

Table of Contents

Concern rises for the rights of older people.....	2
Police car chases: coroner undertakes detailed analysis.....	2
Judge slams AFP for 'high-handed' and 'bizarre' conduct.....	3
President to visit three cities.....	3
High Court to rule on validity of DNA-only evidence.....	3
Health ID: a national disaster, waiting to happen.....	4
PM goes off his trolley.....	5
Privacy breaches discovered in Medicare.....	5
NSW to use public patients as health guinea pigs.....	5
<i>LAST WORD: I swear, this law must go!</i>	6
CLA eAGM is under way, closes soon.....	6
Government clearing the decks.....	6
At last, sedition is being put to the sword.....	6
Government announces plans for whistleblower protection.....	7
Report on fate of those we extradite, committee says.....	8
Australia discriminates against women – claim.....	8
Australia discriminates against Tamils – claim.....	8
Troubled Atkinson to quit front bench.....	9
Government deluged during R18+ video consultation.....	9
Victim loses job but bully stays put.....	10
Sssh! Secrecy may be eased...but don't tell anyone.....	10
No Silva service for lady taking tea.....	10
Torture takes a new twist; death penalty is dead.....	10
Biometric bid to plug holes in border security.....	11
Sign up for silence!.....	11
Court rules law breaches human rights: asks Parliament to reconsider.....	11
Proceeds of crime laws may be challenged in High Court.....	11
WA Police fail security test.....	12
Cut re-imprisonment to save all round.....	12
Emu-Kiwi law mirrors legal proceedings cross-Tasman.....	12
Report on CLA activities in March:.....	13
Pot calls the budget bucket black.....	15
Women in Asia-Pacific suffer neglect, UN says.....	15
'Privacy can't be run in beta'.....	15
Catering staff get electronic health records access.....	15
A policeman may be your best 'friend'.....	16
...meanwhile, your 'friend' may not give permission.....	16
Stunned judge is shocked by her peers' 'off the wall' decision.....	16
Islands seek the wisdom of...well, Solomon!.....	17
No work is a recipe for re-offending.....	17
No-scan Pakistanis feted as heroes for seeing through US security bid.....	17
German court restricts law that providers can keep phone, email data.....	18
Europe warns British election may not comply with human rights.....	18
Women take the fifth, UN study shows.....	18
Holland debates 'tired of living' euthanasia law.....	18
Family sues over stun gun death.....	19
From an op-ed piece in a USA newspaper:.....	19
INTERNATIONAL BRIEFS.....	19
DATES.....	21
<i>LAST WORD: I swear, this law must go!</i>	21

Concern rises for the rights of older people

Nursing homes have reached breaking point, with reports of physical assaults increasing by more than 50%, sexual assaults by 36% and complaints rising at least 10%.

People notified the Department of Health and Ageing of 1411 alleged assaults in nursing homes in 2008-09. Of those, 1121 involved alleged unreasonable force, 272 involved alleged unlawful sexual contact and 18 involved both.

A year earlier, in 2007-08, there were 725 reports of unreasonable force and 200 reports of unlawful sexual contact, Rachel Browne reported in the *SMH*.

The figures, contained in the 2008-09 Report of the Operation of the Aged Care Act, have alarmed aged-care staff, lobby groups and providers. They say the system is at breaking point due to chronic underfunding and staff shortages. <http://tiny.cc/f6ady>

CLA is preparing a campaign to reinforce the rights of aged people, and the responsibilities of nursing homes and similar places to ensure that older people are made aware of their rights.

Anyone who would like to work on the campaign, or contribute in other ways, is welcome: please contact the CEO/Secretary.

The proposed program dovetails with another, on the rights of the mentally ill, which CLA is also developing.

Police car chases: coroner undertakes detailed analysis

The Queensland State Coroner, Michael Barnes, was due to hand down a seminal report into police car chases as this issue of *CLArion* went to press.

The issue is highly topical, with four people dying last month as a result of an horrendous high-speed crash after a police chase which involved vehicles speeding between the twin towns of Queanbeyan in NSW and Canberra in the ACT.

The deaths have raised questions about police car chase policy in both NSW and the ACT, which is policed by units of the Australian Federal Police.

Over a period of 12 months, the Queensland Coroner's Office held inquests into seven deaths that resulted from Queensland Police Service (QPS) chases.

To get to the bottom of what was behind the large number of incidents and deaths, coroner Barnes held specific hearings in November and December 2009 on the issues of police chase policy in general. The coroner wanted answers on issues such as:

- history of the QPS chase policy in guidelines and instructions;
- legislative framework;
- requirement of current policy;
- comparison between QPS policy and other states;
- training in current policy;
- trial evaluation; and
- quantitative data, including
 - a. number of pursuits by year, and
 - b. number of incidents, fatalities.

Mr Barnes was looking for correlation between chases and incidents, fatalities and changes to policy. His report was due on 31 March 2010. <http://www.courts.qld.gov.au/1680.htm>

QPS amended its 'pursuit' policy from 1 January 2008, after a 5-month trial. The current Queensland policy is excellent, and stresses that chase driving is "inherently dangerous. In most cases the risk of pursuit will outweigh the benefits. If in doubt about commencing or continuing a pursuit, don't," the policy says.

The Queensland policy specifically excludes some matters from being sufficient on their own to justify starting a chase. These are termed "non-pursuit matters" and they include licence and vehicle checks, random breath tests and traffic offences.

Judge slams AFP for 'high-handed' and 'bizarre' conduct

A Supreme Court judge has come down hard on the Australian Federal Police for bungling a two-year investigation into three men who allegedly sent more than \$1m to the Sri Lankan Tamil Tigers.

The AFP had improperly arrested a suspect, Arumugam Rajeevan, and abused his rights – and then purported to “un-arrest” him, which Justice Paul Coghlan of the Victorian Supreme Court described as "bizarre".

It has taken three years for criticism to come to light of the arrest and questioning of Arumugan Rajeevan, one of three men due for sentencing in the Victorian Supreme Court late last month for providing money to a terrorist organisation.

The AFP arrested Rajeevan at gunpoint despite having no legal basis to do so, refused requests from a barrister and lawyer to speak to him during his five-hour voluntary interview, and subjected him to questioning described by Justice Coghlan as "really well over the top" and "outrageous", Nick McKenzie and Richard Baker reported in the Fairfax media.

The judge queried why the AFP did not give Rajeevan access to lawyers while police were questioning him. He also described as "frighteningly high-handed" Rajeevan's arrest at gunpoint in 2007 by federal agents and warned police they risked incriminating themselves by testifying about the potentially unlawful arrest.

After the arrest, police realised they did not have enough evidence to arrest him and told him he would be "unarrested". Justice Coghlan said: 'The notion that somebody can be arrested unlawfully and then just unarrested at somebody else's whim is bizarre.'

CLA says a better way has to be found to review secret 'terrorist' arrests earlier. The independent monitors put in place by the government to represent the people must be more proactive in reviewing police actions, omissions, procedures and practices. <http://tiny.cc/7ydwj>



[To Table of Contents](#)

President to visit three cities

President Kristine Klugman will be holding meetings with CLA members in Melbourne, Launceston and Hobart in April.

The aim is to boost CLA's ability to respond to local matters, and to put in place early warning systems for emerging national issues.

In Melbourne, she and CEO Bill Rowlings will meet with about a dozen members and people who have expressed an interest in areas CLA is pursuing.

In Launceston, a meeting will explore forming a local group where none has previously existed. In Hobart, the local Council for Civil Liberties is defunct, and CLA will look to resurrect it.

The CLA Board believes it is strategically important that civil liberties groups be active and available in the major capital cities at least, which is why reinvigorating a Hobart group is important. Equally, Darwin needs to be represented as part of a national network.

As regards Launceston, it is part of CLA's plan to boost civil liberties and human rights interest in regional and rural centres, especially the larger cities.

High Court to rule on validity of DNA-only evidence

A new High Court challenge aims to stop juries convicting people based on DNA evidence only.

Lawyers for Benjamin James Forbes are challenging his 2006 conviction in the ACT on a charge of unlawful sexual intercourse. The victim could not identify her attacker, Chris Merritt reported in *The Australian*.

Forbes denied the charge, and was convicted based solely on a DNA test which, expert testimony said, amounted to "extremely strong" evidence that Forbes was the source of semen found on the victim's clothing.

Last month, the High Court granted Forbes special leave to appeal after his counsel indicated he would ask for an order that juries receive new instructions whenever considering DNA evidence.

QC Peter Hastings told the special leave hearing that this new approach was needed because of the "enormous potential" of DNA evidence to establish guilt. DNA evidence was based on "statistical theories rather than reality", he said.

"It is well established that the phrase 'beyond reasonable doubt' does not reflect some calculation of percentage probability," Mr Hastings said. <http://tiny.cc/uy0oi>

Health ID: a national disaster, waiting to happen

Imagine you're Prime Minister Kevin Rudd, and you have received a clear warning from many, many people that a rushed government program will go drastically wrong – people will die, and there will be hundreds of catastrophes around Australia.

What would you do? Rush in, or re-think the proposed government program and take more time to get it right? We know what happened with the roof insulation catastrophe.

A new program with far greater potential for directly negative health results (that is, possibly more deaths and much greater impact on thousands of homes and hundreds of thousands of people) is being rushed through Parliament.

The new program is to establish how your health record – every bit of medical information about you, such as your symptoms and illnesses, referrals to specialists, treatments, operations, medicines, etc – is to be kept electronically and shared electronically around the hundreds of thousands of health locations and medical workers in Australia.

The potential for mistakes is immense if the system is not well planned. Such a system requires enormous safeguards as to the accuracy of information and how precisely it is exchanged, as well as to privacy.

Instead, Australia is getting a rushed program in keeping with the timelines and pressures already seen in the Department of the Environment's insulation fiasco. The Health Department, instead of sounding warnings to the government, appears to be complicit in haste.

The *Health Identifiers Bill*, introduced to parliament in early February 2010, went to a Senate inquiry. People and organisations were invited in late February to comment on the Bill, with a closing date for submissions of 5 March, short hearings on 9 and 10 March, and a reporting date of 15 March.

That is, even for a "rushed" Bill, this one was extremely rushed*: normally, these processes hurried into three weeks would take three months.

http://www.aph.gov.au/senate/committee/clac_ctte/healthcare_identifier/index.htm

The Bill and the program to tag you with a new ID number is another Rudd Government undue haste effort which is absolutely certain to produce dire results, at least as bad as the insulation program.

With the Health ID program, people can't yet be precise where the problems lie...but they know there will be disasters.

Will those disasters include deaths? No-one wants to predict that but, given that people's medical and surgical treatment will ultimately be based on these numbers, it is not hard to envisage a scenario in which people die, or suffer awful medical consequences because of identification error.

There are also dangers that individuals will be frightened off going to the doctor if information is to be so widely shared and available to hundreds of thousands of workers in health.

The focus of criticism is on the absolute absence of any proper privacy protection, because that is the most profound failing of the draft Bill...but it is by no means the only failing, nor potentially the most dangerous.

In its submission, the Australian Medical Association explained why it was worried. "...privacy concerns relate to the electronic sharing of patient information, which is not covered by the Bill," the AMA said.

"We note that at this time in Australia, hardly any of the electronic systems that contain patient information are interoperable, so there is limited opportunity to share patient information electronically across more than one healthcare setting," it said.

So, the Rudd government is introducing laws to govern how exchanging information will work when they don't know what systems will be used, or whether the systems that exist in the States and Territories are capable of talking to each other.

Does that sort of confusion sound familiar for a government program in recent times?



[To Table of Contents](#)

PM goes off his trolley

CLA President, Dr Kristine Klugman, and CEO Bill Rowlings found out one day last month why the Health ID issue (electronic health records) has such momentum behind it – being rushed through parliament before proper consultation and consideration.

They were told by a Labor MP who was there when the *Story of the Little Boy Pushing the Trolley* was first told by the little boy, now grown up.

The Health Dept and Medicare are fully motivated because they also have been told the story, by none other than the ex-little boy, PM Kevin Rudd himself. It goes back to his days as a work experience student.

Seems Little Kev was working in a Brisbane hospital, and his junior job was to wheel around a cart with all the medical files on it, from location to location, dropping off and picking up at various spots where needed.

On a visit late last year to the same Brisbane hospital, he saw a man doing exactly the same job, nearly 40 years later. Suddenly, the scales fell from his eyes. There was a light from heaven, brighter than the sun!

Every Australian must have a new Health ID number, the PM expounded. The trolley must go!

This earth-shattering experience in the life of a Prime Minister is what is driving the Health ID program, through the Dept of Health and Medicare, before the rest of the health system is ready for it, and before safety and security and privacy implications have been properly thought through.

Moral of the story: what the PM wants, the PM gets...even if people in government departments and agencies have reservations about the undue haste in which major changes are being made.

Did someone say "Insulation"?

Privacy breaches discovered in Medicare

Medicare Australia dealt with 234 serious data privacy breaches by employees in 2007-08, but 160 of these resulted in only an emailed warning or counselling.

In the three years from November 2006 until December last year, 569 staff were identified as having "unauthorised access" to client records held by the agency.

Contrary to recent Medicare claims that most of the unauthorised access related to staff accessing their own records, only 171 out of the 569 investigated were in that category, Karen Dearne reported in *The Australian*. <http://tiny.cc/4m6a2>

NSW to use public patients as health guinea pigs

NSW public hospital patients will be guinea pigs for the national rollout of healthcare identifiers, with an estimated 4.5 million people signed onto the new system by NSW within 18 months.

National E-Health Transition Authority (NEHTA) chief executive Peter Fleming last month told a Senate inquiry into the Healthcare Identifiers Bill that – once the legislation and as yet undisclosed regulatory controls are passed by Parliament – up to 6 million Australians could have Medicare-assigned unique patient numbers, intended to support clinician access to personal health information, within that timeframe.

NSW Health is spearheading NEHTA's work on linking some 20 separate hospital-issued health identifiers to the new unique personal identifiers, off the back of an upgrade of current radiology information and picture archiving and communications systems.

Existing medical imaging and radiology systems are considered to hold the cleanest data, Karen Dearne reported. <http://tiny.cc/1hjz6>

LAST WORD: *I swear, this law must go!*

Ireland is to hold a referendum on removing a blasphemy ban – which is just a few months old – from the constitution, the Justice Minister announced last month. *Read more at the end of this newsletter.*

CLA eAGM is under way, closes soon

Voting closes on 5 April in Civil Liberties Australia's electronic Annual General Meeting (eAGM). The voting this year is just to approve, or not, the president's, treasurer's and annual reports, as the minutes of the previous meeting, held in 2009.

There will be an election of office bearers as part of the 2011 eAGM. Details:

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

Government clearing the decks

Prime Minister Kevin Rudd issued clear instructions earlier this year that all ministerial decks should be cleared, ready to fight an instant election if needed.

A double dissolution election is still possible until mid-year, even though the most likely election date is 16 October 2010.


As a result of PM Rudd's personal pronouncement, there have been strong moves in two directions by the government:

- tough issues have been 'parked'; and
- nice, new sounding issues have suddenly emerged.

For example, the Rudd Government has moved Communications Minister, Senator Conroy's, proposed internet filtering proposal into a parliamentary committee (where it can be kept on hold until after the election) and prepared a wishy-washy response, not yet made public, that effectively puts off any prospects of human rights laws or programs until well into 2011-12. Expect a bells-and-whistles Budget announcement, very strong on rhetoric and weak on action.

Meanwhile, the goodies keep tumbling out: sedition is suddenly flavour of the month; whistleblower legislation is promised, there's a new independent monitor of terrorism law proposed, and the information commissioner is appointed...even though, in the rush, the Rudd Government hasn't legislated for the position or the information authority yet.

Here's some of the good news...

 [To Table of Contents](#)

At last, sedition is being put to the sword

Attorney-General, Robert McClelland, has at long last introduced legislation into parliament to remove "sedition" as an offence in Australian law.

CLA has been agitating for sedition's removal in every meeting with government MPs for the past two years. Getting rid of the anachronistic law was a Labor election promise before November 2007.

Removing "sedition" and replacing it with "urging violence" is contained in the the National Security Legislation Amendment Bill 2010.

Key amendments in the Bill include:

- allowing police to burst in to houses or businesses without a warrant in emergency, terrorism-related investigations if they think dangerous material is being stored;
- letting police re-enter searched premises under a search warrant for up to 12 hours;

- setting seven days as the most a magistrate can allow someone to be held and quizzed when arrested for a terrorism offence;
- allowing both prosecution and defence to appeal a decision to grant or refuse bail in terrorism and national security cases;
- expanding the 'urging violence' offence (the old "sedition" offence) so that it applies to individuals as well as groups who incite violence based on race, religion, nationality, national or ethnic origin or political opinion;
- proscribing terrorist organisations for three years at a time, instead of two;
- allowing for expedited national security and counter-terrorism court actions;
- extending the Parliamentary Joint Committee on Law Enforcement's remit to oversee the Australian Federal Police and the Australian Crime Commission; and
- allowing the Inspector-General of Intelligence and Security to inquire into an intelligence or security matter relating to any Commonwealth Department or agency (currently, he is restricted to investigating just the 'spook' agencies, but many other departments and agencies now have anti-terror functions)

The amendments stem from a huge number of reports, reviews, inquiries and hearings, some dating back nearly 20 years but most having occurred since the 11 Sept 2001 Twin Towers aircraft attacks in New York turned the world upside down and made fear the most-traded international currency.

The Bill:

http://parlinfo.aph.gov.au/parlInfo/download/legislation/bills/r4320_first/toc_pdf/10072b01.pdf;fileType=application%2Fpdf

Explanatory Memorandum here:

http://parlinfo.aph.gov.au/parlInfo/download/legislation/ems/r4320_ems_8c494d28-3637-4ab8-95ae-ef76b5d8250c/upload_pdf/340700.pdf;fileType=application%2Fpdf

ABC article:

<http://www.abc.net.au/news/stories/2010/03/18/2849258.htm>><http://www.abc.net.au/news/stories/2010/03/18/2849258.htm>

Government announces plans for whistleblower protection

Cabinet Secretary, Senator Joe Ludwig, last month announced plans for legislation for the first time to provide a stand-alone whistleblower protection scheme covering the Australian public sector.

The model proposed by the Government is outlined in its response to the report of the House of Representatives Standing Committee on Legal and Constitutional Affairs, *Whistleblower protection: a comprehensive scheme for the Commonwealth public sector*.

"The Rudd Government is progressing its election commitment to ensure appropriate processes are put in place, and protections offered, for public interest disclosures within Government," Senator Ludwig said. "We have carefully considered the recommendations of the Committee. The Government agrees wholly to 10 recommendations, agrees in principle to 11, agrees in part to one and does not agree to four recommendations."

"The Government intends to introduce legislation implementing the Government's response this year." – from a media release by Sarah Cosson 0423 823 843 or (02) 6277 7600.

However, CLA comments, political staffers can't blow the whistle, and people can't reveal something to an MP and be protected. As well, the government won't give employees statutory protection.

Of course, disclosing something to Whistleblowers Australia or Civil Liberties Australia won't engage any rights...yet it is exactly these trusted organisations that people prefer to speak to.

Professor Kim Sawyer, an associate professor in Economics at the University of Melbourne and also a committee member of Whistleblowers Australia, says there are shortcomings in the legislation: "The flaws include there's no specific penalties prescribed for victimisation and there's no specific compensations for whistleblowers."

“The False Claims Act in the USA is the best legislation in the world, in my view, because it provides specific compensation for whistleblowers. It's the most effective public-private partnership in the world and since 1986 it has provided close to \$22 billion in saving in terms of fraud control in the United States; it's by far the best legislation.”

 [To Table of Contents](#)

Report on fate of those we extradite, committee says

The Australian Parliament's Treaties Committee, in its Report 110 released last month, said the Australian Government should be following up on the fate of people extradited from Australia.

The Committee is reinforcing a recommendation originally proposed by CLA in 2009.

“Countries making an extradition request undertake that the person to be extradited will not be subject to injustice or abuse of human rights,” Committee Chairperson Kelvin Thomson said.

“The Australian Government accepts these undertakings. It seems reasonable that we should check that these undertakings have been adhered to. Presently, extradition treaties negotiated by Australia have no formal process for ensuring that, following extradition, a person's human rights are protected,” Mr Thomson stated.

The committee has recommended that extradition agreements should in future include a requirement that the requesting country provide annual information concerning the trial status and health of extradited persons and the conditions of the detention facilities in which they are held.

The committee also recommended that all extradited Australians receive a face-to-face meeting with an Australian consular official, except where the person has made explicit their objection to consular assistance.

CLA originally proposed, and the Committee agreed, that the annual reports of the Dept of Foreign Affairs and Trade and of the Attorney-General's Dept should report each year on the number of extraditions, and what had happened to the people extradited. The Rudd government rejected the proposal, supposedly because the bureaucrats said it was too much trouble to get the information.

Australia discriminates against women – claim

Last year, women in full-time jobs in Australia were paid just 82.5% of men's pay – a lesser percentage than they were in 1985, the ACTU says.

Fewer than 2% of ASX 200 companies have a female chief executive and only one in 12 directors are women, according to an ACTU report.

The report says that, although women are now more likely than men to be university graduates, they earn \$2000 a year less when they start work and continue to fall behind in wages and superannuation.

The ACTU executive has endorsed a report stating that the issue of pay equity is to be the "major union campaign priority" this year, apart from the federal election itself. The public and political campaign will call on the Australian Government to intervene. <http://www.actu.org.au/>

Australia discriminates against Tamils – claim

Tamil asylum seekers from Sri Lanka believe they are being discriminated against on Christmas Island.

"The Sri Lankans are very angry," said Dr Siva Thayaparan, the secretary for Justice and Freedom for Ceylon Tamils. "When other nationalities like Afghans come in, they are released within four or five weeks.

"Sri Lankans are waiting seven months. They spent a long time in Sri Lankan security force camps and when they escaped and came here, again the Australian government puts them into Christmas Island like a prison."

Early in March, of 2013 Afghans who had applied for asylum in Australia since last year, 1181 (about half) had been granted visas.

But only 198, or about a quarter, of 843 Sri Lankans were granted residency in the same period.
– report, *The Age*, 1 Mar 2010

Troubled Atkinson to quit front bench

Error-prone Michael Atkinson is no longer South Australia's Attorney-General, bringing hope that Australia can now have a proper video games classification system, and that some of the most repressive laws in Australia might be wound back.

Re-elected to his safe Labor seat, Mr Atkinson has said he won't be a candidate for ministerial office, but will stay in parliament until the 2014 election...which is a very long time in politics.

CLA was the only group to call before the election for Atkinson's removal from the Attorney-General's portfolio.

We urged that a re-elected SA Labor Government dump the man whose bikie laws were ruled partly invalid by the state Supreme Court (there's an appeal before the High Court) and whose personal idiosyncrasies were stopping national video games legislation.

He also cost the state money when his comments about a magistrate gave rise to a government defamation settlement. Before last month's election, he was forced to back down on laws to prosecute online election bloggers.

He created a system where adult videos can only be hired in plain brown paper wrappers, reflecting a "cover up" approach to sexuality, based perhaps on personal conviction but inflicted on everyone else in the state.

But the Atkinson legacy is deeper than just these factors. It is to be hoped that returning Premier Michael Rann appoints someone more oriented to SA people's freedoms, liberties and rights than to a "lock 'em up and throw away the key" approach that has characterised SA for many years.

Since 11 September 2001, there has been a tide of repressive thought and legislation sweeping Australia, creating a fear-based culture. It is to be hoped that the demise of the man who could be called a national flag-bearer for that approach, Mr Atkinson, marks a turning point for the nation.

In CLA's opinion, South Australia should hold a fundamental review of all laws passed since 2002, and show a lead to the nation in making SA the leading 'fair go' state.

If Mr Rann wants to re-engage with the SA people, as he has promised, a review of rights, liberties and freedoms in the state would be an excellent starting point. We would be happy to help.

SA could again become a leading state for human rights and civil liberties, which it once was.



[To Table of Contents](#)

Government deluged during R18+ video consultation

More than 55,000 submissions were made in response to the national R18+ Classification for Computer Games Discussion Paper.

"The response on whether the National Classification Scheme should include an R 18+ classification for computer games indicates a high level of interest in this issue in the Australian community," Home Affairs Minister, Brendan O'Connor, said last month. "It is good to see that this public consultation has generated so much interest.

"The submissions received in this consultation process will assist the Commonwealth and other censorship ministers' consideration about whether an adult classification for computer games should be introduced.

"It is important to note that changes to the National Classification Code require unanimous agreement between the Commonwealth, States and Territories," he said.

SA's former A-G, Michael Atkinson, was the one A-G preventing the laws going ahead, as all other A-Gs had agreed, reports said. The national consultation's cost will probably amount to about \$1m.

Victim loses job but bully stays put

A Canberra public servant who bullied one of her staff remains in her job despite a formal investigation finding she broke the law: meanwhile, the person bullied was found “excess to requirements”.

Documents filed in the Federal Court show an inquiry authorised under the Public Service Act in 2010 found the Professional Services Review's* executive officer breached the bureaucracy's code of conduct by harassing and bullying one of the directors reporting to her.

The top executive was reprimanded but kept her leadership role in the small agency, which investigates fraud and misuse of Medicare funds. But the under-director was forced to leave the organisation after her position was declared "excess".

She is now suing the Commonwealth for potentially hundreds of thousands of dollars in lost income and damages, and has filed a case to return to her job, Markus Mannheim reported in the Canberra Times. <http://tiny.cc/jlm03>

* The Professional Services Review is an agency which audits doctors' use/abuse of Medicare.

Sssh! Secrecy may be eased...but don't tell anyone

The Australian Law Reform Commission (ALRC) report *Secrecy Laws and Open Government in Australia*, tabled in parliament last month, makes 61 recommendations.

The ALRC identified 506 secrecy provisions in 176 pieces of Commonwealth legislation, including 358 criminal secrecy offences.

A number of key issues emerged during the inquiry, including the catch-all nature of some of the secrecy provisions and an over-reliance on criminal sanctions.

The report is available on the ALRC's website: www.alrc.gov.au

No Silva service for lady taking tea

A Filipina arrested one weekend last month at Melbourne Airport and charged with drug importation was freed a few days later after the substance was found to be iced tea.

Maria Cecilia Silva, 29, who had protested her innocence, was released in tears from the dock in Melbourne Magistrates Court after the prosecution announced that the charge would be withdrawn.

She had been charged with importing a commercial quantity of a border control drug and was taken into custody, *The Age* reported.

The court heard the three 800-gram packages of iced tea bought in the Philippines tested positive to a swab and again in a presumptive test. A drug dog also indicated a positive result for narcotics when it checked the packages.

But defence barrister Michael Penna-Rees told the court final analysis of the substance by the Australian Federal Police found it was lemon-flavoured iced tea.

He said there had previously been incidents of the tea being wrongly identified as a drug, which in this case was wrongly identified as methylamphetamine and then amphetamine.

Magistrate Jack Vandersteen, who awarded costs of \$5000 to Ms Silva, said no criticism could be made of investigators.

Once freed, Ms Silva was in tears and clung to a female prison guard who led her through the court to a friend who was waiting to embrace her. <http://tiny.cc/1ZpKL>



[To Table of Contents](#)

Torture takes a new twist; death penalty is dead

The Crimes Legislation Amendment (Torture Prohibition and Death Penalty Abolition) Bill 2009, passed last month, has created a new offence of torture in the Commonwealth Criminal Code to operate concurrently with existing State and Territory offences.

As well, companion legislation amended the Commonwealth Death Penalty Abolition Act 1973 to ban states from reintroducing the death penalty.

“Successive Australian Governments have maintained a long-standing policy of opposition to the death penalty. The passage of this Bill will ensure that the death penalty cannot be reintroduced anywhere in Australia in future,” Attorney-General Robert McClelland said.

Biometric bid to plug holes in border security

The government will spend \$69 million by 2014 to introduce biometric checks for visa applications in 10 countries.

Anyone applying for a visa to Australia in any of the 10 countries must submit fingerprints and facial images at a visa application centre.

Biometrics uses measurable biological characteristics (width between eyes, distance mouth to ears, etc) to establish a unique identity for a person.

Authorities will run the information through databanks with information on terrorists, criminals and others held in biometric databases by Australia and international partners such as the UK and Canada. The USA and NZ will join the data-sharing arrangement this year.

<http://www.safeguardingaustralia.org.au/?getp=350#3>

Sign up for silence!

If you signed up in 2007 for the Do Not Call anti-telemarketing register, you may be due to sign up again to continue protecting your privacy.

But please note, there are some last minute attempts being made to avoid the re-signing madness and make registrations permanent (if you registered on the Do Not Call Register, what are the chances that you've changed your mind?). The government may well figure that requiring 4.6 million people to re-register is an absurd waste of time and money.

In the USA the renewal requirement was removed by their government just a few weeks before it was due to come into force, and their registrations are now permanent. They avoided (just) having to re-register 190 million numbers!
– Chris Connolly

Court rules law breaches human rights: asks Parliament to reconsider

Victoria's highest court has used the state's Charter of Human Rights to send a law back to Parliament for re-consideration on the grounds that it breaches the rights of citizens.

The case involves alleged drug possession, under a new “presumed guilty” law (euphemistically called “strict liability”) which the Supreme Court says tramples on the right to the presumption of innocence.

Victoria's Drugs Act says you are in possession of drugs if you own a property where the drugs are found, unless you can prove otherwise (that is, prove yourself innocent, instead of the state proving you guilty).

Vera Momcilovic was convicted under this law in August 2008. The Victorian Court of Appeal upheld the conviction but is formally sending a message to Parliament – the law is incompatible with the right to the presumption of innocence.

What happens next will be watched closely by both sides of the debate over whether Australia should copy the Victorian (and ACT) model by introducing a federal human rights bill.

<http://www.abc.net.au/news/stories/2010/03/18/2849917.htm>

<http://snipurl.com/uype1>

Proceeds of crime laws may be challenged in High Court

A Perth defence lawyer says he will challenge Western Australia's property confiscation laws in the High Court.

Shash Nigam says the laws were originally introduced to seize the proceeds of crime or property used in the act of committing a crime, such as land to grow drugs. But now, Mr Nigam says, the laws are being used to seize the assets of people for any offence that carries a two-year jail term. A spokeswoman for the WA Director of Public Prosecutions says anyone who uses other people's property to commit an offence, believing their own assets will be safe, is wrong. She says if someone uses a hire car to traffic drugs, then the DPP will not confiscate that vehicle but will apply to seize the drug runner's own car. <http://www.abc.net.au/news/stories/2010/03/15/2846116.htm> CLA believes the entire area of proceeds of crime laws is out of control: the government should give a formal reference to the Australian Law Reform Commission to inquire into the propriety and equity of all such laws, federally and in the states, and how they interact.



[To Table of Contents](#)

WA Police fail security test

WA's acting Auditor-General Glen Clarke has issued a serious warning to the state's departments and agencies to beef up their IT security practices.

A new report has found that most were not even using basic security techniques such as encryption of sensitive data on laptops and USB keys, Renai LeMay reported.

The auditor recently examined the security practices of seven agencies, including major ones such as the Departments of Commerce and Education and the Western Australian Police.

The report is available online at: <http://www.audit.wa.gov.au/report2010.php>

It found that the WA Police had addressed some the risks associated with lost or stolen flash drives, making sure they were encrypted. But none of the surveyed agencies knew how many portable storage devices (PSDs) they had or what the exact security risks were when using them for sensitive data.

The auditor discovered that 750 WA Government laptops had been reported lost or stolen over the past three years. That is, the government loses laptops at a rate of five a week!

In some cases there was no user activity log in place for applications, meaning security breaches could go undetected.

Anti-virus software was not in place or had not been updated, and there was a risk of unauthorised access to bank account and credit card details and staff payments.

<http://www.zdnet.com.au/wa-govt-security-still-unacceptable-audit-339302062.htm>

Cut re-imprisonment to save all round

Reducing re-imprisonment rates by a little would result in substantial savings in prisoner numbers and costs, new research shows.

At present 58% of all people put in prison are re-imprisoned. Average time to being re-imprisoned is 13 months. In the case of Indigenous prisoners, the rate of return to prison (74 per cent) is even higher, with just 11 months to re-imprisonment.

The NSW Bureau of Crime Statistics and Research found cutting the overall re-imprisonment rate by 10% (from 58 to 52%) would reduce prisoners by more than 800, saving \$28 million per year.

A 10% reduction in the Indigenous re-imprisonment rate (from 74 to 66%) would reduce prisoners by 336 inmates, saving more than \$10 million a year.

Prison populations and costs around the nation are at an all time high. Between 1998 and 2008, the Australian imprisonment rate per capita rose 20%. In 2008, net recurrent and capital expenditure on prisons in Australia exceeded \$2.6 billion a year.

Dr Don Weatherburn. 02 9231 9190. Report: www.bocsar.nsw.gov.au

Emu-Kiwi law mirrors legal proceedings cross-Tasman

The Trans-Tasman Proceedings Bill 2009, passed last month, creates legislation around a treaty between Australia and New Zealand signed in 2008.

It enables:

- judgments to be registered and enforced between A and NZ;
- fines imposed in one country being enforced in the other;
- court appearances by video-link from one country to the other; and
- the enforcement of regulatory regimes supporting trans-Tasman markets.

Identical legislation will be passed by the NZ Parliament.

Report on **CLA** activities in March:

Meetings:

Canberra Times editor Rod Quinn, to discuss Fair Go campaign for ACT, and Stop the Veto, with the aim of drawing attention to discrimination against ACT voters.

Dying with Dignity address by Sen Bob Brown, ACT Legislative Assembly

Dr Adam Tomison, Australian Institute of Criminology

Tim Vines, CLA media spokesperson and Adam Brereton editor ANU student newspaper *Woroni* on future feature articles/campaigns

Justice Malcolm Gray, ACT Supreme Court, re a sentencing equity issue

Dr Rosemary Laing, Clerk of the Senate

With several Senators and Members of the House of Representatives, we discussed the rise in power of Ministerial Councils to the detriment of proper parliamentary scrutiny and debate, and to the elimination of community consultation and input.

Senator Kerry Rea

Ms Liz Broadshaw, policy advisor to federal Attorney-General

Duncan Kerr MP and Dick Adams MP: re the need for a civil liberties body in Tasmania

Submissions:

- Senate Scrutiny of Bills Committee re internal procedures, and the rise in influence of Ministerial Councils which alter Australia's governance
- National Alternative Dispute Resolution Advisory Committee
- Legal Costs Committee, A-G's Dept, WA
- Surveillance Devices/Serious and Organised Crime, ACT

Issues:

Avoiding funeral directors campaign - advice sought from ex-chief magistrate, Ron Cahill

Police car chases, letters to editor contacted, CLA's Chase Code being revised.

Promotion:

Item to Public Service Monitor

Flyer prepare for Launceston, Tasmania

Networking activities:

Preparation for trip by President and CEO to Melbourne, Launceston and Hobart: arrangements to meet with interested people, hold meeting in Launceston

Keith McEwan to visit Townsville and Palm Island re Cameron (Mulrunji) Doomadgee case

Media:

Tim Vines Lateline re discrepancies between States in sentencing

Administrative:

- eAGM voting continue, closes 5 April.
- Research and consultation on new software package to manage membership and fees
- Consideration of new board members



[To Table of Contents](#)

AUSTRALIAN BRIEFS

Rapporteur speak on press freedom: Frank La Rue, the UN Special Rapporteur on Freedom of Opinion and Expression, will deliver the keynote speech at the 2010 Press Freedom Media Dinner in Sydney on 30 April. Mr La Rue has worked as a journalist and has been a tireless human rights campaigner, particularly in Guatemala where he brought the first genocide case against the military dictatorship. Comedienne Wendy Harmer will MC the evening, and the Chaser's Julian Morrow will conduct a fundraising auction. Tickets are available now at \$130, to book call the Alliance on 1300 65 65 13 or email melissa.mcallister@alliance.org.au

Inspectorate powers threaten press freedom: Journalists face up to two years imprisonment and/or fines of up to \$28,000 if they refuse to reveal confidential sources when questioned by investigators from Victoria's Local Government Inspectorate. The Inspectorate has been granted coercive powers that effectively turn it into a "star chamber". The Alliance submission to the Proust Review into the effectiveness of Victoria's integrity and anti-corruption system recommends the Inspectorate be abolished or is made more transparent and accountable to ensure proper checks and balances on its power. – MEAA

Top cop says his police are heavy-handed: Queensland Police Commissioner Bob Atkinson believes his police are too heavy-handed in the state's hot spots. "I worry that in places like the City and Valley and Surfers Paradise where (police) are regularly dealing with large numbers of people who are intoxicated and can be violent, some of our people are perhaps becoming a bit desensitised in terms of the way they handle people," he said. "I do think we need to improve the way we engage with the public." he told the *Courier Mail*. <http://tiny.cc/KUA3e>

Roman to be new police chief: Roman Quaedvlieg is the new ACT Chief Police Officer. Australian Federal Police Commissioner Tony Negus said Quaedvlieg had strong skills in both community and national policing. He had extensive experience in AFP National Operations, as well as previously serving with the Queensland Police Service. "He has provided leadership in uniform general duties, traffic enforcement, criminal investigations and covert operations in both urban and regional areas of policing," PC Negus said.

Call to end NT discrimination: Australia's Race Discrimination Commissioner and Aboriginal and Torres Strait Islander Social Justice Commissioner Graeme Innes has called on the Australian Parliament to ensure that residents of the 73 prescribed communities in the Northern Territory have the same protections against discrimination as the rest of Australia. – UN Assn of Australia report in UNity.

http://www.humanrights.gov.au/about/media/media_releases/2010/19_10.html

NSW budget caught in its own 'prison': Jail populations in NSW grew almost 5% in 2009 and have increased by more than 4% a year since "truth-in-sentencing" reforms of 1999, the *SMH* has reported. NSW prisons now cost more than \$1 billion a year, housing over 10,000 prisoners. A-G John Hatzistergos believes NSW's "tough on crime" approach is reducing offending...but crime rates are falling throughout the western world, not just in NSW. <http://tiny.cc/nv031>

INTERNATIONAL

Pot calls the budget bucket black

In California a group of marijuana smokers calling themselves 'fiscal realists' are planning on legalising the weed to save the society.

Faced with a \$22 billion state financial deficit, strained state services and regular legislative paralysis, California will vote in November on legalization.

The ballot measure would legalize, tax and regulate marijuana, which advocates say could raise \$1.5 billion and save police and prison resources.

The campaign will not dwell on assertions of marijuana's harmlessness or its social acceptance, but rather on cold cash.

The law would permit licensed retailers to sell up to one ounce at a time. Those sales would be a new source of sales tax revenue for the state.

<http://www.nytimes.com/2010/03/26/us/26pot.html?src=me&ref=general>

Women in Asia-Pacific suffer neglect, UN says

Countries of Asia and the Pacific have not duplicated economic success in gender equality, according to a new UN Development Program (UNDP) report, which found that discrimination and neglect were threatening the very survival of women in the region.

"Empowering women is vital for achieving development goals overall and for boosting economic growth and sustainable development," said UNDP Administrator Helen Clark, who unveiled the publication in the Indian capital, New Delhi.

The region's women suffer from some of the lowest rates of political representation, employment and property ownership in the world. Their lack of participation, the 2010 Asia-Pacific Human Development Report found, is also retarding economic growth.

In her address, Miss Clark said nearly half the adult women in South Asia are illiterate, a greater proportion than in any other region in the world. Women in South Asia, she said, could also expect to live five fewer years than the world average of just under 71 years. <http://www.tiny.cc/bu6iq>



[To Table of Contents](#)

'Privacy can't be run in beta'

In her opening address for a roundtable on Internet privacy last month, the US Federal Trade Commissioner Pamela Jones Harbour said technology companies were setting a dangerous precedent of publicly exposing consumer data during new product rollout, according to a report in the *Wall Street Journal*.

She said the throw-it-up-against-the-wall-and-see-if-it-sticks approach to product launches comes at the expense of consumers' privacy. "Unlike a lot of tech products, consumer privacy cannot be run in beta," she said, at the third and final FTC roundtable dedicated to online privacy.

Among other topics, participants discussed the privacy of health information, the notice-and-choice framework and privacy policies, which one panelist described as "an unmitigated disaster."

The FTC will synthesize its findings and gather comments from the public.

Catering staff get electronic health records access

The *Irish Independent* says that catering staff were able to access confidential patient information held on a £54m health service record system which is being rolled out across Ireland.

The disclosure, under the Freedom of Information Act, has implications for the roll-out of Summary Care Records in England, as part of the NHS IT program.

Smartcards for access to the Summary Card Records and other systems are issued on the basis of "role-based" access. The idea is that only those staff with a legitimate professional relationship with the patient can use their smartcards to access that patient's records.

But local operational procedures may require that secretaries and reception staff who collect information on patients have smartcards.

They could be said to have a legitimate professional relationship with patients; and it could be said by some trusts that caterers have a legitimate relationship with patients if they are to ensure that special diets – diabetic or low-fat – are served.

http://www.computerweekly.com/blogs/tony_collins/2010/03/catering-staff-given-access-to.html

A policeman may be your best 'friend'...

US law enforcement agents are following the rest of the Internet world into popular social-networking services, going undercover with false online profiles to communicate with suspects and gather private information, according to an internal Justice Department document.

Your new "friend" just might be the FBI.

The document, obtained in an FOI lawsuit, makes clear that US agents are already logging on surreptitiously to exchange messages with suspects, identify a target's friends or relatives and browse private information such as postings, personal photographs and video clips.

Among other ways the FBI - and the AFP and Australian police - can use the internet include:

Investigators can check suspects' alibis by comparing stories told to police with tweets sent at the same time about their whereabouts; or

Online photos from a suspicious spending spree – people posing with jewellery, guns or fancy cars – can link suspects or their friends to robberies or burglaries.

The Electronic Frontier Foundation, a San Francisco-based civil liberties group, obtained the Justice Department document when it sued the agency and five others in federal court. The 33-page document underscores the importance of social networking sites to US authorities.

http://news.lp.findlaw.com/scripts/prINTER_friendly.pl?page=/ap/a/w/1152/03-16-2010/20100316003508_39.html

...meanwhile, your 'friend' may not give permission

European authorities are checking whether social internet sites are breaching internet privacy when they allow photos to be posted without the authorisation of every person pictured.

Before you post your holiday snap you may have to get those three other people in the cable car to sign a proper photographic rights release form.

The Swiss and German probes go to the heart of a debate that has gained momentum in Europe amid high-profile privacy cases: To what extent are social networking platforms responsible for the content their members upload?



[To Table of Contents](#)

Stunned judge is shocked by her peers' 'off the wall' decision

Three Seattle police officers were justified when they used a stun gun on a seven-month pregnant mother, a federal appeals court ruled in a case that prompted an incredulous dissent by the third judge.

Malaika Brooks was driving her son to school in 2004 when she was stopped for speeding in a school zone. She insisted it was the car in front of her that was speeding, and refused to sign the ticket because she thought she'd be admitting guilt.

Rather than give her the ticket and let her go on her way, the officers decided to arrest her. One reached in, turned off her car and dropped the keys on the floor. Brooks stiffened her arms against the steering wheel and told the officers she was pregnant, but refused to get out, even after they threatened to stun her.

The officers – Sgt Steven Daman, Officer Juan Ornelas and Officer Donald Jones – then stunned her three times, in the thigh, shoulder and neck, and hauled her out of the car, laying her face-down in the street. Brooks gave birth to a healthy baby two months later, but has permanent scars from the stun gun.

Judges Cynthia Holcomb Hall and Diarmuid F. O'Scannlain held that the officers were justified in making an arrest because Brooks was obstructing them and resisting arrest. The third judge, Marsha Berzon, called the majority ruling "off the wall."

"I fail utterly to comprehend how my colleagues are able to conclude that it was objectively reasonable to use any force against Brooks, let alone three activations of a Taser, in response to such a trivial offense," she wrote.

She argued that under Washington law, the officers had no authority to take Brooks into custody. Failure to sign a traffic infraction is not an arrestable offence, and it's not illegal to resist an unlawful arrest.

Judge Berzon said the majority's notion that Brooks obstructed officers was so far-fetched that even the officers themselves didn't make that legal argument.

<http://www.komonews.com:80/news/local/89295847.html>

Islands seek the wisdom of...well, Solomon!

The Solomon Islands is reviewing its violent past in a Truth and Reconciliation Commission (TRC) process which began last month.

Commission chairperson, Father Sam Ata, said it was important that victims of the ethnic violence which rocked the country between 1997 and 2003 were able to speak, "so the entire country listens and begins to accept this tragedy as part of its own history".

The TRC will examine the causes and impacts of the 1998-2003 armed conflict, which resulted in killings, torture and internal displacement of large numbers of Solomon Islanders.

<http://www.radioaustralianews.net.au/stories/201003/2841138.htm?desktop>

No work is a recipe for re-offending

A failure to tackle the criminality of 60,000 prisoners who serve sentences shorter than 12 months is costing the country between \$11bn and \$16bn a year in reoffending, according to a report from the UK Government's spending watchdog published last month.

The National Audit Office says so little is done to tackle their reoffending rates that more than half spend almost all day in their cells because they have no work or education courses.

A Prison Service spokesman said: "Prison is not always the right answer for less serious offenders. In some of these cases, a tough community sentence can be more effective than a short prison sentence — more effective in terms of rehabilitating offenders, turning them away from crime and therefore giving greater protection to the public." <http://tiny.cc/87mKn>

No-scan Pakistanis feted as heroes for seeing through US security bid

A tour of the USA organised by the State Department for Pakistani parliamentarians to improve their impressions of the country ended in a public relations fiasco when the members of the group refused to submit to full body x-ray screening at a Washington airport.

The six Pakistani legislators are being hailed as heroes back home.

"People should be thankful, you made them so proud," said Hamid Mir, the host of a popular national talk show, during an interview in his studio.

Meetings with top policy makers on Pakistan, including President's Obama's special representative, Richard Holbrooke, and visits to the Pentagon and the National Security Council, did not allay the anger the politicians said they felt at being asked to submit to a secondary screening before boarding a flight to New Orleans. They declined to be screened, did not board, and flew home instead.

The group's leader, Senator Abbas Khan Afridi, said he and his colleagues were selected from a crowd of passengers at the airport and asked to stand aside.

They were then asked to accept a full-body scan by a machine, he said. Such body-scanning units are in use at 19 airports across the USA, and more are being installed.

– various sources



[To Table of Contents](#)

German court restricts law that providers can keep phone, email data

Germany's Federal Constitutional Court has stopped police and security authorities retaining data on telephone calls and e-mails, saying it was a "grave intrusion" of personal privacy rights.

The court ruled that the law – which is very close to the Australian equivalent – violated Germans' constitutional right to private correspondence and failed to balance privacy rights against the need to provide security, *AAP* reported last month.

The German law made ISPs retain all identifying data – except content – from phone calls and e-mail exchanges for six months for possible use by authorities to analyse who contacted whom, from where and for how long.

The court agreed to the retaining of the information as necessary to fight terror, but ordered that access to the data could only be by court order and only in the event of "concrete and imminent danger."

The information must be stored in the private sector so it is not concentrated in one government location, Melissa Eddy and Verena Schmitt-Roschmann reported. <http://tiny.cc/6m6y1>

Europe warns British election may not comply with human rights

The Council of Europe (CoE) has issued a second unprecedented warning to the British Government to take urgent steps so prisoners can vote in the next general election or face thousands of compensation claims.

The Committee of Ministers issued the warning six years after a former prisoner, John Hirst, won a landmark case in the European Court of Human Rights in which Britain's blanket ban on prisoners voting was declared illegal.

In December 2009 the CoE warned that failure to give prisoners the vote meant there was a significant risk the election would "fail to comply with the European convention on human rights". Now the CoE has strongly urged British authorities "to rapidly adopt measures, of even an interim nature, to ensure the execution of the court's judgment before the forthcoming general election".

<http://www.guardian.co.uk/world/2010/mar/09/prisoners-vote-general-election-europe>

Women take the fifth, UN study shows

The UN target was 30% of positions to be held by women by 1995. But in 2010 the global average of female participation in parliaments was less than 20% (just 18.8%), according to the Inter-Parliamentary Union study released last month.

Australia was 32nd on the list, equal with Afghanistan at 27.3%. The UK was 62nd at 19.5%, and the USA equal 74th (with Turkmenistan) at 16.8%.

Countries with no women parliamentarians include Saudi Arabia, Qatar and Oman, the Solomon Islands, Palau and Micronesia. The highest proportion of women in parliament was in Nordic countries, such as Sweden (46.4%), Iceland (42.9%) and Finland (40%). Rwanda topped the list, with 56.3% of MPs being female. South Africa was third with 44.5%.

<http://www.ipu.org/wmn-e/classif.htm>

Holland debates 'tired of living' euthanasia law

Elderly people simply "tired of living" could be allowed to end their lives with a lethal injection under new euthanasia laws being debated by the Dutch parliament.

MPs will discuss the proposals after campaigners collected more than 100,000 signatures in support.

The influential Dutch "Right to Die" campaign, which has been active since 1973, has proposed training non-medical staff to administer a lethal injection to healthy people over the age of 70 who "consider their lives complete".

Under the new "vrijwillig levenseinde", or "of free will", plans, the suicide assistants would be certified and would be required to make sure that patients were not temporarily depressed and had a "heartfelt and enduring desire" to die.

Euthanasia was legalised in Holland in 2002. The new proposals have been backed by a majority in opinion polls. Some 2500 euthanasia cases were reported in Holland in 2009. <http://tiny.cc/9iyqv>

Family sues over stun gun death

A family is suing the world's biggest stun gun manufacturer after a teenage died when stunned with one of its guns.

The *Charlotte Observer* newspaper of North Carolina said the civil legal claim doesn't specify a damages amount. Darryl Turner, aged 17, died from "cardiac arrest" in March 2008 after police used a stun gun on him at the grocery store where he worked.

Without admitting liability, the City of Charlotte – employers of the police officers involved – has paid about \$680,000 to the young man's family.

The suit alleges the manufacturer, Taser International, didn't warn its stun gun users that the weapon could be lethal if deployed near the chest.

CLA comments that Australia police forces may need to consider whether they should warn their employees about any possible dangers of stun guns.



[To Table of Contents](#)

From an op-ed piece in a USA newspaper:

"When patients realize they can't control who sees their electronic health records, they will be far less likely to tell their doctors about drinking problems, feelings of depression, sexual problems, or exposure to sexually transmitted diseases.

"In 2005, a California Healthcare Foundation poll found that one in eight Americans avoided seeing a regular doctor, asked a doctor to alter a diagnosis, paid privately for a test, or avoided tests altogether due to privacy concerns.

"Some argue that consent and privacy controls are impractical or prohibitively costly. But consent is ubiquitous in health care. Ask any physician if she would operate on a patient without informed consent.

"There is no need to choose between the benefits of technology and our rights to health privacy. Technologies already exist that enable each person to choose what information he is willing to share and what must remain private. Consent must be built into electronic systems up front so we can each choose the levels of privacy and sharing we prefer."

<http://online.wsj.com/article/SB10001424052748703580904575132111888664060.html>

INTERNATIONAL BRIEFS

Welcome to the future, now: To trace a salmonella outbreak, the US Centers for Disease Control and Prevention (CDC) last month used shopper cards swiped when people buy groceries. With permission from the poisoning sufferers, the CDC followed the trail to a Rhode Island company that makes salami. From there, they identified the pepper used to season the meat. Never before had the CDC successfully mined the mountain of data that supermarket chains compile, *Associated Press* reported. <http://www.cdc.gov/salmonella/montevideo/index.html>

China's firewall opens to sounds of birds: Twitter is largely blocked by China's "great firewall" (GFW), which prevents Chinese people from accessing certain sites. Yet Twitter has an almost religious following among tech-savvy Chinese, whose determination to use the service outstrips authorities' efforts to block access to it. These 'netizens' surmount the firewall by way of proxy servers or virtual private networks (VPNs) that allow them to browse the web as if they were outside of China. Earlier this month, Chinese twitterati helped get the GFW onto the list of Twitter's top 10 "trending topics" (or most tweeted terms) — an impressive feat given that Twitter is supposed to be inaccessible in China. <http://search.japantimes.co.jp/cgi-bin/ea20100303a4.html>

Same-sex marriage legal in nation's capital: Gay rights advocates hailed 3 March 2010 as a milestone for equal rights and a symbolic victory as same-sex marriage became legal in the Washington DC, the US equivalent of Canberra ACT. A study by the Williams Institute at the University of California, LA, predicted that more than 14,000 same-sex marriages would occur in the city over the next three years, which would bring in \$5.5m in new tax revenue and create 700 jobs. Washington is the sixth jurisdiction in the USA where same-sex marriages can take place. Connecticut, Iowa, Massachusetts, New Hampshire and Vermont also issue marriage licenses to same-sex couples.

Children have rights to not be buzzed: Devices which emit a high-pitched whine, that only young people can hear, to help disperse teenagers from street corners could be banned by the European Union because they infringe children's human rights. A committee of MEPs voted unanimously for a Europe-wide ban on the marketing, sale and use of the acoustic youth dispersal devices in all public places, the *London Daily Telegraph* reported. They said the devices treat young people "as if they were unwanted birds or pests" and that their use was tantamount to degrading treatment prohibited by the European Convention on Human Rights. The prime device of its type is marketed and used in the UK, where 3,500 devices are deployed, Belgium, France, Germany, Ireland, the Netherlands and Switzerland also use the devices. <http://tiny.cc/3Nbzc>

Clerics support girls marrying very young: Some of Yemen's most prominent Islamic clerics signed a religious decree last month which says that those people who support a ban on child brides are "apostates" (that is, going against their religion). Yemen, where more than 50% of females are married before turning 18 (and some at 9 or 10), is considering controversial legislation that would make marriage before the age of 17 illegal.

Pot and the kettle debate tea parties: The Chinese government responded last month to the release of a US human rights report critical of China by issuing its own report criticising the US human rights record. The report covered issues relating to crime, racial discrimination, and poverty, and accused the US of using its hegemonic power to continue "trampling" on the sovereignty of other countries while "posing as the world judge of human rights". <http://jurist.law.pitt.edu/paperchase/2010/03/china-chides-us-on-rights-record-in.php>

US ID law is studiously ignored: Lawmakers are proposing what they're calling "high-tech, fraud-proof Social Security cards" for all employees in the USA. The proposal by Senator Charles Schumer (Democrat, New York) and Senator Lindsay Graham (Republican, South Carolina) comes as the states are grappling to produce another national identification card at the behest of the Department of Homeland Security. Virtually none of the states are in compliance with the Real ID program – adopted in 2005 – requiring state motor vehicle bureaus to obtain and internally scan and store personal information like Social Security cards and birth certificates for a national database. <http://tiny.cc/6sj3n>



[To Table of Contents](#)

DATES

(You may have to copy and paste URLs to reach these sites)

2-3 May, Brisbane: Director-General of UNESCO, Irina Bokova, will give the keynote speech at the UNESCO World Press Freedom Day 2010 conference, hosted by UQ. Rego: www.wpfd2010.org Details: Marsali Mackinnon, 07 334 63092 or E: m.mackinnon@uq.edu.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)

10-17 May, Australia: Law Week, <http://www.lawweek.com.au/> for details of each state/territory.

11 May, Perth: *Terrorism: the biggest fear is fear itself*, public lecture by Professor Herbert Huppert, Director of the Institute of Theoretical Geophysics at the University of Cambridge . Webb Lecture Theatre, Geography Building, 6pm. <http://www.ias.uwa.edu.au/lectures/huppert>

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

7-9 June, Wollongong: ISTAS 10 - Social Implications of Emerging Technologies conference, Novatel Northbeach, Details: Katina Michael at: katina@uow.edu.au More info: www.ieeessit.org

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>

24-26 June, Canberra: 18th annual ANZSIL conference: International Law in the Second Decade of the 21st Century: Back to the Future or Business As Usual? University House, Canberra. Details: <http://law.anu.edu.au/ANZSIL/index.html>

25 June, Canberra: Annual Kirby Lecture, by ANU Vice-Chancellor Gareth Evans

6 July, Sydney: 'Better more cameras than more crime' debate on CCTV. Coty Recital Hall, Angel Place, 6.40pm, for later broadcast on ABC Radio. Details: <http://www.iq2oz.com/events/event-details/2010-series-sydney/05-july.php>

13 Aug, 2010, Sydney: United Nations Association of Australia national conference 2010, NSW Parliament, with theme, *State of the World post Copenhagen*. Info: Peter Airey: office@unaansw.org.au

20-23 Aug, Montreal, Canada: Civicus World Assembly, details: <http://www.civicusassembly.org/>

30 Aug – 1 Sept, Melbourne: 63rd UN Department of Public Information/Non-Governmental Organisations (DPI/NGO) conference: global health as it relates to the Millennium Development Goals. Details: <http://www.un.org/dpi/ngosection/index.asp>

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.

21-22 Oct. Adelaide: 2010 Institute of Public Administration Australia national conference, Adelaide Convention Centre, details: <http://www.ipaa.org.au/>

10-13 Nov, Bangkok: 14th International Anti-Corruption Conference (IACC). Details: <http://14iacc.org/>

LAST WORD: I swear, this law must go!


Ireland is to hold a referendum on removing a blasphemy ban from the constitution, the Justice Minister has announced.

The *SMH* reported that the law only came in at the beginning of 2010, when the Irish Republic introduced legislation making blasphemy a crime punishable with a fine of up to \$37,000.

The law defines blasphemy as "publishing or uttering matter that is grossly abusive or insulting in relation to matters sacred by any religion, thereby intentionally causing outrage among a substantial number of adherents of that religion, with some defences permitted".

Atheist Ireland's chairman, Michael Nugent, said: "We reiterate that this law is both silly and dangerous: silly because it is introducing mediaeval canon law offence into a modern pluralist republic; and dangerous because it incites religious outrage and because its wording has already been adopted by Islamic states as part of their campaign to make blasphemy a crime internationally."

<http://www.smh.com.au/world/irish-to-vote-on-blasphemy-20100316-qcmu.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\[at\]cla.asn.au](mailto:secretary[at]cla.asn.au)

ENDS ENDS ENDS