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## Fearful Rudd government spends big on security

The Rudd Government is spending more than \$500 million in the coming year, according to Federal Budget media releases, to “further strengthen Australia’s national security capacity”.

The government is spending an additional 0 – zero – on enhancing the civil liberties and freedoms of Australians, CLA President, Dr Kristine Klugman, says.

“There’s not even \$50,000 to run a conference on civil liberties,” she said.

“While billions of dollars are being spent to ramp up the machinery of fear, nothing extra is being spent to look after individual civil liberties and to promote expanding the personal freedoms of Australians.

“It is skewed thinking, which continues the Howard tradition of ramping up fear in the community.

“The Budget is a classic illustration of money being wasted on ‘toys for the boys’...and even on more boys to play with more toys,” Dr Klugman said.

“For example, and not announced in the 2010 Budget, ASIO will reach its peak of 1860 officers this month, on 30 June. That’s up from 660 in 2001.

“You might justify a 50% increase to 990 staff, but how can you possibly justify trebling the numbers when the government itself says the terrorist threat to Australia has not changed since September 2001.

“It is long past time that federal funds were allocated to start undoing the repressive and fear-creating laws and mistakes made since 2001 by both Coalition and Labor governments,” she said.

“And spending on Parliament House security is so over-the-top it has become a standing joke in Canberra. Pretty soon, you won’t be able to see the parliament for the fortress.”

## Fear-based Budget wastes most of \$½ billion

The Rudd Government is “investing” \$500 million on security as part of the “first-ever coordinated national security budget”, according to media releases.

Across the whole Budget, \$4.3 billion has been spent on national security, border protection, aviation security and supporting the Australian Defence Force.

Remember, all the spending below is in addition to massive Budget spending by the Howard and Rudd governments on security and police over the previous eight years.

Included in the 2010 spending on security are these gems:

- \$101.6m for “telecommunications interception work”: that’s about \$2m a week on secret spying in Australia, mostly on Australians presumably;
- \$14.5m extra for a “Criminal Intelligence Fusion Centre” – the *Hoover*\* CLA is calling it – within the Australian Crime Commission;
- \$1.8m extra so the Australian Secret Intelligence Service (ASIS) can further increase its “intelligence” gathering capability, on top of \$8.3m already in the forward estimates;
- \$9.1m on a new Counter Terrorism Control Centre;
- \$9.7m extra to counter violent extremism and the threat of home-grown terrorism;
- \$17.8m extra funding on dogs at major international airports;
- \$1.2 billion (rpt, billion) on measures including eight new border patrol vessels and extra aviation security;
- \$23.5m extra for 500 new Australian Federal Police officers, on top of \$191.9m provided in the 2008-09 Budget;
- \$17.3m for a National Security College at the Australian National University in Canberra;
- \$21.3m extra funding for security upgrades at Parliament House.

“Have you seen how much money has been spent in and around Parliament House in the past year?” Dr Klugman said. “Now they are going to spend in the next 12 months at a rate of about \$1/2m a week to put more security in place at Parliament House.

“Every new security measure at Parliament House is a further barrier to the average Australian being able to easily access his or her Parliament, his or her MP.

“Spending at and on Parliament House seems to come from a bottomless pit.”

*\* ‘Hoover’, in acknowledgment of the US spy boss and democracy manipulator, Edgar Hoover, and also the vacuum cleaner, which sucks in all manner of debris, letting nothing escape.*

## **While security is ramped up, voting ramps down**

About 10% of eligible Australians won’t exercise their voting rights at the federal election this year. A total of 2.3m did not record a valid vote at the 2007 election, of which about 1.4m are not on the rolls, according to a major report of the Joint Standing Committee on Electoral Matters (JSCEM). And the situation could be the same in 2010 unless all political parties take action.

A bill, stemming from the report, is before the Senate but the opposition has indicated that it will vote against the key measures, which aim to:

- restore the close of rolls period to seven days after the issue of writs,
- repeal the proof of identity requirement for provisional voters, and
- enable voters to update their details electronically.

The Electoral and Referendum Amendment (Close of Rolls and Other Measures) Bill 2010, mainly based on the JSCEM recommendations, must be passed in the very near future to apply to the 2010 federal election.

CLA believes all parties have a responsibility to support the legislation, which gives more people the chance to record a valid vote.

[http://www.smos.gov.au/publications/2010/docs/report\\_on\\_the\\_conduct.pdf](http://www.smos.gov.au/publications/2010/docs/report_on_the_conduct.pdf)

<http://www.aph.gov.au/house/committee/em/elect07/report2.htm>



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## **You will soon be more valuable to politicians**

From 1 July, you will be worth \$2.31 to a federal politician. This month, you’re worth just \$2.28.

The new figure is how much candidates for election get for each vote they receive in a federal election, provided they receive at least 4% of the vote in the electorate they stand for.

Your \$0.03 rise in status stems from a decision of the Australian Electoral Commission.

At the last election, seven parties and 15 independent candidates received a total of \$49,002,638.51. Your rise in status is likely to push election funding to over \$50m next time around.

## **Legal funding announced...for third time this year**

*“The Rudd Government will invest an additional \$154 million over four years in legal assistance programs to improve access to justice in the community,”* a Budget media release said.

This was the third time in 2010 that the government had announced this same spending allocation.

## **Govt to take you to court...if you don’t avoid going to court**

The A-G will introduce a new law, the Civil Dispute Resolution Bill, which will require people to take genuine steps to resolve their disputes before going to court.

Now here’s a government initiative that should cut court time: resolve your dispute...or we’ll take you court!

Incidentally, in announcing the new law, at the start of Law Week, Attorney-General Mr McClelland listed nine initiatives under the government's new 'Access to Justice' measures. Guess what the first and therefore most prominent one was? A website!

If you can't solve a problem by spin, or by advertising, a website will do the trick every time.

## **Govt thinks open process important...but not for High Court judges**

In appointing 99.9% of federal judicial officers, the government will advertise in national and regional media, consult broadly and formally, and appoint independent advisory panels to assess and develop a short list of candidates.

But it won't follow that procedure for the High Court, arguably the most important of all judicial appointments. There, the secretive "old boys' network" will continue to operate.

AG McClelland made the announcement at the start of Law Week.

## **Day is a chance to support refugees**

Sunday 20 June is World Refugee Day: there's opportunities to get involved throughout Australia on the day and in the weeks before and after.

For details, go to: [www.refugeeweek.org.au](http://www.refugeeweek.org.au)

## **About face! Government opts for a proper military court**

AG Robert McClelland and Minister for Defence, Senator John Faulkner, last month announced the government would establish a new federal court, the Military Court of Australia, under Chapter III of the Australian Constitution.

The new court replaces interim measures put in place following the High Court's decision in Lane Morrison, which last year invalidated the Australian Military Court established by the Howard government. That government tried to introduce a legal system for the military on the cheap...and cheap justice is justice denied, as the High Court said, not precisely in those words.

"Judicial officers appointed to the new Military Court of Australia will have the same independence and constitutional protections that apply in other federal courts," Mr McClelland said last month.

All judicial officers appointed to the new court must have either past military experience or a familiarity with the services...but they may not be serving Australian Defence Force members or reservists.

## **Cops want secret database...to control the people**

Australia's cops and spooks want a secret photo database of every Australian, coupled with each person's fingerprints and a DNA sample.

They plan to start with photos from every drivers' licence in the country, as revealed by the head of CrimTrac, Ben McDevitt, last month.

Mr McDevitt wants police and security services to be able to access passport photos, registries of births, deaths and marriages, and the electoral roll, he told the biennial conference of the NSW Police Association. How long before Mr McDevitt will want police access to personal photo albums, to check who's talking to whom?

Mr McDevitt's CrimTrac is a federal agency which keeps and develops national databases of information including criminal histories, DNA and fingerprints. His position means he is well placed to become the 'Crime Supremo' of Australia, the Down Under equivalent to the later Edgar J. Hoover of the USA, who held everyone's secrets, and abused them. In Mr Hoover's case they were used maliciously against individuals he did not like.

The plans for information domination by police and spook agencies in Australia need to be combated with a simple question: why? Why should innocent Australians have their fingerprints, photos and DNA logged by police and secret agencies.

This country was built on the principle of everyone being innocent until proven guilty. The power-seizing McDevitts want to change Australian traditions, society and the rule of law in this country.

In the UK, with a new coalition government sweeping away years of Labour pandering to UK police, they are expunging exactly the types of databases and records that police and security 'Devitees' want to introduce to Australia.

Their plans for a control regime over people are dangerous to Australia's future quality of life: they are effectively Bureaucratic Internal Terrorists (BITs), stealing our heritage and quality of life bit by bit, and carving a swathe through personal privacy. They operate behind the scenes, through the legal and lobby system, to make Australia un-Australian.

They are currently the most dangerous threats to the freedoms and liberties that have made Australia the country it is. They want Australia to be another country, where police and security are in control through centralised photos and information and collated intelligence on every citizen.

The model is East Germany, under the Stasi. Australia is heading towards a Stasi-style state, little by little.

<http://www.smh.com.au/national/police-look-national-database-of-drivers-licence-photos-20100520-vpdu.html>

## **Spy review may allow secret powers by agencies inside Australia**

Australia's intelligence agencies may be permitted to use surveillance tools at home under an independent inquiry ordered by the Rudd government, Tim Lester wrote in the SMH last month.

A new intelligence review confirmed in the federal budget is expected to examine strict limits on how agencies set up to protect against foreign threats can operate in Australia.

The \$3 million review is due to be completed by the end of 2011, he wrote.

"Intelligence sources told the Herald that a secret intelligence review driven by the Department of Prime Minister and Cabinet was preparing to recommend defence intelligence be given powers to tap phones within Australia. Also, officers from the Australian Secret Intelligence Service (ASIS), the overseas spy agency, would be given significantly increased freedom to carry weapons and engage in "paramilitary activities" abroad," Lester wrote.

"Planning for the 2011 review is at an early stage, but the intention is for an independent, comprehensive and in-depth examination of the work of the intelligence community," a spokesman for PM Rudd said. <http://snipurl.com/wwzqt>



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## **Cut military spending, fund diplomacy and aid, says former defence head**

Former Defence Department secretary Paul Barratt has questioned Australia's security spending – funding should be taken from the military and allocated to diplomacy and foreign aid.

Paul Barratt, department secretary from 1998 to 1999, also wants the law changed to require parliamentary approval to send troops to war, Dan Harrison wrote in *The Age*.

"If it's actually a vote of the Parliament, every individual member has to stand up for or against and have it on the record forever whether they voted for this measure or voted against it," Mr Barratt told *The Age*.

Greens Senator Scott Ludlam has introduced a private member's bill to reassign the power to approve the deployment of troops from the executive to the Parliament, but it has failed to attract the support of either Labor or the Coalition. <http://www.theage.com.au/national/fund-diplomacy-and-aid-says-former-defence-head-20100523-w3ze.html>

## **\$3m wasted on pseudo 'consultation'**

Australia has wasted nearly \$3m not getting a Bill of Rights.

The expenditure was 'fraudulent', in that the Prime Minister Kevin Rudd never supported a Bill of Rights. Because of his opposition to one, there was virtually zero chance of Australia ever getting a Bill of Rights under PM Rudd.

The \$3m was spent by the government to fulfil a Labor Party election promise of “holding a consultation”. The party watered down its previous, long-standing commitment to “introducing a Bill of Rights” at the national party conference just before the 2007 election.

*From Senate Estimates, re the ‘national human rights consultation’, 24 May 2010:*

*“In round figures there was \$1.053 million for the secretariat staff, \$434,000 for travel and accommodation, \$366,000 for committee fees, \$353,000 for advertising, \$63,000 for design and printing, \$133,000 for venue hire and catering, \$261,000 for research projects, \$83,000 for public hearings, \$46,000 for writers and editors and \$139,000 for ‘other’ in a total of \$2,933,730”.*

It must be nice to be a Prime Minister, and to be able to throw away \$3m to keep the chattering civil liberties lobby quiet for a year or so. Then you can allocate a further \$18.3m in the Federal Budget to NOT have a Bill of Rights.

Sophie Black, reporting for *Crikey*, put it well...

*“And buried between Australian Customs and Border Protection Service and ASIO efficiencies, there’s a nod to the Australian Human Rights Framework: The Government will provide \$18.3m over four years to “implement a new framework for the protection and promotion of human rights in Australia” through raising awareness in the community and the public sector “through targeted education initiatives”.*

A “framework” is what you get when you spin self-promotion and propaganda on a pyramid of promises, CLA says.

<http://www.crikey.com.au/2010/05/11/border-security-gets-a-billion/>

## **Baby law review will re-open abortion law debate**

NSW is reviewing the laws dealing with the death of unborn children after woman lost her baby following a collision with a car.

Brodie Donegan told the *Daily Telegraph* she was eight months pregnant when hit by a car on the Central Coast. She wants the driver to face murder or manslaughter charges. Current homicide laws only apply to children born alive.

Premier Kristina Keneally announced last month that former Supreme Court judge, Justice Campbell, has been appointed to review the laws. Some fundamentalist religions are welcoming the review so they can re-visit the abortion law debate.

<http://www.abc.net.au/news/stories/2010/05/24/2907727.htm>

## **Stun guns may prove much more costly in long run**

Police forces in Australia using stun guns – which is all of them, plus most corrective service bodies – may have to budget for potential payouts if the weapons are used incorrectly.

The risk factor allowance could make the stun guns much more expensive than they at first appear.

Fort Worth City Council in Texas USA unanimously approved a \$2.4 million settlement last month with the family of a man over stun gun use. Michael Patrick Jacobs died about a year ago after being shocked with a stun gun for 54 seconds.

About a year ago, Jacobs' family called police to their Fort Worth home to report a disturbance and said the 24-year-old had not taken his medication for bipolar disorder, according to the *Dallas Morning News*.

Although the stun gun was designed to deliver a 5-second charge of up to 50,000 volts of electricity, Jacobs was shocked for 49 seconds and then for 5 seconds, according to the autopsy report.

The report concluded that the primary cause of death was "sudden death during neuromuscular incapacitation due to application of a conducted energy device." No traces of alcohol or drugs, electrolyte imbalances, or signs of heart or lung disease were found – all of which can be contributing factors in a death.

Tarrant County medical examiner's office ruled the death a homicide, and Jacobs' family sued, alleging that his civil rights were violated. They filed a federal civil rights lawsuit, which doesn't limit the amount a city could be forced to pay, unlike in cases in the state court. Read more:

<http://www.star-telegram.com/2010/05/18/2199583/fort-worth-council-approves-2.html>

<http://www.dallasnews.com/sharedcontent/APStories/stories/D9FPD6L01.html>

## **Crime Commission to inquire into deaths in police custody**

The Human Rights Commission (HRC) has welcomed a move by Queensland's Crime and Misconduct Commission (CMC) to take over investigations into deaths in police custody.

The CMC will investigate police-related deaths in custody, instead of police, after a coronial inquest into the 2004 death of Cameron Mulrunji Doomadgee in the Palm Island watch-house off Townsville recommended the move.

Aboriginal and Torres Strait Islander Social Justice Commissioner Mick Gooda says although he is concerned by some of the coronial findings, he says this will go some way to restoring public faith in the justice system.

Commissioner Gooda says change is imperative. "All Australians, all Queenslanders, should be concerned at the report about how there were some problems with police investigating police," he said. <http://www.abc.net.au/news/stories/2010/05/19/2903231.htm>



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## **CMC wants two investigating police disciplined**

The Crime and Misconduct Commission wants two senior officers, picked by Queensland Police Commissioner Bob Atkinson to review the discredited investigation into the 2004 death in custody of Palm Islander Cameron Mulrunji Doomadgee, to face disciplinary charges for an alleged whitewash.

A draft CMC report has accused Ethical Standards Command officers of running a biased investigation to protect other police. It is alleged witnesses were guided in their answers in interviews, with copies of the questions to be asked provided in advance.

<http://www.theaustralian.com.au/in-depth/aboriginal-australia/top-cops-fed-lines-to-palm-police/story-e6frgd9f-1225862773584>

## **Government spends on islands...but not Palm Island**

The Rudd Government is providing funding of over \$150m to promote security initiatives for islands, including:

- \$35.5m to upgrade the Cocos (Keeling) Islands runway;
- \$80.5m extra for the AFP Police Development Program in Timor-Leste, Tonga and Vanuatu;
- \$21.2m ongoing funding for counter-terrorism liaison and capacity building in the Asia-Pacific region; and
- \$15.7 million over two years to ensure the continued presence of a dedicated vessel at Ashmore Reef.

The Rudd Government has allocated no extra money – or a dedicated vessel – to Palm Island, off the coast of Queensland, where about 3,500 Aboriginal Australians live.

Palm Islanders are believed to be planning to encourage refugee boats to come down the east coast of Australia, to land on their island, so they can receive much-needed special funding in the 2011 Federal Budget.

## **Body needed to review possible miscarriages of justice**

The case of a Queensland man who had his murder conviction quashed after spending 15 years in jail has prompted calls for a national body to review possible miscarriages of justice.

"The miscarriage of justice scenario thrown up by the Graham Stafford case is not a peculiarly Queensland problem – it is an Australia-wide problem," the spokesperson for Queensland Council for Civil Liberties, Terry O’Gorman, said last month. "Every year there is a number of miscarriages of justice around the country."

Mr O’Gorman wants Australia to set up a national commission to investigate possible miscarriages of justice, similar to what happens in the UK.

<http://www.abc.net.au/news/stories/2010/05/11/2895754.htm>

## **Discrimination against young Aborigines appears to worsen**

Aboriginal juveniles are about 28 times more likely to be detained than non-Aboriginal juveniles.

In the seven years to mid-2008, there was a 24% increase in court appearance rates for Aboriginal juveniles and a 71% increase in the daily average number of Aboriginal juveniles in detention in NSW.

Of the 5210 young people admitted into custody in 2007/08, 2,363 were Aboriginal juveniles.

Sources: Steering Committee for the Review of Government Service Provision, *Overcoming Indigenous Disadvantage: Key Indicators 2009*, Productivity Commission, 2009

Richards, K, *Juveniles’ contact with the criminal justice system in Australia*, Australian Institute of Criminology, 2009 p27, p41

[http://www.djj.nsw.gov.au/strategic\\_review.htm](http://www.djj.nsw.gov.au/strategic_review.htm)

Read Adele Horin’s comment in the *SMH*: <http://snipurl.com/wwwrc>

## **Pacific needs rights protection...and attention from PM**

A new parliamentary report is calling for greater protection of human rights in the Asia Pacific region.

Human Rights sub-committee chair Kerry Rea said last month human rights in the region clearly needed enhancing. "Evidence received by the committee indicated that there continue to be many human rights issues that the region must tackle," she said.

The sub-committee wants to be represented at bilateral human rights meetings and also to receive an annual report from the Department of Foreign Affairs and Trade on meetings it holds.

Among other key recommendations in the report was to appoint an Australian special envoy on human rights in the Asia Pacific. Bob Sercombe, the former Member for Maribyrnong, would be an ideal choice: he steered development of the Labor Party’s *Our Drowning Neighbours* report on the effect of climate change in the Pacific.

What the carefully-worded sub-committee report failed to say was that Australia’s stocks in the Pacific have been dealt a massive blow by the way the Prime Minister, Mr Rudd, has studiously avoided paying anything but the most twitchy of lip service to Pacific forums and meetings.

## **Thom appointed acting IGIS**

Deputy Commonwealth Ombudsman, Dr Vivienne Thom, has been appointed acting Inspector-General of Intelligence and Security.

The current IGIS, Ian Carnell announced his retirement after a long career in the Public Service.

Source: <http://www.psnews.com.au/APS.html>

## **WA’s Porter denies right to award of costs against crown**

The WA Attorney General, Christian Porter, has disagreed with a lawyers' group about compensation for a former state public servant and two lobbyists who have been cleared of corruption charges.

Lobbyists Brian Burke and Julian Grill were accused of procuring confidential information from Nathan Hondros while he was working as Chief of Staff for the then Fisheries Minister in 2006.

A Supreme Court judge last month cleared the men of any wrongdoing, and the Criminal Lawyers Association believes the State Government should repay the legal costs incurred by all three.

Mr Porter says he does not believe defendants in all superior court cases that do not result in a guilty verdict should be compensated for the costs of their defence. CLA believes it is difficult to justify the Porter position, when what he is denying is the same system that applies in lower courts in WA.

Mr Hondros lost his public sector job when he was charged and says he has spent about \$500,000 on legal fees. "If you look at the amount of money I owe, I'll spend the rest of my life paying it back," he said.

The failure of the legal case against the men is producing mounting pressure for an inquiry into WA's Corruption and Crime Commission. Mr Burke has renewed calls for an independent inquiry into the CCC which ran the investigation leading to the court case.

<http://www.abc.net.au/news/stories/2010/05/11/2896503.htm>

<http://www.abc.net.au/news/stories/2010/05/11/2896240.htm>

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## **SA outlaw dodgy vote cards, censoring political blogs**

The SA Parliament is banning the use of how-to-vote cards that appear to be from another political party.

Labor used how-to-vote cards with the words 'put your family first' at the March 20 state poll, urging preferences be directed to Labor in some seats by people intending a vote for Family First.

Premier Mike Rann later said the tactic was wrong and would be made illegal. SA Attorney-General John Rau says the Government hopes to get the change through Parliament after an earlier attempt failed last year, the ABC reported.

The Greens want all how-to-vote cards banned at South Australian elections. Greens MP Mark Parnell said they are already banned in Tasmania and the ACT and he thinks voters would prefer not to be approached by volunteers handing out cards at polling booths.

After a backlash ahead of the election, the SA government is also promising to repeal new laws which censored political comment made online.

<http://www.abc.net.au/news/stories/2010/05/11/2896541.htm>

## **Feds inquire into sharp practices at SA election**

The federal parliament's Joint Standing Committee on Electoral Matters into the South Australian state election on 20 March, including:

- (a) impersonation of Family First booth workers and distribution of misleading voting information;
- (b) the extent to which this was calculated and designed to mislead voters;
- (c) whether comparable activity would be considered to be legal under the Commonwealth Electoral Act 1918, including the implications flowing from the decisions in *Bray v Walsh* (1976), *Evans v Crichton-Browne* (1981), *Webster v Deahm* (1993) and *Re Carroll v Electoral Commission of Queensland* (1998);
- (d) what changes would be required to the Commonwealth Electoral Act 1918 to prevent a political party (or others) engaging in misleading and deceptive conduct at federal elections;
- (e) allegations that a single family illegally lodged more than 150 votes on polling day through impersonation of other voters; and
- (f) allegations that a large number of votes remained uncollected from hospital facilities because of errors on the part of polling officials.

Submissions: [jscem@aph.gov.au](mailto:jscem@aph.gov.au) Closing date for submissions is 23 July 2010.

## **QAGs breed QOCGs, meeting annually...and furtively**

Attorneys-General from the USA, Canada, NZ and Australia – who call themselves the “Quintet” of AGs, or QAGS – last month produced a “joint Declaration to cooperate in combating international organised crime”.

(Capital “D” is in the original media release: UK was in election mode, so its rep was missing).

Here is what AG McClelland says about it: *“The Declaration will enhance cooperation on organised crime through a greater sharing of information and criminal intelligence as well as improving coordination in shaping international policies and initiatives, and enhancing cooperation between law enforcement agencies.”*

These weasel words may hide an international conspiracy: what does “...improving coordination in shaping international policies and initiatives” mean?

There is no report to parliament about these Quintet meetings of the QAGs, whom CLA calls the ‘Furtive Five’.

Apparently, international agreements have been concluded by the Australian Attorney-General, without clearance from his Labor Caucus (and that’s against the Caucus rules) and without approval from the Australian Parliament (and that’s against Australian democracy). We apparently have a new ‘treaty’ with four other countries which involves establishing a ‘Quintet Organised Crime Group’ which will meet annually.

When will backbenchers of all parties stand up and be counted against the anti-democratic ravages of creeping Executive control of government?

Media release 1 May 2010 A-G; media contact: Adam Siddique 0407 473 630

## **CJ calls for better justice system**

WA’s chief justice has called for truth in sentencing and a better use of parole to target serious offenders at most risk of reoffending.

Justice Wayne Martin has proposed that WA’s parole system be restructured so parole was not a discount on a prison sentence but a period of community supervision added on at the end of a sentence, according to a report in the *West Australian*.

In a speech prepared for a seminar at Notre Dame University in Fremantle last month, he said such a system would mean prisoners served their full sentences. “It would finally introduce truth in sentencing – there would be no gap between the sentence imposed and time served – the term imposed by the court would be served in each and every case.”

The prison system in WA was already under stress with chronic overcrowding and the cost to the taxpayer per prisoner each year was over \$100,000, he said.

From 2002 to 2009 the population of sentenced prisoners in the state had jumped by 75 per cent to over 4,000 inmates, Justice Martin said.

He pointed out that the rate of imprisonment in WA was a little over 100 per 100,000 people in 1978 but in 2009 it was almost treble that at 280 per 100,000. <http://snipurl.com/wwwyx4>

## **Ex-judge criticises mandatory sentencing, stop and search powers**

Former District Court chief judge Antoinette Kennedy has blasted WA’s mandatory sentencing, and the proposed stop and search laws.

“I think it’s ridiculous – it’s just completely over the top,” Ms Kennedy told *ABC Radio*. “You don’t give people power on the basis that as long as you run into a nice policeman everything will be OK. We don’t have the rule of the police, we have the rule of law.”

The WA Liberal government’s proposed stop and search laws have already been described as “going too far” by federal Liberal frontbencher Joe Hockey, who said they would impinge on civil liberties.

Ms Kennedy, WA’s first female District Court chief judge, also slammed mandatory six-month jail terms for assaulting a public officer, which was introduced last September. She said people could

be jailed for "trivial matters", and that "tough-on-crime" legislation was driven more by politics than any real threat to the community. "There's no leadership in that," she said.

Ms Kennedy said WA already had Australia's highest rate of imprisonment "by a country mile".

"The average age of the prison population is something under 22, which people don't realise."

<http://snipurl.com/wwwyt>

### **Yet another central database...this one with just 'suspects'**

The Rudd Government plans to set up a "centralised national database of convicted and suspected arsonists", a joint media release by Attorney-General Robert McClelland and Minister for Home Affairs Brendan O'Connor announced last month.

"A centralised national database of arsonists will provide local authorities with access to up-to-date information on arsonists which may be used to direct intervention strategies at times of high risk," the announcement said.

In other words:

- an Australian citizen can be placed on a secret government database list when innocent;
- you can become a suspect on the say-so of anyone in a regime without rules announced in a media release without details;
- at times of high risk – about three months each year – anyone on the secret central list can be locked up or kept under active surveillance under "direct intervention strategies"; and
- the people with access to this list, who can apparently detain or restrain or surveil innocent people for three months of every year, on suspicion only, are not judges or magistrates or even police...just 'local authorities'.

CLA would like the two Ministers to explain:

- what safeguards will be put in place:
- how people will be made aware that their names have been placed on the secret list, and:
- how they can possibly – ever – clear their names if, in fact, they have been put on the list in error, or maliciously.

It is well past time that the federal government stopped implementing legislation without consulting the public, including civil liberties and human rights advocates. Currently, the only input going into the A-G's department is from police, security, spy and fire authorities: there is no balanced input whatsoever.

### **Three-and-out policy may create 'super ghetto', government warns**

Public housing tenants will be kicked out of their homes if three complaints are lodged against them in three months, under new policy of the Country Liberal Party (CLP) in the NT.

The three strikes and you're out policy will operate if the Country Liberals win power at the next election. The NT Labor government says the Opposition's plan is not viable and could create a "super-ghetto".

Under the CLP's plan, a tenant who gets three complaints about anti-social behaviour within three months will get evicted. The CLPs Kezia Purick says at that point they will be asked to move into a purpose-built facility .

"The facility will be a dry community," she said. "It'll be managed by a non-government organisation," she told ABC Radio. <http://www.abc.net.au/news/stories/2010/05/06/2891702.htm>

### **DNA alone no longer enough to convict**

Victorian A-G Rob Hulls has agreed that DNA evidence alone will no longer convict people.

This is a major breakthrough for common sense, CLA says.

Both the Victorian Government and the police have accepted the recommendations of two reports, calling for changes in the way DNA evidence is processed and analysed.

Retired judge Frank Vincent's report recommends improvements to procedures for medical examinations, including the use of sealed sexual assault examination kits. It also calls for increased training for prosecutors who use DNA evidence.

AG Hulls has accepted all of the recommendations in the report, and says all cases heavily reliant on DNA evidence will be reviewed.

"This really is a wake-up call to ensure that people are not blinded by the science, and the so-called 'CSI effect' of DNA evidence," he said. <http://snipurl.com/w1cut>



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## **Police don't play by the rules over privacy**

Victoria Police appear to be one of Australia's worst offenders against privacy: they don't abide by their own rules when they have them, and they don't have rules where they should.

The Commissioner for Law Enforcement Data Security, David Watts, who monitors police use of sensitive information, said Vic Police had no policies to ensure information was not transferred or lost from laptops, USB sticks and mobile phones, according to a report in the *Sunday Age*.

FOI documents revealed arrangements with third-party organisations do not comply with the Commissioner's standards, which are binding on Victoria Police. The documents also reveal the organisations Victoria Police allows access to its data, which includes criminal information on the LEAP database.

These third-party organisations are: Customs, the Australian Federal Police, the Commonwealth agency CrimTrac, Responsible Alcohol Victoria, the Sheriff's office, parking infringement company Tenix Solutions, Corrections Victoria, the Emergency Services Telecommunication Authority, NSW Police, the Australian Crime Commission, four of the police's IT contractors, the private contractors of the Melbourne Custody Centre, WorkCover, the Transport Accident Commission and VicRoads. Many of these organisations should have access after a judge has issued a warrant authorising it, CLA believes. <http://snipurl.com/w4vvk>

## **NSW to become the 'Open State' from 1 July?**

The new regime for releasing public information in NSW will start on 1 July 2010 when the Government Information (Public Access) Act 2009 (GIPA Act) comes into operation.

The GIPA changes are meant to open access to public information throughout NSW state and local government, and authorities and agencies. GIPA replaces the old FOI regime.

The new system is supposed to result in proactive release of government information by agencies, give people an enforceable right to access government information, and restrict access to government information only when there is an overriding public interest against disclosure.

Deirdre O'Donnell started work last month as the first Information Commissioner in NSW. She was Telecommunications Industry Ombudsman from 2002 to 2007 and is also a former WA Ombudsman and held other senior positions in that state.

## **Length of sentences increases up to 60%, report says**

Sentences for certain criminals, caused by alterations to NSW sentencing laws, have increased by up to 60%, according to a Judicial Commission of NSW report last month.

The report found the introduction of standard non-parole periods had increased the guilty plea rate for relevant crimes from 78.2% to 86.1%.

Under the laws, introduced by the Labor Party during 'law and order' auction campaigning with the Liberals for the 2003 election, the median full term of sentences for people convicted of wounding with intent increased by 60%, from five to eight years.

The median non-parole period more than doubled, Erik Jensen reported in the SMH. <http://snipurl.com/wqnvd>

## **Watchdog worries she can't scrutinise jail**

ACT Human Rights Commissioner Helen Watchirs says it is frustrating that she is unable to scrutinise Canberra's jail.

Dr Watchirs has told an ACT Legislative Assembly budget estimates hearing that her office does not have enough funds to undertake a human rights audit of the Alexander Maconochie Centre (AMC). She says concerns include the management unit where there has been mixing of sentenced and remand prisoners as well as protection and mainstream prisoners.

Meanwhile, the ABC said an independent review into the prison would be undertaken by a private consultancy firm which will examine the AMC's first 12 months. Attorney General Simon Corbell said the review would scrutinise security, health services, programs for detainees and the release process. <http://www.abc.net.au/news/stories/2010/05/25/2908316.htm>

## **Publicans seek ban for drunks**

Hotels in NSW want anyone convicted of a drink-related offence to be banned from all licensed premises under a formal order.

The AHA believes anyone convicted should have to attend alcohol-misuse courses, and proposes to contribute \$100,000 to a drug testing trial under the government's new "Hassle Free" nights program, which includes a new liquor accord, extra secure taxi ranks, laws to reduce street drinking and rules for party buses and boats. The program targets hotspots, including the Illawarra, Central Coast, Manly and Sydney's CBD.

CLA wonders why the money wouldn't be better spent training pub and club staff to stop serving alcohol to intoxicated people, which they are required to do by law. The AHA seems to think that drunks suddenly appear on the streets, by magic, rather than emerging from licensed premises, as most people think is the case.

Gaming and Racing Minister, Kevin Greene, said the government did not yet have a response to AHA proposals. <http://snipurl.com/w4003>

## **More legal funds for rural and remote areas**

WA will get more than \$1m extra to support legal assistance services in regional and remote areas.

Legal Aid WA receives one-off additional funding of \$500,000 to continue its successful Country Lawyers Program to encourage lawyers to practice in regional and remote areas.

One-off extra funding of \$620,000 goes to the Aboriginal Legal Service of WA to help finalise cases stemming from the WA Indigenous Justice Taskforce, convened in 2007 to handle a rapid rise in the number of sexual assault charges in the Kimberley.

## **Police want power to take DNA from anyone they choose to arrest**

WA Police took more than double the DNA samples in 2009 – 27,000 – than the year before to expand the State's DNA database.

Now they want the power to take DNA from anyone arrested, not just people arrested for serious crimes involving a minimum sentence of 12 months. The State Government looks likely to agree, further consolidating WA's reputation as a "police state".

Police took DNA samples from 27,149 people in 2009, up from 11,417 the previous year. In the first quarter of 2010, police took 9321 DNA samples. WA now has about 118,000 DNA profiles on its database, making it one of the nation's biggest and the highest per capita, the *West Australian* reported.

<http://au.news.yahoo.com/thewest/a/-/newshome/7187127/police-press-for-expanded-dna-powers/>



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## **Governor warns of need to safeguard press freedom**

The Governor of Queensland Ms Penelope Wensley last month told a conference audience that the guardianship of press freedom remained no less of a concern in democracies and stable governments.

She was speaking at the 2010 World Press Freedom Day conference at the University of Queensland.

When there were changes to legislation, vigilance was necessary, she said. As examples, she mentioned changes concerning Freedom of Information laws, privacy laws, protection of whistle blowers, sedition, secrecy and suppression orders. – UNity, UN Assn of Australia newsletter.

## **It's official! WA is the dirtiest state**

It's official! WA is probably Australia's dirtiest state, according to the woman responsible for keeping it clean, Environment Minister Donna Faragher.

The Minister said the 2009 Rubbish Report from the Keep Australia Beautiful Council revealed WA led the country in discarded cigarette butts, accounting for 30% of total rubbish items. It also found Perth beaches had more litter than other States.

She is bringing in legislation, to increase the on-the-spot fine for throwing away a cigarette butt from \$75 to \$200. Anyone convicted in court faces fines of \$5,000, up from \$1,000.

The WA government's litter approach is in keeping with its 'tough on crime' philosophy, which has resulted in about 43% of people locked up in jails in WA being indigenous. It will be interesting to see if any particular section of the community is more heavily affected by the new litter laws.

<http://www.dec.wa.gov.au/content/view/5955/1560/>

## **Report on **CLA** activities in May:**

### **Board:**

In process of gaining two new members: lawyer Noor Blumer and businessman/web editor Frank Cassidy, welcome additions for their expertise. A law student Kelly Haines Sutherland will join in observer capacity.

At 23 May meeting, main topics discussed were:

- tax status and registration formalities
- report on eAGM
- monitoring COAG, SCAG
- report on meetings and discussions in Melbourne, Launceston, Hobart and Bendigo
- membership and financial data recording
- development of register of political promises re liberties, rights, justice.

### **Forums**

Former Parliamentarians' gathering Old Parliament House: *Populate or Perish*; Centre for International and Public Law's 20th anniversary forum, ANU; and Presentation by Dr Christopher Michaelson to the Australian Federation of Islamic Forums conference, Sydney

### **Submissions**

Changes to the court structure in the ACT: "virtual" District Court

### **Media:**

- Letter to T. Walker (student) about the Evidence (Propensity Evidence) Amendment Bill 2009 (SA).
- Byron Vale from *Sunday Courier Mail* Qld about online privacy, specifically regarding Facebook and Google.
- Nonee Walsh, *ABC* journalist, regarding Bryce case and reforms to federal sentencing legislation.

- WA journalist about Random Roadside Drug Testing and concerns over 1 in 8 false positive rate.
- Email with Ross Bennett, journalist for *Photography* magazine about onerous restrictions on commercial and non-commercial photographers in Commonwealth and State national parks (and council land).

### Meetings:

George Williams re future Bill of Rights for Australia  
 John McMillan, newly-appointed Information Commissioner  
 Darren Churchill re Democrats  
 Ms Vicki Dunne MLA re criminal law issues

### Submissions:

National Security Legislation Amendment Bill (Rhys Michie, submitted 30 April)  
 Parliamentary Committee on Law Enforcement (Rhys Michie, submitted 30 April)

## AUSTRALIAN BRIEFS

**R18+ video games come closer:** Introducing an R18+ classification for computer games in Australia took a step forward at a meeting of all Australian Attorneys-General last week, ACT Attorney general, Simon Corbell, said last month. Of the 60,000 submissions received during a public consultation, 98% were in favour, Mr Corbell said. The 'retirement' from the state Ministry of former SA Attorney-General, Michael Atkinson, also moved the idea forward. He had vetoed the proposal and, under the Standing Committee of Attorneys General (SCAG) system, one black ball vote is enough to prevent action.

**Do Not Call registration to last five years:** Registration for the Do Not Call Register is being extended from 3 to 5 years. However, the Government no longer plans to extend the register to include business numbers. People can re-register by visiting [www.donotcall.gov.au](http://www.donotcall.gov.au) or by calling 1300 792 958. Information on proposed changes to the Do Not Call Register is at: <http://www.dbcde.gov.au/donotcall>. Media release: <https://promo-manager.server-secure.com/ch/dzqw7v/295047/a3551byrv.html>

**Davis appointed to UN post:** PhD researcher Megan Davis has become the first Australian Indigenous woman elected to a UN body. Ms Davis is joining the UN Permanent Forum on Indigenous Issues (UNPFII), which advises the UN on indigenous issues related to economic and social development, culture, the environment, education, health and human rights. She is a PhD scholar at the Regulatory Institutions Network (RegNet) at ANU, studying Aboriginal women and the right to self-determination. She is also senior lecturer and Director of the Indigenous Law Centre at the University of NSW, and will be an ANU visiting scholar at the National Centre for Indigenous Studies (NCIS). She takes up her three-year UN position in 2011.

**AG admits the law confuses, believes the web solves:** "Increasingly, the experience of ordinary Australians dealing with the justice system is marked by confusion and complexity. People often don't understand legal events, what to do or where to seek assistance, while many are excluded because information is complicated or simply difficult to find," Attorney-General, Robert McClelland, said last month. He was launching a new website which aims to provide information about legal assistance and related services in Australia: <http://www.accesstojustice.gov.au>

**Education campaign on refugees needed – professor:** The Australian government should offer asylum seekers more resettlement places, do away with the 'legal fiction' of the migration zone and instigate a public campaign on the true plight of refugees to counter 'dog-whistle' politics, according to Freilich Foundation Professor Penelope Mathew. Speaking at an ANU public lecture,

she examined Australia's international human rights obligations to asylum seekers, assessed the country's compliance and suggested ways to better deal with the issues. Prof Mathew argued that Australia's treatment of asylum seekers went downhill in the 1990s and little has improved since then. More info: Martyn Pearce 0416 249 245.

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**Neave to head ARC:** Colin Neave has been appointed President of the Administrative Review Council, which monitors and advises the government on the Commonwealth administrative law system. He has been Chief Ombudsman of the Financial Ombudsman Service since July 2008, after being Australian Banking Industry Ombudsman from 1996. He is also chair of the Victorian Legal Services Board and chair of the Commonwealth Consumer Affairs Advisory Council. Previously, he was secretary of the Victorian A-G's Department, managing director of the Legal Aid Commission in NSW, deputy secretary of the federal A-G's Department, commissioner for Consumer Affairs in SA and company secretary of AMI Toyota Ltd. Mr Neave became a solicitor of the Supreme Court of Victoria in 1966 and practised as a solicitor in Melbourne until 1982.

**Tell the UN:** The Australian Human Rights Commission invites comments on its draft submission for Australia's appearance before the UN Human Rights Council's Working Group on the Universal Periodic Review in January 2011. Submissions by the commission and NGOs are due to the UN in July 2010. The UPR is a snapshot of human rights in Australia, so it can propose reforms still required. Draft submission: [www.humanrights.gov.au/upr/20100517\\_upr\\_submission.html](http://www.humanrights.gov.au/upr/20100517_upr_submission.html)  
Feedback can be sent to: [www.humanrights.gov.au/upr/feedback.html](http://www.humanrights.gov.au/upr/feedback.html)

**NT intervention fails to improve eating habits:** Controls imposed on how Indigenous people in remote communities could spend their welfare payments has had no lasting impact on junk food and tobacco sales, research shows. <http://snipurl.com/wwwpc>

**Microsoft warns of privacy concerns:** "Whenever a government takes control of citizens' information, puts it in one place and then starts moving it around, there will be concerns," said Microsoft's local health director, Michael Gratton. "Australians have always been worried about data aggregation and, as the HI (Health Information) Bill moves through the Senate, the government is going to be held to account on those issues."

**Tamil still at risk, report says:** A damning international report rejects the Rudd government's assertion that it is now safe for Tamil asylum-seekers to return home and says that tens of thousands of unarmed Tamil civilians were killed in the final months of Sri Lanka's civil war, a toll far higher than previous estimates, The Australian reported last month. The report urges several countries, including Australia, not to deport suspected former Tamil Tiger fighters, saying it puts their lives in danger. <http://snipurl.com/wx060>

## INTERNATIONAL

### Operators of drones in USA at fault over deaths in Afghanistan

Can Afghani civilians sue civilly in US courts for inappropriate decisions by US-based operators of deadly killer drones?

That question arises as the US military admits US-based controllers were at fault in a major recent incident.

The military last month released a scathing report on the deaths of 23 Afghan civilians earlier this year, saying that "inaccurate and unprofessional" reporting by a team of Predator drone operators helped lead to an inadvertent missile strike on a group of innocent men, women and children.

The report said that four American officers, including a brigade and battalion commander, had been reprimanded, and that two junior officers had also been disciplined. Gen. Stanley A.

McChrystal, who apologised to President Hamid Karzai after the incident, announced a series of training measures designed to reduce the chances of similar events.

The report, signed by Major General Timothy McHale, found that the Predator operators in Nevada, as well as the ground commander in the area in Afghanistan, made several grave errors that lead to the airstrikes. Read more:

<http://www.nytimes.com/2010/05/30/world/asia/30drone.html?ref=global-home>

## **Phone-tap needs court warrant, life-tap needs no judicial authority**

The Obama administration's decision to authorise the killing by the Central Intelligence Agency of a terrorism suspect who is an American citizen has raised concern over the legal and political limits of drone missile strikes, a mainstay of the US campaign against terrorism.

The notion that the government can, in effect, execute one of its own citizens far from a combat zone, with no judicial process and based on secret intelligence, makes some legal authorities deeply uneasy, the NY Times reported last month.

To eavesdrop on the terrorism suspect who was added to the target list, the American-born radical cleric Anwar al-Awlaki, who is hiding in Yemen, intelligence agencies would have to get a court warrant. But designating him for death, as CIA officials did early this year with the National Security Council's approval, required no judicial review. <http://snipurl.com/w9d1k>

## **Australia criticises others during human rights review**

At the eighth session of the Universal Periodic Review Working Group of the UN's Human Rights Council, Australia helped review the human rights situations in Belarus, Grenada, Guyana, Kenya, Kiribati, Laos, Lesotho, Spain and Turkey.

Australia's statements called on states to:

- abolish the death penalty (Belarus, Grenada, Guyana, Kenya, Laos and Lesotho)
- accede to key human rights treaties and align domestic policies with international obligations (Belarus, Grenada, Guyana, Laos, Lesotho, Kiribati, Spain and Turkey)
- remove legislation which discriminates against individuals on the basis of their sexual orientation or gender identity (Grenada, Guyana and Lesotho).

For copies of Australia's statements, go to: <http://www.geneva.mission.gov.au/>

CLA hopes the Australian Government in future applies the same standards in Australia in relation to the second and third dot points: specifically, to pass a human rights act in keeping with international treaties and obligations, and get rid of the discriminatory NT intervention legislation, which breaches the spirit of s117 of the Australian Constitution.

## **Police numbers up...but so is overtime!**

Spending on police overtime in the UK nearly doubled over the past decade despite record numbers of police officers, according to statistics.

Overtime payments in England and Wales soared by about 90% between 1999 and 2009, hitting \$445.14m last year, said the Centre for Crime and Justice Studies (CCJS).

The number of police officers reached an all-time high of 142,151 in 2009 – 15,337 higher than a decade ago, the study found.

Researchers said overall policing costs grew by 48% over the 10 years, from \$16.2bn to \$23.96bn. The report's compilers said the rise in overtime appeared counter-intuitive given the size of the workforce. <http://snipurl.com/w75v6>

## **ID scheme scrapped**

The UK's long-term \$7.8bn national identity card scheme is to be scrapped within 100 days, the Home Secretary, Theresa May, announced last month.

The 15,000 identity cards already issued are to be cancelled. With an allied decision to cancel the next generation of biometric fingerprint passports, savings will total \$1.75bn.

May said: "This bill is the first step of many that this government is taking to reduce the control of the state over decent, law-abiding people and hand power back to them. We aim to consign identity cards and the intrusive ID card scheme to history within 100 days."

A separate scheme under which identity cards are issued to all foreign nationals resident in Britain by 2015, run by the UK Border Agency, will go ahead. <http://snipurl.com/wu2z7>

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## **Obama to remove Miranda protections for suspected terrorists**

The Obama administration wants to throw out the traditional 'Miranda statement', allowing investigators to interrogate terrorism suspects without informing them of their rights.

US Attorney General Eric Holder wants to abandon the Miranda rights established in a landmark 1966 Supreme Court ruling, which forbids prosecutors from using in evidence statements made before suspects have been warned that they have a right to remain silent and to consult a lawyer.

Mr Holder said interrogators needed greater flexibility to question terrorism suspects than is provided by existing exceptions. The proposal to ask Congress to loosen the Miranda rule comes against the backdrop of criticism by Republicans who have argued that terrorism suspects — including United States citizens like Faisal Shahzad, the suspect in the Times Square case — should be imprisoned and interrogated as military detainees, rather than handled as ordinary criminal defendants. <http://snipurl.com/w5o1e>

## **US case to test genetic discrimination law**

In what may be the first US case of genetic discrimination since the US Congress banned the practice in 2008, a Connecticut woman claims she lost her job because she has a gene that predisposes her to breast cancer.

She has filed a complaint with the US Equal Employment Opportunity Commission and the Connecticut Commission on Human Rights and Opportunities. It alleges that her employer, a utility company called MXenergy, violated a new federal law that protects people against genetic discrimination by employers and insurance companies, according to an Associated Press report.

The Genetic Non-Discrimination Act (GINA) became law in 2008 and went into effect last year.

Pamela Fink, a 39-year-old woman from Fairfield, Connecticut, alleges that she lost her job at MXenergy after she told the company that she had a mutation in a gene called BRCA2 that is linked to a greatly increased risk of breast cancer. <http://snipurl.com/vyffx>

## **UN envoy wants Gbay 'child' prisoner released**

A UN envoy has reiterated her call for the immediate release of the last child soldier still held in Guantanamo Bay, voicing concern that his case has been brought to trial under a US military commission and that he is charged with war crimes, the *UN News* reported last month.

Omar Khadr, a Canadian citizen, was arrested in Afghanistan in 2002 when he was 15. He has been in US custody for more than seven years, much of his time in solitary confinement.

Radhika Coomaraswamy, Secretary-General Ban Ki-moon's Special Representative for Children and Armed Conflict, has called on the governments of Canada and the US to respect the Optional Protocol to the Convention on the Rights of the Child and release Mr Khadr into Canadian custody.

– from *UNity*, UN Assn of Australia newsletter

## **Spies' secrets hold no sway in civil court**

Secret evidence cannot be used in a civil damages claim being brought by six former Guantánamo Bay detainees, the British Court of Appeal ruled last month.

Binyam Mohamed and other former prisoners are suing the government for complicity in torture; the government and security services wanted to use secret information in their defence at the High Court. But Lord Neuberger, the Master of the Rolls who headed a three-judge panel, declared that it was not open to the courts to order a closed material procedure in an ordinary civil claim.

"The primary reason for our conclusion is that, by acceding to the defendants' argument, the court, while purportedly developing the common law, would in fact be undermining one of its most fundamental principles," he said. <http://snipurl.com/vz9rr>

## **EU Parliament wants charter of data rights**

Internet users should be entitled to demand their information is removed from company databases even if collected with their consent, the European Parliament has said.

The EU Parliament has also called for a charter of individuals' internet rights. It adopted a new digital strategy called '2015.eu' which outlines its ambitions for internet policy for five years. It has passed a resolution adopting the plan and demanding that the European Commission make it work.

The agenda calls for a charter of citizens' and consumers' rights by 2012 and that the Cybercrime Convention should be ratified by 2015. Every house in the EU should have access to cheap broadband within three years, according to the agenda, and to very high speed networks by 2020. <http://snipurl.com/w4ckt>

## **Mounties restrict stun gun use**

The Royal Canadian Mounted Police have put more restrictions on using stun guns in reaction to the 2007 death at an airport of a Polish man zapped five times when he became distraught.

RCMP officers must limit stun gun use to where someone was causing or might cause bodily harm. People should be warned before being stunned, when feasible, RCMP rules say.

The RCMP said officers should seek medical help before using stun guns if possible. The organisation will boost testing after some stun guns were found to give more powerful shocks than the manufacturer's specifications. <http://snipurl.com/w4wnl>

## **Prayer meetings held for seven locked up for two years**

Baha'is across Australia and the world are marking the second anniversary of the imprisonment of seven Baha'i leaders in Iran with special prayer meetings.

The seven are being held in inhumane conditions in Tehran's notorious Evin Prison, according to Australian Baha'i spokesperson Tessa Scrine.

"These innocent people are held in two small cells in which it is hard to move or rest," she said.

"They sleep on a blanket on the cement floor, are only permitted fresh air for two hours a week, and the place has a foul smell. Their health is deteriorating as a result of these appalling conditions, which violate all international standards.

"We call on the Iranian authorities to immediately free these seven people, who have been incarcerated without sentence for two years. At the very least, they should be released on bail pending a prompt, fair and open trial that upholds international legal standards," Ms Scrine said.

More info: Baha'i World News Service at [www.news.bahai.org](http://www.news.bahai.org)

## **Henry Porter, who ran the Liberty Central blog in *The Guardian*, said:**

"...to my astonishment and pleasure it now seems certain that they (the UK Conservative/Liberal Democrat coalition government) are going to start righting the liberty deficit left by (UK) Labour: ID cards are gone; surveillance will be controlled; the ContactPoint database is dead; the vetting and barring database is to be reduced. These things will be done. I know Nick Clegg (Liberal Democrat leader and Deputy PM) a bit and am sure that this all at the core of his political being.

"(UK) Labour was an utter disaster for civil liberties and also for parliament, where it reduced scrutiny and debate while vastly increasing the number of pages of legislation and unscrutinised

statutory instruments. It made use of (tactics) to smuggle measures into law and (tricky clauses) to pass ministerial edicts and showed disdain for almost everything in parliament other than the exercise of power.” <http://snipurl.com/wlr95>

In another article, Porter wrote that the voices of liberty had triumphed and Britain was better for it. The pernicious laws of the last 13 years were to be swept away in a repeal act thanks to a chance electoral result, he said in an article in The Observer on 16 May 2010.

The article provides a useful comparison with what has happened in Australia in the past 13 years: <http://www.guardian.co.uk/commentisfree/2010/may/16/henry-porter-civil-liberties-coalition>



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### **‘Behaviour detection’ officers, costing \$245m pa, fail to spot single terrorist**

A team of more than 3000 "behaviour detection" officers hired to spot terrorists at 160 US airports have failed to catch a single person despite costing the taxpayer \$245 million last year.

The specially-trained officers patrol terminals monitoring passengers for suspicious body language and facial expressions. But 16 people accused of being part of terrorist plots have passed through US airports undetected a total of 23 times since 2004 – a number of them since the scheme was started – according to an investigation by the Government Accountability Office.

Earlier this year, officials at the Transportation Security Administration (TSA), which runs the behaviour detection programme, asked the US Congress to expand the scheme, which is known as SPOT (Screening Passengers by Observation Techniques). <http://snipurl.com/ws19c>

## **INTERNATIONAL BRIEFS**

**Rape allegation defendants to remain anonymous:** Defendants in rape cases in the UK are to be granted anonymity in an unexpected move resulting from the Conservatives/Liberal Democrats coalition government . The announcement over anonymity for defendants in rape trials turns the clock back 30 years to the 1970s, when the Sexual Offences Act introduced anonymity for those accused of rape. It was later repealed. Officials said that details of the change had yet to be decided. It is expected that the ban will be lifted after a suspect is convicted.

<http://snipurl.com/wlg0x>

**First Pacific Island nation to ratify torture convention:** Vanuatu will become the first Pacific Island nation to ratify the Convention Against Torture (CAT). The Minister for Justice and Social Welfare, Bakoa Kaltongg, last month committed Vanuatu to signing the convention before the end of the year. “The Government of Vanuatu is also committed to identifying and implementing effective measures to protect individuals from torture and ill-treatment,” he said. – from UNity, newsletter of the UN Assn of Australia, 14 May 2010.

**Catholic Portugal approves gay marriage law:** Portugal's conservative president has “reluctantly” ratified a law allowing gay marriage, making the Roman Catholic country Europe’s sixth to let same-sex couples marry, the London Independent reported last month. President Anibal Cavaco Silva said he would not veto the bill because majority liberal politicians would only overturn his decision. <http://snipurl.com/wqk5h>

**Stun gun used to fell fan:** A police officer used a stun gun to fell a fan who ran on to the field during a baseball game in Philadelphia last month. The Philadelphia Phillies team and police are investigating whether it was an appropriate use of force. The fan hopped a fence and eluded two security officials between innings against the St. Louis Cardinals. The officer used the stun gun, and the fan went down in a heap, Associated Press reported. The 17-year-old male has been charged with criminal trespass and related offences, the team said. The Phillies did not release his name because he is a juvenile.

**US presence helps drug growing increase:** Afghanistan's production of opiates and hashish continues to increase, officials and experts warn. Internally, over the past five years the number of drug users has increased from 920,000 to over 1.5m, the spokesman of the Ministry of Counter-Narcotics (MCN), Zalmai Afzali, told IRIN. No other country in the world produces as much heroin, opium and hashish as Afghanistan, according to the UN Office on Drugs and Crime (UNODC). The steady rise in the number of domestic drug users belies the argument by some Afghans that drug consumption is a non-Afghan problem and that the drugs trade brings money to the country.  
<http://www.irinnews.org/Report.aspx?Reportid=88872>

**ICC review critical to court's future:** More than 500 NGO representatives were expected at the first Review Conference of the Rome Statute of International Criminal Court (ICC), in Kampala, Uganda, from May 31 to June 11. The conference is an opportunity for world leaders and the global community to openly recommit to the Rome Statute's historic initiative to end impunity for the gravest crimes, the Coalition for the International Criminal Court (CICC) said in a media release. Over 10 days, ICC states parties and observer states, international organisations, NGOs, and other participants will discuss proposed amendments to the Rome Statute – the ICC's founding treaty – and take stock of its impact to date, making the conference a critical milestone in the evolution of the new system of international justice created 12 years ago.

## DATES:

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

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

**26 June, World:** International Day in Support of Victims of Torture.

**4-10 July, Australia:** NAIDOC Week: Aboriginal and Torres Strait Islander celebrations.  
<http://www.naidoc.org.au/>

**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>

**8-9 July, Canberra:** Nat'l Graduate Law conf. –  
[http://law.anu.edu.au/coast/events/graduate\\_conference/index.htm](http://law.anu.edu.au/coast/events/graduate_conference/index.htm) Dr Mark Nolan: [mark.nolan@anu.edu.au](mailto:mark.nolan@anu.edu.au)  
Dinah Rigg: [dinah.rigg@anu.edu.au](mailto:dinah.rigg@anu.edu.au)

**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](mailto: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>

**1 Sept, Brisbane:** Prof David Weisbrot of Macquarie Law School, Macquarie U. on "[DIY Genetics: Carbolic Smoke Ball Meets the Internet](#)" at Griffith U. Rm 2.06, N54, Nathan campus with videolink to Room 1.04, G34, Gold Coast campus and Room 2.27, L03, Logan campus.

**15 Sept, World:** International Day of Democracy: <http://www.ipu.org/dem-e/idd/overview.htm>

**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.

**18-19 Oct, Melbourne:** 1st International Serious and Organised Crime Conference (ISOC 2010), Convention Centre. <http://www.aic.gov.au/events/aic%20upcoming%20events/2010/isoc.aspx> \*Note: A conference about organised crime, not one held by organised crime: organised by Aust. Inst of Criminology.

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

**4-6 Nov, Parramatta:** Human Rights Education Conference, *Educating for Human Rights, Peace and Intercultural Dialogue*, U. of Western Sydney, organised by Dr Sev Ozdowski, Register by 22 Oct. Details: <http://www.humanrightseducationconference2010.com.au>

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

**Last word: Man becomes prickly over full-body scanner revelation**

Full-body scanning machines may reveal a little too much, if an incident of workplace violence last month among US Transportation Security Administration screeners is any indication.

A TSA worker at Miami International Airport in Florida was arrested for allegedly assaulting a co-worker who had repeatedly teased him about the size of his genitals. The insults stemmed from an image of the accused captured during a training exercise with the airport's full-body scanning machines, the report said.

Rolando Negrin "stated he could not take the jokes anymore and lost his mind," allegedly striking the victim with a police baton. According to the report, a witness heard Negrin say in Spanish: "Get on your knees or I will kill you and you better apologise."

<http://edition.cnn.com/2010/TRAVEL/05/06/tsa.scanner.assault/index.html?hpt=T2>

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CLArion is the monthly e-newsletter of Civil Liberties Australia A04043, Box 7438 FISHER ACT 2611 Australia. Responsibility for election comment in CLArion is taken by CLA's Public Officer, Bill Rowlings, of Fisher, ACT. Please feel free to report or pass on items in CLArion, crediting CLA and/or the original source. We welcome contributions for the next issue: please send to: [mailto:secretary\[at\]cla.asn.au](mailto:secretary[at]cla.asn.au)

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