengers are starkly naked in front of security staff, who can see a picture with a clear outline of passengers genitalia, as well as any false limbs, breast enlargements or body piercings.

British children's advocate Action on Rights for Children (ARCH) has thrown a spanner into the works, saying the technology falls foul of the country's *Protection of Children Act*, which states it is an offence to "show" and "make" an indecent image of a child.

The group said it was irrelevant that the naked images were not stored and that parents' permission was required before children could be scanned. It pointed to a provision in the act outlawing "pseudo-photographs".

A child rights campaigner, Shy Keenan, told Sky News: "We can't allow a line to be crossed in case perverts try to say they were only looking at images for a short time and weren't storing them."

Manchester Airport initially argued that its scanner was lawful and exempt from the child pornography laws because it was used for the "prevention and detection of crime". Later the airport admitted that it might be illegal for children to use the scanner. It said it would not allow anyone under 18 to use the device if it is advised the practice is unlawful.

<http://www.theage.com.au/technology/technology-news/naked-airport-scanners-in-child-porn-uproar-20091016-h02h.html>



[To Table of Contents](#)

* * * * *

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>

ENDS ENDS ENDS