

## **Spooks review may slash staffing, budgets**

A review of Australia's intelligence agencies is under way to assess whether they're doing their jobs, individually and jointly.

"The review will also consider working arrangements between intelligence agencies and their international partners," Prime Minister Julia Gillard said.

"It will take into account the significant growth in the intelligence community's resources and capabilities over the past decade."

Her comment suggests there may be a substantial winding back of the overwhelmingly excessive manpower and resources poured into the spook agencies and police since September 2001.

They should be wound back, hard. The over-reaction to 9/11, based on fear, saw probably double the number of additional federal security people and police appointed.

Former Attorney-General's Department secretary Robert Cornall and Associate Professor Rufus Black, who led a team that conducted a review of Defence Department structures and governance, will lead the current review.

They will assess the six intelligence agencies:

- Australian Security Intelligence Organisation (ASIO),
- Australian Secret Intelligence Service (ASIS),
- Defence Imagery and Geospatial Organisation (DIGO),
- Defence Intelligence Organisation (DIO),
- Defence Signals Directorate (DSD), and
- Office of National Assessments (ONA).

A final report is due mid-year. <http://snipurl.com/1ru0oq>

The 2004 Flood inquiry recommended intelligence agencies should be externally reviewed every five to seven years.

Flood also found that: *"Most of the agencies have had significantly increased resources since 2000–01. Across the five foreign intelligence agencies, the budget has increased by 88 per cent, and staff numbers by 44 per cent."* (This was in 2004 – since then, governments have continued to throw buckets of money at the agencies).

Flood himself recommended that, from 2005, the ONA budget should go from \$13.1m to \$25m, and staff numbers from 74 to 145. See Flood report: <http://snipurl.com/1x4068>).

## **WHAT HAPPENED TO...**

### **Backscatter (see-through) x-rays at Australian airports?**

The government and the Department of Transport and the Office of Transport Security have all gone silent on the matter.

Will we wake up one day this month and find the see-through machines have been installed at all major Australian international airports serving US-bound flights?

### **CLA eAGM gets under way**

The Civil Liberties Australia e-Annual General Meeting process has started to swing into action.

A call for submissions of notices of motion went out on 31 January.

If any arise, discussion will take place in February and March.

There will be a call for board nominations later, and voting will take place over three weeks in late March-early April.

Full details are available on the CLA website: <http://www.cla.asn.au/0805/index.php/eAGM11/>

## **Latest rights ‘consultation’ a further waste of time: President**

CLA President Dr Kristine Klugman has told Attorney-General Robert McClelland that it would be pointless for CLA to provide requested input to his latest round of Human Rights ‘Action Plan’ consultations...because he ignores the wishes of the people when they say what they want.

The overwhelming majority of people consulted in the year-long Brennan inquiry wanted a Bill of Rights, but the government totally ignored them and refused to act, she said.

“CLA’s view is that this (latest consultation) Action Plan is further gumph and meaningless rhetoric,” she said.

“Given the current Labor government’s record on its human rights promises and commitment to civil liberties, it is apparent that nothing substantial is likely to happen for another decade.”

## **Stand up for Aussie passport holder, Assange, CLA asks PM**

CLA’s 2011 Australia Day letter called on Prime Minister Julia Gillard to publicly support the Australian citizen, Julian Assange, and his right to freedom of speech.

As well, CLA asked the PM to make it perfectly clear, by letter, to US President Obama that Australia would stand up for Assange, an Australian citizen, “to the limit of its ability” if any attempt was made to ‘rendition’ him from Sweden or anywhere else to the USA or to any of its covert jails worldwide.

“Your earlier statements on Mr Assange have cast doubt on your, and your government’s, commitment to his civil liberties and human rights: you need to clarify your position to Australians and to the world, particularly to the USA lest it may believe it has your tacit approval to ‘rendition’ an Australian by purported legal means, or otherwise,” CLA wrote to the PM.

We asked her to make the statement on Australia Day...but she was obviously too busy that day. CLA is hoping she will make her support for an Australian passport holder clear soon.

See CLA website to read full letter: <http://www.cla.asn.au/>

## **IGIS orders new probe into Habib claims**

The Inspector-General of Intelligence and Security (IGIS), Dr Vivienne Thom, has ordered a fresh inquiry into the case of former Guantanamo Bay detainee Mamdouh Habib, at the request of Prime Minister Julia Gillard.

The new probe follows new claims of Australian government complicity in his 2001 CIA rendition to Egypt, his detention and alleged torture, according to a report in *The Australian* last month.

The government agreed on a secret compensation payout to Mr Habib in December 2010 “apparently triggered by untested witness statements implicating Australian officials in his detention and brutal maltreatment in a Cairo military prison,” the newspaper said.

The new evidence includes a statement from a former Egyptian military intelligence officer that he was present when Mr Habib was transferred to Cairo in November 2001. In the statement, tendered as part of Mr Habib's civil case against the commonwealth, the officer says Australian officials were present when Mr Habib arrived in Egypt, handcuffed, with his feet bound, naked and apparently drugged.

The statement says: "During Habib's presence some of the Australian officials attended many times. The same official who attended the first time used to come with them." It continues: "Habib was tortured a lot and all the time, as the foreign intelligence wanted quick and fast information."

The statement is at odds with repeated assertions by the federal government and security agencies since Mr Habib's return to Australia in January 2005, that they had no knowledge of or involvement in his rendition or detention in Egypt. <http://tiny.cc/236kf>

For some extra intelligence on Habib’s handling in Egypt, see this report:

## Hicks may get his day out of court

For years, two successive US administrations (Bush Jnr, Obama) have prevented any judicial – or even administrative – review of the legality of so-called war crimes contained in either the invalid presidential military commissions or in the Military Commissions Acts of Congress.

Now, a full panel ("en banc") of the US Court of Military Commissions Review (CMCR) is finally about to render a judgment in a case argued a year ago. It is entirely possible that the CMCR will be obliged to find that "material support" is not a war crime.

The fall-out for Australia's David Hicks (convicted of providing "material support") is important. How could he have committed a crime that wasn't a crime?

US security law commentator Robert Chesney has more details: <http://snipurl.com/1wjnzb>

## McClelland spits in the face of the UN



Parliamentary Secretary to the Prime Minister, Senator Kate Lundy (*pictured*), appeared for the Australian Government in the Universal Periodic Review before the Human Rights Council in Geneva in late January.

In an extraordinary move, which spits in the face of the UN, she was slotted to replace Attorney-General Robert McClelland "due to his portfolio responsibilities for emergency management and the unprecedented floods across Australia".

Mr McClelland's primary job is as Australia's Attorney-General and first law officer, who is responsible for human rights in Australia: there are many other ministers who can take on emergency management roles. Mr McClelland has no special emergency management ability or experience.

"The Attorney General reiterates his ongoing commitment to human rights in Australia, including the importance of the UPR process and looks forward to participating in ongoing discussions in follow up to the UPR appearance," his media release said.

He should have been there in Geneva.

When senior ministers don't travel to events they should attend, there's often a spill in the wind.

## Government jumps before being pushed

Just a day before the UPR (see above) was due to start, A-G McClelland announced the government would re-create stand-alone positions of Race and Disability Discrimination Commissioners in the Australian Human Rights Commission.

The move appears to be an attempt to pre-empt criticism from other countries in Geneva.

Having full-time Disability and Race Discrimination Commissioners in the AHRC separates the roles for the first time since 1997. Mr Graeme Innes will continue doing both until 1 July, after which he will be Disability Discrimination Commissioner alongside a new Race Discrimination Commissioner, to be appointed after advertising and interviews.

## WikiLeaks highlights our own unprotected state

"WikiLeaks' revelations, the sources involved and the relationships with mainstream newspapers bring into focus the languid state in (Australia) of whistleblower protection for sources and shield laws for journalists, so that they can adequately protect their sources."

"The two sides of the equation must surely go together," Richard Ackland wrote in the *SMH* last month.

"The Labor government has not lived up to its rhetoric on this topic. Journalists' privilege legislation, introduced into Parliament in March 2009 by the Attorney-General, Robert McClelland,

granted only minor concessions. It required courts to weigh the likely harm to journalists and their sources that would flow from an order for disclosure.

"It also amended the usual provisions so a breach of the law by a source in communicating with a journalist would no longer be an automatic bar to protection. This really was tinkering at the edges. In any event, the bill lapsed, never to become law.

"Now we have two shield laws before Parliament, one from the Opposition's legal spokesman, Senator George Brandis, and one from the independent MP Andrew Wilkie, a former whistleblower.

Ackland says Wilkie's bill has a bold premise. It is intended to foster freedom of the press and better access to information for the Australian public. <http://snipurl.com/1xa235>

All very well, but it can only create a journalist's privilege for Commonwealth offences. It is by no means certain all the states would allow their public servants the same security.

## **Women forced to give up privacy for the pill**

Australian women are asked to provide too much personal information to obtain the "morning-after" pill, a new study has found.

The conservative attitude of Australian pharmacists is being blamed, according to a report by Sheenal Singh in the *SMH*.

Recent studies shows women are being asked to provide ID or extras personal details, on top questions about their age and how long since they have had unprotected sex.

Another survey found that Australian pharmacists were more conservative compared with their overseas counterparts in their attitudes towards the drug. One in five of those surveyed said it was reasonable for a pharmacist's religious belief to influence their decision to provide the pill. Two pharmacies reported that they had a policy of never supplying the pill.

The Pharmaceutical Society of Australia issues the guideline for pharmacists, which says that they can refuse to supply the pill as long as women are referred to another chemist or healthcare professional. <http://tiny.cc/k396j>

## **AFPA sells out its members...again?**

The executive of the Australian Federal Police Association are engaged in their once-every-few-years wage negotiations, where they sometimes trade the civil liberties of their member police officers for cash.

Here's how the ABC explained it: "**Off-duty police could face drug testing:** The AFPA has put forward a proposal that would see officers subjected to random drug tests while off duty, as well as while they are at work. At the moment, AFP officers can only be randomly tested while they are at work."

"The association says its members are supportive of the proposal. 'Our members are eager to demonstrate as they always have been, to the public, how accountable they're prepared to be and this demonstrates that illegal drugs are not something that federal police use,' association president Jim Torr said. 'So this is another concession that the members are prepared to make.'

"The association says officers would also be willing to undergo DNA testing before they start work to eliminate any possibility of their involvement in unsolved crimes."

The proposal was raised in the current round of wage negotiations with the AFP, the ABC said.

<http://www.abc.net.au/news/stories/2011/01/15/3113636.htm>

CLA won't be caught out this time! Last time, about four years ago, we had met with the AFPA's Mr Torr, who had sought our support for the proposition that their members should NOT have to undergo DNA testing, unless voluntarily. We readily offered to back up the AFPA in public statements, because CLA believes DNA testing should be voluntary in like circumstances.

Next thing we knew, the AFPA executive had sold out for shekels, giving up their members' rights for a few dollars a week, without consulting their membership so far as we are aware...and of course not telling CLA.

What's more, they also gave up the rights of future AFP employees: they agreed that anyone applying to join the AFP could be obliged to undergo a mandatory DNA test, even before they were employees.

## **Internet censorship won't be effective, Cerf says**

Julia Gillard's bid to censor the internet is not an "effective move", says Vint Cerf, one of the founding fathers of the internet and Google's chief web evangelist, according to a report in *The Australian*.

Dr Cerf's advice is to attack the source of a problem at the production layer, instead of focusing on the distribution layer.

The federal government wants to force every Internet Service Provider (ISP) to filter websites rated with a refused classification tag, in accordance with a secret government blacklist.

The Australian Law Reform Commission is conducting a year-long review into the existing classification scheme in light of new developments in technology, especially in the online realm, and in media convergence.

"This (policy) is an understandable desire to be protective of society, but technically I don't think it's a very effective move," Dr Cerf said when asked to comment on the government's bid to censor the web. <http://tiny.cc/z0wkp>

## **Four charged over WA's 'oven' van death**

The WA Department of Corrective Services, a prison transport contractor and two of its drivers have been charged over the death of Mr Ward in January 2008.

WA's WorkSafe has laid four charges under the Occupational Health and Safety Act relating to the death of Mr Ward, 46, of Warburton, whose first name is not used.

He died from heatstroke while being transported from Laverton to Kalgoorlie in extreme, oven-like temperatures to face a drink-driving charge. WorkSafe says the air-conditioning in the van was either faulty or not working.

In July 2010 his family received a \$3.2 million ex-gratia compensation payment from the WA government.

The Department of Corrective Services has been charged with failing to ensure Mr Ward was not exposed to hazards. WorkSafe claimed contractor G4S Custodial Services did not properly maintain the van, charging the company with causing Mr Ward's death.

Both the Department and G4S failed to ensure there were safe processes in place for transporting prisoners, WorkSafe claimed. The maximum penalty for those offences is a \$400,000 fine.

The two drivers of the van have been charged with causing Mr Ward's death by failing to take reasonable care. They face a maximum penalty of \$20,000.

State Coroner Alastair Hope conducted an inquest into the death in 2009, concluding the department, G4S and the two drivers had contributed to Mr Ward's death. <http://tiny.cc/3cb8o>

## **Spying up, convictions down**

The number of warrants allowing police to spy on suspected criminals and allegedly corrupt police and public servants increased by 67% over the past year, the *SMH* reported last month.

But the number of arrests and charges was only about one for every 10 device warrants issued.

NSW Supreme Court judges issued more than 860 warrants last financial year, triggering the installing of more than 2100 police and security 'toys', including listening devices, hidden cameras, tracking devices and technology to monitor emails. Other surveillance devices, such as telephone intercepts, are not included in the figures.

For the warrants issued there were 525 reports. About half said the surveillance had produced "relevant information", but only 93 resulted in arrests or charges.

The number of device warrants issued to NSW Crime Commission officers tripled from 65 in 2008-09 to 258 last financial year, Vanda Carson reported. <http://snipurl.com/1v7mte>

## **NT Opposition wants pinkos in jails**

The Northern Territory Opposition wants tougher justice, in the pink.

The Member for Braitling, Adam Giles, of the Country Liberal Party, said last month that jails must be tougher if criminals are to get the message their behaviour will not be tolerated.

"People who commit the crimes have no concern about the punitive approach," *ABC Radio* reported him as saying. "They don't care if they go to jail. That is, if they even go to jail. There are too many criminals young and old who are given a slap on the wrists and are put back out on the streets."

He is also calling for prisoners to wear pink overalls so they are publicly shamed for their crimes.

<http://snipurl.com/1x2ejv>

## **Masters student tries to crack the drug code**

A new tool to detect drug users on verbal cues alone may replace cumbersome doping tests, a study by forensic psychology masters student Catherine Stipis from the James Cook University in Cairns suggests.

She has developed a tool to identify drug users through forensic analysis of their statements.

The tool is known as the Forensic Anti-Doping Interview, or FADI, which Stipis said may have a significant impact on eliminating drug use in sport, according to a JCU statement.

"It is a popular fallacy, referred to as the 'CSI effect,' that most criminal investigations are solved through the use of scientifically verifiable evidence," Stipis said. "In fact, the majority of cases are solved through evidence obtained during interviews with witnesses and suspects."

Catherine is one of only four students across the world shortlisted by the World Anti-Doping Agency (WADA) for a 'Young Investigator of the Year' award. The award, given to a Masters level student, is for outstanding research projects that will contribute to the development of effective doping prevention strategies. <http://snipurl.com/1v6r70>

## **Tassie police treading a fine blue line on funding**

Tassie police may be victims of their own increasing efficiency...at least in some areas of crime: fewer fine crimes could mean less money for police services.

A drop in traffic offences, including excessive speed and drink-driving offences, has brought a drop in infringements notices issued, the *Hobart Mercury* reported in January.

The State Budget predicted a jump in fines revenue of \$7 million to \$33 million over this financial year, but the number of traffic infringement notices has dropped by 22% compared with the same period in 2009.

Changes in crime figures from December 2009 to December 2010:

Serious public order offences: down 13.2%

Public place assaults: down 22%

Drink-driving offences: down 22%

Speeding fines: down 15%

Stolen motor vehicles: up 11%

Car burglaries: down 4%

Home burglaries: up 1%

Business burglaries: up 5%

Property crime: down 24%

Drug offences: down 29%

**Total offences: down 10%**

## **Tassie Supreme Court is the toughest, figures show**

Australian Bureau of Statistics data showed Tasmania's Supreme Court juries seldom found in favour of alleged criminal defendants.

About 56% of defendants plead guilty, and the court's acquittal rate is just 4% – about 1 in 10 of the remainder.

In the state's Magistrates Courts the odds are about the same, the Hobart *Mercury* reported. About 67% of Magistrates Court defendants plead guilty.

A Government spokesman said ABS figures which claimed a 12 per cent acquittal rate in the lower courts were painting a misleading picture. "Cases which are not going to proceed in the Magistrates Court are dealt with differently in Tasmania than other states," the spokesman said. "Prosecutors tender no evidence rather than withdraw charges, which is recorded as an acquittal. However, the proportion of defendants who are acquitted by the court following a full hearing is approximately 2% of all accused persons, which is in line with the national average."

The Report on Government Services showed the Tasmanian Magistrates Court was the most clogged in the nation, with 33.1% of cases more than six months old and 14.7% more than 12 months old. <http://tiny.cc/katmx>

## **ACT's accused criminals beat the odds**

The ABS figures (see above) show criminal defendants are less likely to be found guilty in the ACT than anywhere else in Australia.

The ACT had the lowest percentage of defendants proven guilty, at just 65%, well below the national average of nearly 90%. The figure is largely due to the fact one in five cases were withdrawn by the Department of Public Prosecutions during proceedings, nearly three times more often than the national average.

Of the 3,800 people proven guilty in the ACT in 2009-10, 78 per cent were male.

Criminal defendants tried in the ACT Supreme Court are more likely to be acquitted than in other jurisdictions – 12% of defendants were found innocent. The national average is 7%

The ACT and Queensland were the only systems to increase the number of defendants dealt with in one year. <http://snipurl.com/1xa0x5>

## **CLA member named Oz Day ambassador**

ACT community and Muslim leader – and CLA member – Ikebal Patel was named the ACT's 2011 Australia Day Ambassador by Chief Minister Jon Stanhope, joining Prime Minister Gillard on stage to hand out information kits to new Australians on the day.



Mr Patel (*pictured*) is President of the Australian Federation of Islamic Councils, the peak national body representing the interests of Australian Muslims. He is also the Chair of the Muslim Advisory Council of the ACT and Board Chairman of the Islamic School of Canberra.

"Mr Patel has made an enormous contribution to the Canberra community as a public advocate of harmony and tolerance between people of different faiths, and will be a very worthy ACT Ambassador on our national day," Mr Stanhope

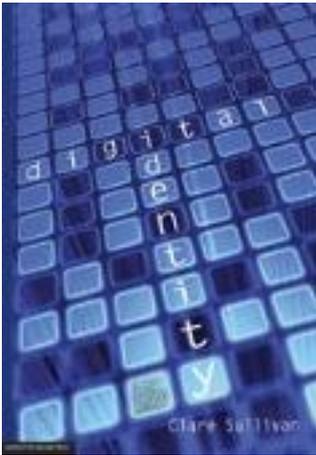
said.

"Mr Patel is a member of various organisations proactive in helping different communities work together, including Civil Liberties Australia and the Australian Partnership of Religious Organisations," Mr Stanhope said. "He is also an ambassador of the White Ribbon.

"Mr Patel has spent most of his life assisting others, particularly helping with the resettlement of refugees. His dedication to the protection and advancement of civil liberties and human rights is recognised both locally and nationally. I am pleased that, along with thousands of Canberrans, Mr Patel will be helping us celebrate Australia Day," Mr Stanhope said.

## **Digital identity explored in new book**

A book recently launched by author Dr Clare Sullivan offers a new legal concept of digital identity.



Published by the University of Adelaide Press, *Digital Identity* argues that the concept of identity will become embedded in processes essential to the national economic and social order. Under a national identity scheme, being asked to provide 'ID' will become as commonplace as being asked your name, it says.

Dr Sullivan is a Visiting Research Fellow in the University of Adelaide's School of Law. She has practised law for 30 years and has published widely on the relationship between identity and changing technology. She is also a former research analyst with the Australian Institute of Criminology and a consultant to its Global Electronic and Economic Crime Unit.

*Digital Identity* is available for \$39.95 (paperback) or free (PDF download). More information:

<http://www.adelaide.edu.au/press/titles/digital-identity/>

## CLA activities for January:

January was a quiet month, which was fortunate, as CEO Bill Rowlings was recovering from major abdominal surgery. The main tasks demanding attention were the CLA annual report and the CLA Australia Day letter. Both were completed on time: see website.

The other major current commitment is organising for the eAGM, which this year includes election of office bearers (done every two years). See item above, plus information on the website. The returning officer is Francis Markham.

**Treasurer:** The role of Treasurer is passing from Kevin Pople to Phil Schubert.

### Submissions lodged:

a. Parliamentary Budget Office: Senate Legal and Constitutional Affairs Committee:

<http://www.cla.asn.au/index.php/2011/don-t-try-budget-office>

<http://www.aph.gov.au/house/committee/jscpbo/subs.htm>

b. Australian Law Reform Commission: submission to the same committee as above.

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

[http://www.aph.gov.au/Senate/committee/legcon\\_ctte/law\\_reform\\_commission/submissions.htm](http://www.aph.gov.au/Senate/committee/legcon_ctte/law_reform_commission/submissions.htm)

**Projects:** Investigation of hospital systems in general, but privacy aspects in particular. Your input on this project is invited.

### Meetings:

- ACT legislative Assembly: Speaker Shane Rattenbury and Richard Griggs; MLA Vicki Dunne and Clinton White: re the Jury Bill, Sexual Assault Reform Program, FoI, legislative framework for 2011 and the Ombudsman activities. Attended by CLA directors Lance Williamson, Noor Blumer and Kris Klugman.
- New member Dr Leon Le Leu, re workers compensation and hospital privacy issues.
- Members Ernst and Marie Louise Wilhelm, Tim Vines, Keith McEwan, Dawn Nusa, and Ian Sharpe
- Australian Republican Movement Australia Day function.

**Lecture:** *US Policy and Accountability for Mass Atrocities, Past and Present* by US Ambassador-at-Large, War Crimes Issues, Stephen J Rapp, at ANU Centre for International and Public Law.

## INTERNATIONAL

## UK waters down its anti-terror control order regime

The UK's control order regime will become a watered-down but permanent part of the British justice system later this year under the reform of counter-terrorism laws announced last month by the Home Secretary, Theresa May.

"Control orders mark II" will end the Home Secretary's powers to order virtual house arrest of terror suspects and to force their relocation. Each order will be limited to a maximum of two years.

From January 2012 there will be escalating measures including an undefined overnight residence requirement backed by electronic tagging and restrictions on travel, but also allowing greater access to the internet, phones and personal meetings. The government will have to specify in legislation, in greater detail than at present, the measures that can be used.

The permanent laws will do away with parliament's having to renew them annually, in force since 2005 when they were introduced as an emergency measure.

May said the new powers would be known officially as terrorism prevention and investigation measures (TPIM) – but they will be popularly referred to as "control orders mark II" or "control orders lite".

The changes come with much more tightly drawn and limited anti-terror stop and search powers, reducing how long someone can be held without charge from 28 to 14 days, and more tightly regulating the surveillance powers of local authorities. <http://snipurl.com/1x5r9d>

## US Administration continues its lying ways over WikiLeaks

The damage caused by the WikiLeaks controversy has caused little real and lasting damage to American diplomacy, senior state department officials have concluded, according to media reports.

In private briefings to Congress, top US diplomats said that the fallout from the release of thousands of private diplomatic cables had not been especially bad, *The Guardian* reported.

This directly contradicts the official stance of the White House and the US government which has been vocal in condemning the whistle-blowing organisation and seeking to bring its founder, Julian Assange, to the USA.

A congressional official briefed on the reviews told *Reuters* news agency that the administration felt compelled to say publicly that the revelations had seriously damaged American interests in order to bolster legal efforts to shut down the WikiLeaks website and bring charges against the leakers. "I think they want to present the toughest front they can muster," the official said.

The official implied that the WikiLeaks fiasco was bad public relations but had little concrete impact on policy. "[It] was embarrassing, not damaging," the official said. <http://snipurl.com/1vnjjd>

## US tries to build shield to hide lies and distortions

The SHIELD\* Act introduced to both Houses of Congress is aimed at amending the US Espionage Act of 1917 to make it a crime for any person knowingly and wilfully to disseminate, in any manner prejudicial to the safety or interest of the United States, "any classified information... concerning the human intelligence activities of the United States or... concerning the identity of a classified source or informant" who is working with the intelligence community of the United States.

But the bill should not put WikiLeaks or Julian Assange in any new jeopardy over the "Cablegate" database, Afghan war logs, or the organization's other recent high-profile leaks – the US Constitution imposes a total ban on ex post facto criminal laws.

\* Securing Human Intelligence and Enforcing Lawful Dissemination Act <http://snipurl.com/1vhijd>

## Republicans banish 'civil rights' and 'civil liberties' from US House



Congressman Jerrold Nadler (*pictured*), a Democrat from New York, last month blasted Republicans for changing the name of the subcommittee on the

Constitution, Civil Rights, and Civil Liberties to the "Constitution Subcommittee".

"Once again, the new Republican majority has shown that it isn't quite as committed to the Constitution as its recent lofty rhetoric would indicate," said Mr Nadler, who served as the Chairman of the Subcommittee on the Constitution, Civil Rights, and Civil Liberties since 2007. "It has yet again shown its contempt for key portions of the document – the areas of civil rights and civil liberties – by banishing those words from the title of the Constitution Subcommittee."

The subcommittee on the Constitution is one of five subcommittees of the US House Committee on the Judiciary. The subcommittee has jurisdiction over constitutional amendments, constitutional rights, federal civil rights, ethics in government, and related matters. <http://snipurl.com/1vh84x>

## **Government to pay for people to say no to excessive health care**

Under a new Obama Administration policy, outlined in a Medicare regulation, the US Government will pay doctors who advise patients on options for end-of-life care, which may include advance directives to forgo aggressive life-sustaining treatment.

The rules now authorize Medicare coverage of yearly physical examinations, or wellness visits. Medicare will cover "voluntary advance care planning" to discuss end-of-life treatment as part of the annual visit.

Under the new system, doctors can provide information to patients on how to prepare an "advance directive," stating how aggressively they wish to be treated if they are so sick that they cannot make health care decisions for themselves.

The rule was issued by Dr Donald M. Berwick, administrator of the Centers for Medicare and Medicaid Services and a longtime advocate for better end-of-life care, Robert Pear reported in the *NY Times*.

"Using unwanted procedures in terminal illness is a form of assault," Dr. Berwick has said. "In economic terms, it is waste. Several techniques, including advance directives and involvement of patients and families in decision-making, have been shown to reduce inappropriate care at the end of life, leading to both lower cost and more humane care." <http://snipurl.com/1x29zm>

## **US Appeals Court rules email privacy protected by Fourth Amendment**

The Sixth Circuit Court of Appeals has ruled that the US government must have a search warrant before it can secretly seize and search emails stored by email service providers.

The landmark decision late in 2010 was issued in the criminal appeal of USA v. Warshak, Kevin Bankston reported.

Closely tracking arguments made by Electronic Frontier Foundation in its amicus brief, the court found that email users have the same reasonable expectation of privacy in their stored email as they do in their phone calls and postal mail.

<http://snipurl.com/1qvduc>

## **Hungary forgets what freedom means**

A new media law took effect in Hungary last month just as the nation inherited the rotating presidency of the European Union.

The law, enacted by Prime Minister Viktor Orban's Fidesz Party, creates a press supervision council, all members named by Fidesz, with authority to oversee all broadcast, print and internet outlets and to decide whether their coverage is "unbalanced," "immoral" or "offensive to human dignity." If the council disapproves, it can impose crippling fines of up to \$1 million.

<http://snipurl.com/1rmtrp>

## **Knesset approves witch hunt into Israeli human rights groups**

Israel will investigate its own, internal human and civil rights groups because of claims they are acting against the country's interests, members of the Israeli Parliament decided last month.

The right-wing Yisrael Beiteinu party, whose leader is the controversial foreign minister, Avigdor Lieberman, won a vote 47-16 for a parliamentary commission of inquiry into groups monitoring the activities of the Israeli military in the occupied West Bank. They claim the groups' work was "delegitimising" Israel and was funded by anti-Israeli international bodies.

Rights organisations say the bill is part of a larger campaign to intimidate groups and individuals who speak out against the actions of the Israeli state. <http://snipurl.com/1s3vzn>

## **US sends home fearful Algerian; Gbay turns 10**

The US Pentagon last month sent home from Guantánamo Bay an Algerian Saed Farhi, 49, which reduced prisoners at Guantanamo to 173 just as the controversial camp entered its 10th year.

In Farhi's case, US District Judge Gladys Kessler ordered his release on 19 November 2009 in an 80-page ruling that found Justice Department lawyers didn't prove he had joined either al Qaeda or the Taliban while in South Asia.

His lawyers asked that he be resettled elsewhere, like other Guantánamo captives, because he feared Islamic extremist violence in his native Algeria. He also feared government retaliation for the stigma of having been held at Guantánamo, even though he had been cleared. His fate at 'home' awaits him. More: <http://snipurl.com/1x2cky>

## **Iran goes on 'execution binge', activist claims**

Aaron Rhodes, a spokesman for the International Campaign for Human Rights in Iran, said last month that at least 47 prisoners had been hanged in the first half of January.

Iranian authorities had unleashed an "execution binge" with an average rate of one person hanged every eight hours since the beginning of the year, he claimed.

Most of those executed were convicted of violent crimes such as murder.

The group said the actual number of people put to death this year could be higher because Iranian authorities might not make all executions public. Rights groups and media reports say at least 179 people were executed in Iran last year. <http://snipurl.com/1uyl10>

## **Airports likely to further tighten security**

Airports are likely to boost security checks in the wake of last month's deadly bombing in Moscow, experts say.

The Domodedovo blast killed at least 35 people and left more than 100 wounded, several critically. Those who masterminded the attack chose to bomb the arrivals hall of Moscow's busiest airport because it was an easier target than the heavily-policed departures area.

"Arrivals has always been thought of as the 'soft' area of an airport," explained *CNN's* Richard Quest. "Nobody is flying anywhere, the baggage has all been screened, because it has been on planes already and, crucially, people are leaving the airport. It's very rare that you ever saw somebody carrying a bag in to arrivals." <http://snipurl.com/1wiw90>

## **DATES:**

### **Election dates**

Likely, and fixed, election dates:

NSW: 26 March 2011

Queensland: By 16 June 2012, but possibly much earlier

ACT: 20 October 2012

NT: 2013

WA: 2013

Australia: by 30 November 2013, but may be much earlier

Tasmania: February-April 2014

SA: 15 March 2014

Victoria: 29 Nov 2014

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

**3 Feb, New York:** *WikiLeaks: The Inside Story*. Columbia University Graduate School of Journalism and Tow Center for Digital Journalism is holding a discussion with editor NY Times, Bill Keller and editor The Guardian Alan Rusbridger, with discussant being Prof of Harvard Law School (and former assistant A-G of the USA) Jack Goldsmith), Low Memorial Library, Columbia University, 7pm. To register and inquire re electronic access: <http://fs12.formsite.com/jschoolacademics/form11/index.html> The discussion may be streamed on the internet.

**4 Feb, Adelaide:** *21C Advocacy*, Justice Antonin Scalia, US Supreme Court, plus distinguished Australian panel. Details: [www.adelaide.edu.au/justice-scalia-2011](http://www.adelaide.edu.au/justice-scalia-2011)

**5-9 Feb, Hyderabad, India:** 17th Commonwealth Law Conference. Info: <http://www.commonwealthlaw2011.org/>

**7 Feb, Hobart:** *Do Women Leaders Make a Difference*, 6-7.30pm, free, Denison Debate hosted by Inglis Clark Centre for Civil Society, Dechaineux Lecuere Theatre, Tasmanian School of Art, Hunter St. Speakers: Narelle Hooper AFR, Shadow A-G Vanessa Goodwin and Arts Faculty Dean Prof Susan Dodds.

**10 Feb, Melbourne:** Forum on advocacy/taxation treatment of the non-profit sector following the High Court decision in the *Aid/Watch Inc. v Comm. of Taxation* case. Details: 03 9035 4418 or E: [law-nfp@unimelb.edu.au](mailto:law-nfp@unimelb.edu.au)

**10 Feb, Melbourne:** *Preying on the Poor' - Human Rights in Developing Countries*: Dr Cephas Lumina of the University of Pretoria, South Africa, and the UNDP, free public seminar, Monash University Law Chambers, 472 Bourke St, Melbourne. RSVP: [castan.centre@monash.edu](mailto:castan.centre@monash.edu) or ph (03) 9905 3327. Joint venture of HR Law Resource Centre and Castan Centre for HR Law.

**12 Feb, Perth:** Professor Paul Connett, author of *The Case Against Fluoride*, to give free public presentation and launch '*Perth Fluoride Free*'. Venue: Main Theatre State Library of WA. Info: <http://www.openyoureyesnews.com/>

**12-13 Feb, Canberra:** Conference on expert evidence, National Judicial College of Australia and ANU College of Law. Details: (02) 6125 6655 or [ExpertEvidence@njca.anu.edu.au](mailto:ExpertEvidence@njca.anu.edu.au)

**14 Feb, Canberra:** *Reappraising the Judicial Role: Australian and European Comparative Perspectives*, at the ANU Centre for European Studies. Details: <http://ces.anu.edu.au/events/reappraising-judicial-role-european-australian-comparative-perspectives>

**18 Feb, Sydney:** 10<sup>th</sup> Constitutional Law conference, Art Gallery of NSW (dinner at NSW Parliament House), cost conference and dinner \$426. Details/register: <http://www.gtcentre.unsw.edu.au>

**24 Feb, Brisbane:** *The Virtues of Mendacity: On Lying in Politics*, Professor Martin Jay, University of California, Berkeley. . 4-6pm, Richards Building, U. Queensland, details: [m.ure@uq.edu.au](mailto:m.ure@uq.edu.au)

**7-8 March, Melbourne:** Young people, risk and resilience: The challenges of alcohol, drugs and violence conference. Austn Inst. of Criminology and Vic Safe Communities Network, RACV Club, 501 Bourke St. [Details.](#)

**23-25 March, Canberra:** National Information Law Conference, National Museum of Australia, keynote speaker Australian Information Commissioner, Prof John McMillan. Bookings Di Harvey 02 6253 7126 or E: [cbrtraining@ags.gov.au](mailto:cbrtraining@ags.gov.au)

**31 March, Adelaide:** '*Facebook Defamation*', presented by Patrick Lim. a UniSA Law Evening Research Seminar. To register: <http://www.unisa.edu.au/law/news/register.asp>

**5-7 May, Brisbane:** AIJA Child Protection in Australia and NZ: Issues and Challenges for Judicial Administration. W: [www.ammp.com.au/cp11](http://www.ammp.com.au/cp11)

**12 May, Brisbane:** *The Business of Ethics*, Mr John Briton, Legal Services Commissioner, 12-2pm, Seminar Room East, UQ Business School Downtown, L19, Central Plaza One, 345 Queen St, Brisbane. Contact: [k.hofmann@uq.edu.au](mailto:k.hofmann@uq.edu.au)

**17-19 May, Gold Coast, Qld:** National Indigenous Domestic Violence conference, Sea World Resort, Gold Coast. Info: <http://ica-dv.webs.com> or email: [sosmedical@ymail.com](mailto:sosmedical@ymail.com) Papers and proposals by 25 Dec 2010.

**24 May, Brisbane:** *Love for Sale & Labour for Hire* (human trafficking), 2-4pm Terrace Room, top floor, Sir Llew Edwards Bldg, St Lucia. Contact: [a.schloenhardt@law.uq.edu.au](mailto:a.schloenhardt@law.uq.edu.au) or web: <http://www.law.uq.edu.au/humantrafficking>

**23-25 June, Canberra:** 19<sup>th</sup> annual Aust and NZ Society of Intntl Law (ANZSIL) conference, *the Promise and Limits of International Law*, University House, ANU. Paper proposals by 15 Feb to [anzsil@law.anu.edu.au](mailto:anzsil@law.anu.edu.au) Further info: <http://law.anu.edu.au/ANZSIL/conferences.html> - [UpcomingConferences](#)

**4-8 July, Launceston:** The History of Human Rights will be a key topic at the Australian Historical Society Regional Conference, *History at the Edge*. Convenor: Dr Tom Dunning - [T.Dunning@utas.edu.au](mailto:T.Dunning@utas.edu.au)

**14-17 July, Melbourne:** *Law and Religion: Legal Regulation of Religious Groups, Organisations and Communities*, Melbourne Law School. Contact Claire Hausler at [law-cccs@unimelb.edu.au](mailto:law-cccs@unimelb.edu.au)

**25-27 July, Canberra:** *Security in Government* conference, organised by Attorney-General's Department. Info: [SIG2011@ag.gov.au](mailto:SIG2011@ag.gov.au)



**11 Aug, Sydney:** Annual Hal Wootten lecture: speaker Martha Nussbaum (*pictured*), 6.30-8pm, GO2 Law Bldg, UNSW. She is the Ernst Freund Distinguished Service Professor of Law and Ethics, appointed in the Philosophy Department of Chicago Law School, and Divinity School. She is an Associate in the Classics Department and the Political Science Department, a Member of the Committee on Southern Asian Studies, and a Board Member of the Human Rights Program. She is the founder and Coordinator of the Center for

Comparative Constitutionalism.

**9-10 Sept, Canberra:** '10 years on from 9/11: the impact on public law', conference, Centre for International and Public Law, ANU: contact [Kim.Rubenstein@anu.edu.au](mailto:Kim.Rubenstein@anu.edu.au) 9 Sept: Annual Geoffrey Sawer lecture to be delivered by the CJ of the Canadian Supreme Court, Beverley McLachlin. Conference opening by [Professor Michael L'estrage](#), Director of the National Security College, ANU.

**22 Sept, Melbourne;** Democracy v Communism, Remembering the 1951 Referendum on the Banning of the Communist Party. Details: [j.damousi@unimelb.edu.au](mailto:j.damousi@unimelb.edu.au)

**28-30 Oct, Perth: CHOGM** (Commonwealth Heads of Government Meeting): Biennial summit involving 53 leaders from Commonwealth nations

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