

McClelland rules: 'one law only for Australia'

Attorney-General Robert McClelland firmly ruled out any prospect of Sharia law gaining a foothold in Australia.

"When it comes to the legal system we have one culture and that's the Australian legal system...there is no way there will be any change to our legal system," he told *Sky News* interviewers last month.

"There will be no compromise.

"That (Australian) rule of law is so fundamental to our democracy, to our tolerant society, to our engagement and communication and regulation. It is absolutely fundamental.

"The Sharia principles will not be incorporated into the Australian legal system.

"There are some groups who have their own informal dispute resolution bodies that are based around their churches in Australia. None of these can surpass or supplant Australian law.

"They can't, through those bodies, contract out of Australian law...they can have some informal dispute resolution techniques regarding commercial law matter, business law matters and so forth to try and accommodate each other but at the end of the day if there is any conflict at all the Australian law and the Australian legal system prevails." the AG said. Well said, AG, says CLA.

Muslim Aussies ask for sharia law here

AG McClelland was reacting after a Muslim leader, Sheikh Mohamadu Nawas Saleem, publicly promoted a plan to introduce sharia law in Australia, operating in family law by way of Islamic arbitration.

In its submission to the parliamentary inquiry into the policy, the Australian Federation of Islamic Councils called for Muslims to be offered "legal pluralism".

CLA has previously warned, in a submission to the Joint Standing Committee on Treaties in 2008, of the danger of introducing the impact of sharia law into Australia through extradition and mutual assistance treaties.

People could be extradited from Australia because they have broken sharia law overseas, which is not how Australian law should operate, CLA says. <http://tiny.cc/fzl2q>

President Klugman re-elected

Dr Kristine Klugman was re-elected unopposed at the first meeting of the CLA Board after the recent finalising of the 2011 electronic Annual General Meeting process.

Lance Williamson and Noor Blumer (*pictured*) were elected as Vice-Presidents. Mr Williamson is also the Webmaster.

Phil Schubert was re-elected Treasurer, and Bill Rowlings was also returned as Secretary/CEO.

CLA's former Treasurer, Mr Kevin Popple, was elected auditor.

In positions where appointment rather than election applies, Tim Vines continues as National Media Spokesman and Darren Churchill becomes Membership Director.



ODD SPOT: SMH journo finds way to streamline judicial process

Sydney Morning Herald columnist Paul Sheehan has discovered a way to save money on courts and trials: last month, while an alleged miscreant was in jail awaiting trial, he wrote...

"There is a place for trial by media. It is not the preferred option. It is rough justice, but often it is just. This is certainly true in the spectacular demise of the managing director of the International Monetary Fund, Dominique Strauss-Kahn. Finally, he is being punished for a career as a sexual aggressor." (Read more: <http://tiny.cc/yokv2>)

Perhaps the State of NSW could save money if Mr Sheehan was asked to pontificate on local legal matters in advance of any hearings and instead of magistrates or judges?

Committee worried over 'no-scrutiny' treaties

For Australia's international treaties that can be changed without ratification, amendments come into force before they are scrutinised by the Treaties Committee or the public, a new report says.

"The Treaties Committee plays an important role in the treaty-making process by allowing parliamentarians and the public to have their say about treaties Australia is proposing to ratify," the Treaties Committee chair, Kelvin Thomson, said. "Regrettably some treaties come into force for Australia without the benefit of parliamentary or public scrutiny."

Treaties Committee Report 116, tabled in Parliament last month, found that changes to treaties that can be amended without ratification are provided to signatory countries for consideration up to 12 months before they take effect. This period allows signatory countries which do not agree with the changes to either 'opt out' of the changes or attempt to have the changes removed.

Mr Thomson said: "There is enough time in this 12-month period for parliament and the public to make a material contribution to the outcome." The report recommends that amendments to such treaties be referred to parliament for consideration at the time they are first provided to Australia.

New law aims to make laws simpler

The government is bringing in an *Acts Interpretation Amendment Bill 2011* to try to make it easier for people to understand and interpret commonwealth legislation.

The bill updates and modernises the *Acts Interpretation Act 1901*, which provides overarching rules for interpreting all Commonwealth legislation

"The first comprehensive review of this important piece of legislation in over a hundred years will update the language and concepts, bringing (the act) into the 21st century," Attorney-General Robert McClelland said.

Prisoners get back their right as citizens

Prisoners serving a sentence under three years can now vote and people will have seven days to enrol after election writs are issued.

Federal Parliament last month overturned a ban on prisoners voting and increased the time to enrol when an election is called.

The government says the new law implements two High Court decisions - one that overturned the Howard government's 2006 ban on prisoners voting and another that found electoral

rolls cannot be closed on the day writs are issued. <http://tiny.cc/dirht>

New inquiry probes political/electoral funding

Federal Parliament's Electoral Matters Committee is again inquiring into the funding of political parties and election campaigns.

"Our goal is for a political funding system that is fair and transparent; one that we can all have confidence in," said Committee Chair, Daryl Melham MP. The committee is investigating options to improve the system for the funding of political parties and election campaigns, including:

- (a) issues raised in the Government's Electoral Reform Green Paper - Donations, Funding and Expenditure, released in December 2008;
- (b) role of third parties in the electoral process;
- (c) transparency and accountability of the funding regime;
- (d) limiting the escalating cost of elections;
- (e) relevant measures at state and territory level and implications federally; and
- (f) international funding practices, such as in Canada, the UK, NZ and the USA.

CLA is planning to meet with Mr Melham, who is also chair of the Labor caucus, in July.

NSW government breaks promise on law and order auctioneering

The NSW Liberal government's plan to introduce mandatory life sentences for police killers has come under heavy fire.

Nick Cowdery, until last month the state's chief prosecutor, said the new NSW Attorney-General, Greg Smith, had reneged on a pre-election promise to avoid law and order auctions, where political parties outdo each other to see which can appear tougher.

Premier Barry O'Farrell said the Coalition had been committed to the policy since 2002.

Mr Cowdery, who was Mr Smith's boss at the Department of Public Prosecutions, said the law would lead to injustice, according to an online report. "It is surprising that a lawyer with Greg Smith's experience would support a retrograde move towards mandatory sentencing knowing that it produces injustice and has no effect in preventing crime," he said.

Mr Cowdery said judges needed discretion in sentencing to ensure the punishment fitted the circumstances of the crime and the criminal. Mandatory sentencing could result in a penalty outweighing the crime. <http://tiny.cc/9k1wh>

The Australian Lawyers Alliance says mandatory life sentencing has not acted as a deterrent to police killings overseas. ALA director and CLA member Greg Barns says the organisation will be writing to NSW AG Smith over the lack of discretion for the courts.

PIC wins Round 1 as court deflects NSWCC job

A public inquiry into the secretive NSW Crime Commission, accused by the police corruption watchdog of "systemic and long-standing" misconduct, will proceed after a court ruling last month.

Justice Stephen Rothman of the Supreme Court rejected an attempt by the head of the NSWCC, Phillip Bradley, to quash hearings, the *SMH* reported. He also dismissed an argument by two senior commission officers, John Giorgiutti and Jonathan Spark, that the agency "as a corporate body and Civil Liberties Australia A04043

emanation of the Crown is incapable of engaging in misconduct".

The crime commission confiscates millions of dollars' worth of criminal proceeds every year. In February, an investigation by the *SMH* allegedly revealed the commission had been sharing these proceeds with established criminal figures in hundreds of secret financial settlements.

Almost immediately, the NSW Police Integrity Commission moved to hold public hearings into a crime commission financial analyst who had allegedly been cutting such deals with his girlfriend, a solicitor acting for NSWCC targets whose assets were under scrutiny. <http://tiny.cc/xh56k>

Govt plans housing 'police' for public tenants

The Northern Territory Government is floating the extraordinary idea of hiring public housing safety officers to arrest and detain people.

They propose employing 20 private guards to patrol in Darwin and Alice Springs next year with more power than police: they could confiscate alcohol, issue on-the-spot trespass notices, and ban people from public housing for a year.

Asked what would happen to evicted tenants, Housing Minister Chris Burns: "Frankly, I don't care. If people are living in subsidised accommodation, subsidised by the taxpayer...not behaving, if they are making people's lives a misery I don't really care where they go."

The NT Police Association's Vince Kelly said: "I am appalled that the NT Government is contemplating giving police powers to private security guards."

NT Ombudsman Carolyn Richards said: "This may be in breach of international obligations under the International Convention on Human Rights.

"If the description of proposed powers outlined in Minister Burn's media release is accurate, these civilians will have greater powers than police to restrict a person's freedom of movement and association for up to 12 months, confiscate property, deprive a person of their liberty without having cause to believe that any offence has been committed and impose penalties without any recourse or review by a court."

The NT Government says it has established a working group to hone the proposal, and is seeking public feedback, according to an *ABC News* report by Katrina Bolton.

NT Chief Minister wants sex kept in the family

The NT Chief Minister Paul Henderson (*pictured*) says condoms should not be handed out at the annual Bass in the Grass music festival in Darwin.

Organisers of the all-ages event, held last month, banned advocates from handing out condoms and information.



"I don't know if I'd be too happy if my 14- or 15-year-old daughter was coming home with safe sex information, condoms and lube. I just don't think it is appropriate at that event. That is an issue for parents to discuss with their kids," Mr Henderson said.

Country Liberals politician Ross Bohlin says the safe-sex message should be allowed at the festival.

CLA also believes benefits of the educational activity, and having condoms available, outweigh a downside, and issued a media release to that effect. <http://tiny.cc/kafgfm>

Police union bans chases

The WA Police Union banned high-speed chases in early May because officers had allegedly been found telling fibs about how fast they had been travelling.

...and just hours after the union sent the ban email to its 5800 members, two men apparently driving a stolen vehicle died in the WA wheatbelt, near Carrabin, in another police chase.

The dispute is over whether automatic vehicle locators in police cars are accurate. They have been used to discipline police drivers when the AVLs showed a speed of 164kmh, whereas the officers had reported the speed as 144kmh.

WA has a 140kmh maximum limit, without extra Police Operations Centre approval, while chasing vehicles. The AVL triggers an alert in the POC if the 140 limit is exceeded.

In April WA Coroner Alistair Hope recommended the blanket rule allowing up to 140kmh should be abandoned, and speed restrictions should be linked to the posted speed limit, arguing 140 may be suitable in 110 zones but not in built-up areas. He also recommended continued monitoring of all pursuits and for video cameras to be fitted to police cars.

His findings came after an inquest into the deaths of four men during separate police pursuits, *Perth News* reported. <http://tiny.cc/na5rv>

Students start legal clinic

Attorney-General Robert McClelland last month launched the University of South Australia's Legal Advice Clinic.

The clinic aims to provide a service to improve access to information about the law and access to legal advice.

Mr McClelland said a recent survey conducted by the National Pro Bono Resource Centre showed that the amount of pro bono work across the legal profession has significantly increased, from a median of 21 hours in 2008 to 27.6 hours in 2009-10.

Gay rights meet parent/children rights

The *Newcastle Herald* has highlighted a sophisticated website listing public toilets and other areas where homosexual men meet for sex.

The newspaper was alerted by a mother horrified to read that the toilet in Croudace Bay Park at Lake Macquarie, which she visited often with her children, was on the list.

Listings tell whether there are glory holes (holes between cubicles) and spy holes between cubicles or in the cubicle doors, and many include recommendations for best times and pick-up procedures. A recommended time for two, in shopping complexes in Newcastle and Lake Macquarie, is immediately after school.

Should these toilets have a sign warning users that it is commonly used as a sex venue? Homosexual men who use the public toilet as a sex venue might argue that such a sign would put them at risk of assault.

Is there a solution? Is there a need for a solution? <http://tiny.cc/mkc2m> (CLA alerted by B-J L)

ACL wants waves held back, in nick of time

The Australian Christian Lobby wants the ACT Government to make it illegal for people to buy sex.

Demonstrating its Canute-like acuity, the ACL says that 'johns' are the problem. "Sweden in trying to tackle this has said "look, let's look at the root causes of the problem, the root causes are the johns, the fact that they're creating this

demand is creating the problem, so that's what needs to be dealt with," ACL spokesman Nick Jensen said.

The ACT Government has re-stated its support for a legalised sex industry. CLA believes 'nicks', perhaps more than 'johns', are one of the major problems in society today. <http://tiny.cc/hipqf>

Budget short changes those needing legal help

The Law Council of Australia is disappointed the Gillard Government's failed in the 2011 Budget to improve access to legal services for economically and socially disadvantaged Australians.

LCA president Alexander Ward said there were clear indications a lack of funding for legal aid is having a serious impact on the ability of many Australians to access legal services.

"The financial crisis presently facing the legal assistance sector is due to 14 years of underfunding by the Commonwealth Government. Despite current budgetary constraints, the underfunding of the legal assistance sector cannot continue – the structural re-adjustment must commence immediately so the Commonwealth's contribution to Legal Aid returns to at least 50%," Mr Ward said.

Commonwealth funding for legal aid commissions is well below the pre-1997 proportional share of funding, when federal funding was 55% to the States' share of 45%. The LCA believes that, as the principal revenue raiser, the Commonwealth contribution should be at least 50%.

Carr wants school chaplains sacked

Former NSW premier Bob Carr wants the Prime Minister to cancel funding for the national schools chaplaincy program, which is also facing a High Court challenge.

A religious group which provides chaplains to Victorian schools has been accused of trying to convert students during religious classes. Access Ministries has denied the allegations, but the claims have sparked new debate about whether the federal government should be funding religious education.

"I don't think the churches should be funded by the government. I know there are exceptions around the place as a matter of practical concern, but I don't think we should be adding to the example of activities run by churches funded by the Government," Mr Carr said.

Toowoomba man Ron Williams is challenging the National School Chaplaincy Program in the High Court. Constitutional law expert George Williams says the move aims to have the chaplaincy program ruled unconstitutional. <http://tiny.cc/434qh>

Hicks launches new campaign

David Hicks has launched a campaign to resuscitate his image.

Detained five years in Guantanamo Bay after being kidnapped by the USA from Afghanistan, he admitted to a US military commission charge of providing material support for terrorism. He was freed from Gbay after a suspended seven-year sentence following the admission, but he then served a year in jail in Adelaide, despite facing no charges in Australia.

The US Military Commissions Act of 2006, "which is the one that I was forced to plead guilty under", has since been scrapped by the US President, Barack Obama, Mr Hicks told the SMH. "Because of that my US lawyers say that my conviction is now null and void," he said.

"I went overseas with the intention to help people, to do something. Some people may think it's a bit weird, a bit strange, impulsive, naive – OK. But my intentions were good. And unfortunately I ended up being detained and tortured and accused of being a terrorist," he said.

The Director of Public Prosecutions is now deciding whether to try to seize the proceeds from his book, which he signed for a host of buyers at a Sydney Writers Festival event last month, where he thanked Australians for their support. <http://tiny.cc/i22sn>

Assange receives courage medal

WikiLeaks founder Julian Assange has been given a human rights medal for what has been described as "exceptional courage in pursuit of human rights".

The Sydney Peace Foundation has praised Mr Assange and WikiLeaks, saying they have brought about a watershed in journalism, freedom of information and potentially in politics. In its 14-year history, only three other people have won the foundation's gold medal for courage in the pursuit of human rights – the Dalai Lama, Nelson Mandela and Japanese Buddhist leader Daisaku Ikeda.

Mr Assange, who is fighting extradition from Britain to Sweden over alleged sex crimes, was praised for "challenging centuries-old practices of government secrecy and by championing people's right to know".

Foundation director Stuart Rees says the award was also motivated by the cowardice of the Australian Government.

Australian briefs

Rush escapes death penalty: Convicted drug smuggler Scott Rush will not be executed, but still faces life behind bars in Kerobokan Prison. The 24-year-old last month won his appeal to Indonesia's Supreme Court against the death penalty, but did not have his life sentence reduced to 15 years, as he sought. Andrew Chan and Myuran Sukamaran, two other members of the Bali Nine, still face the prospect of a firing squad. The nine were caught in Bali after the Australian Federal Police tipped off their Indonesian counterparts.

It's enough to drive you to drink: The NT Labor Government's new alcohol control reforms, passed in May, mean problem drinkers repeatedly taken into protective custody will be banned from buying alcohol and must have compulsory treatment. All people buying alcohol in the Territory will have their photo identification scanned to check whether they are banned. Alcohol Policy Minister Delia Lawrie says the government consulted widely: "...good advice from the chief magistrate, the health sector, a whole raft of people," she said. Opposition spokesman Peter Styles wanted the laws to go further. <http://tiny.cc/xr3p6>

Magistrate dismisses case based on mandatory reporting: Alice Springs Magistrates Court has dismissed charges against a youth worker accused of failing to report suspected sexual abuse of a child. It was alleged the 33-year-old witnessed "sexualised" behaviour of a five-year-old in October 2010 in a remote NT community, Gail Liston reported on *ABC Radio*. The person did not report the incident until she witnessed similar behaviour again in December. It is the first time a prosecution had been brought under the Care and Protection Act, introduced last year, which makes it mandatory to report suspected child abuse. The problem with the law, Civil Liberties Australia A04043

CLA says, is that it focuses on process, and not on the best outcomes for a child. <http://tiny.cc/jqxp6>

Naming laws to be reviewed: SA Attorney-General John Rau is holding an independent review of the child pornography laws, including whether a charged person can be named, after Premier Michael Rann told Parliament that no-one convicted of child pornography offences was fit to hold public office. The statement in the House related to a charged Labor MP, who cannot currently be named in publications circulating within SA. Mr Rann told parliament the MP was entitled to the presumption of innocence.

Victoria reviewing its bill of rights: The Baillieu Government is reviewing how Victoria's Charter of Human Rights and Responsibility is working through a reference to a parliamentary committee. The Scrutiny of Acts and Regulations Committee will report by 1 October 2011. The committee is considering "options for reform or improvement of the regime for protecting and upholding rights and responsibilities in Victoria". CLA's Rhys Michie will be lead author of our submission: anyone who would like to contribute, please contact secretary@cla.asn.au



First of the First Peoples elected:

The first elected female and male co-chairs of the National Congress of Australia's First Peoples Ltd, who will take up their full-time positions in July, will be Ms Jody Broun and Mr Les Malezer (pictured). The other six directors of the company, formed in April 2010, will be elected at the first

national meeting of congress delegates in June. There are 2200 individuals and 120 organisations which make up the Indigenous representative body. Info: www.nationalcongress.com.au

Top judge job goes to Bathurst: Tom Bathurst QC becomes Chief Justice of the NSW Supreme Court this month, from a position of president of the NSW Bar Association. In another role, as president of the Australian Bar Association, he led the development of the bar's first body of national rules. He replaces Jim Spigelman.

Advisers meet for first time: The National Legal Assistance Advisory Body held its first meeting last month. Members are: Alan Kirkland, CEO, Legal Aid NSW (chair); Carolyn Bond, Co-CEO, Consumer Action Law Centre Vic; Dennis Eggington, CEO, Aboriginal Legal Service WA; Cassandra Goldie, CEO, Australian Council of Social Services (NSW); Bill Grant, Secretary-General, Law Council of Australia (ACT); Elizabeth Morris, Magistrate, NT Magistrates Court; Geoffrey Mulherin, Director, Law and Justice Foundation NSW; and Elizabeth Kelly, Deputy Secretary, Attorney-General's Department (Cth).

Rights confirmed: Native title rights of the Wanjinawungurr Uunguu claim in the Kimberley region of Western Australia have been confirmed by the Federal Court. The consent determination covers about 25,909 sq km of land and sea, and recognises exclusive and non-exclusive native title rights. The traditional owners can live, camp, hunt and fish and engage in cultural activities on the land.

Candid camera is 'critical' for jailers: Serco, which runs Australia's immigration detention centres, treats unauthorised presence of media on a par with a bomb threat or an escape. A Serco document says "unauthorised" media presence at a detention centre is now considered "critical", the highest possible threat level. Immigration Minister Chris Bowen says it is important that people's asylum claims are not compromised and they not be filmed. He says the heightened alert is a matter for Serco. <http://tiny.cc/48kw4>

Intolerance rules, OK? Peaceful christians were anything but, and the gays were sad when the groups clashed in the streets of Adelaide last month. The gay and lesbian community was rallying to mark international day against homophobia and transphobia; the Christian Street Church was preaching the bible, the bit where it says – apparently – that homosexuality is a sin. Despite police having to be physical referees, nobody was arrested when the immovable object met the irresistible force. Oh for some respect for civil liberties...on both sides, CLA says. <http://tiny.cc/tgxc4>

CLA's main activities for May:

Meetings:

May Day speech, CEO Bill Rowlings – available on website: <http://www.cla.asn.au/>

John Purnell barrister re current activities, Moti case in the High Court;

Bill Stefaniak, ACAT re pro bono work;

Victims Rights seminar: Dr Jonathan Doak, of Nottingham Trent U. and Director of the Australian Institute of Criminology, Dr Adam Tomison;

Forum of former MPs on debate re committing troops overseas, retired Chief of the Army, General Peter Leahy, and Afghanistan/Pakistan commentator, Prof Ramesh Thakur;



Dr Helen Wiseman (pictured left), Gloria Larman of SHINE for Kids, a support program for children of people jailed;

Keith McEwan re prison reform, Indigenous cultural issues;

Dr Chris Michaelson re Independent Monitor of Terror Laws;

Roundtable on Human Rights Protection:

What Does Australia Need? UN High Commissioner for Human Rights, Navi Pillay; Dr Helen Watchirs, ANU.

Meetings with MPs:

Laurie Ferguson MP re COAG, SCAG and 40-plus Ministerial Councils;

Dr Mal Washer MP re project on Aboriginal health and over-representation in jails in WA

Parliamentary hearing:

CLA appearance before Joint Standing Cttee Foreign Affairs, Defence and Trade, speaking to CLA submission on inquiry into the DFAT annual report

Administrative:

Meetings with Webmaster/Director Lance Williamson re new electronic membership recording;

New Director Darren Churchill re membership records, follow up;

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CLA board meeting:

- election of office bearers,
- development of radio ads,
- response from three state govts re FOI request on COAG and SCAG agendas and minutes,
- report on Liberty Tree project,
- program for Darwin visit outlined, meetings arranged etc.

Projects:

- ANU IT students and Human Rights Council of Australia, re using IT skills to assist with HR and HR community groups;
- Development of police car chase guidelines;
- Health of Aboriginals in WA prisons

Submissions in preparation:

- Classifications: ALRC inquiry (Arved von Brasch)
- Human Rights Charter review in Victoria (Rhys Michie)
- Inquiry into Migration Amendment (Strengthening the Character Test and Other Provisions) Bill 2011 (Director and Media Spokesperson, Tim Vines)

Submissions lodged:

Migration Reform (Detention Reform and Procedural Fairness) - Greens Bill

Review of Credit Provider Determinations (OAIC - Privacy Commissioner Pilgrim)

Student opportunities:

No 1:

A PhD scholarship is available based in the [Regulatory Institutions Network](#), in the ANU College of Asia & the Pacific, funded by the Australian Research Council through its Laureate award to Professor Hilary Charlesworth, and the ANU.

The PhD position will be part of an ARC funded project on "*Strengthening the International Human Rights System: Rights, regulation and ritualism*".

Preferred disciplines: Law, Political Science or International Relations **Value:** A\$26,669 per annum, tax free paid fortnightly **Duration:** Three years full-time

Closing date for application: 30 June 2011 **Start by:** 1 February 2012

Eligibility: minimum Bachelor degree with first class Honours or research Master degree in a relevant discipline; Australian or NZ citizen, or permanent resident of Australia; not with a PhD qualification, nor started one elsewhere; undertake a research project within the aims of the project funding the scholarship.

More information: Professor Hilary Charlesworth (hilary.charlesworth@anu.edu.au) or from Jan Prowse (researchstudents.cap@anu.edu.au)

No 2:

Applications open for the MA in Understanding and Securing Human Rights at the Institute of Commonwealth Studies, School of Advanced Study, University of London.

Further details on the MA programme, including how to apply for entry in 2011/2012 and funding opportunities, at: <http://commonwealth.sas.ac.uk/postgraduate-study/ma-in-human-rights.html>

The Routledge/Round Table Studentship award is open to students from Commonwealth countries who have been accepted by the Institute for the MA in Understanding and Securing Human Rights. Closing date for applicants for the Routledge/Round Table Studentship is 10 June 2011 and the award is worth \$13,000.

INTERNATIONAL

Cops play 'I Spy' online in real time

Britain's largest police force is using software to map nearly every move suspects and their associates make in the digital world, prompting an outcry from civil liberties groups.

The Metropolitan police has bought Geotime, a security program used by the US military, which shows an individual's movements and communications with other people on a three-dimensional graphic. It can be used to collate information gathered from social networking sites, satellite navigation equipment, mobile phones, financial transactions and IP network logs.

Police have confirmed its purchase and declined to rule out its use in investigating public order disturbances. <http://tiny.cc/tgvnf>

Hillary directs Mousketeers show pro-freedom

America is funding technology to break web censorship in repressive regimes.

The US is playing "cat and mouse", funding new technology aimed at breaking internet censorship in repressive regimes including China and Iran, officials said.

Michael Posner, US assistant secretary of state for human rights, said that among projects being funded is a "slingshot" – identifying censored material and throwing it back on to the web. The project is part of a \$28m state department project aimed at encouraging civil liberties online.

"This is a cat-and-mouse game. We're trying to stay one step ahead of the cat," Posner said. Censored information would be redirected to email, blogs and other online sources, he said.

In a speech in February, US Secretary of State Hillary Clinton called the internet "the public space of the 21st century" and hailed the way the internet had been used to support uprisings in Egypt and protests in Iran. She pledged US support for freedom of expression and association online.

Secret grand jury to decide WikiLeaks fate

A US grand jury has started to consider whether the passing of hundreds of thousands of diplomatic cables to WikiLeaks is enough to prosecute the website and its founder, Julian Assange, for espionage.

The first session of the grand jury took place in Alexandria, Virginia. A man from Boston, Massachusetts, was forced to testify under subpoena, reports say.

The terms of the subpoena – [first revealed by the Salon blogger Glenn Greenwald](#) – gave a clear indication that the jury has been convened specifically to consider whether to approve the prosecution of Assange and Wikileaks.

It said the hearing was investigating "possible violations of federal criminal law involving, but not necessarily limited to, conspiracy to communicate or transmit national defence information in violation of" the Espionage Act, which was introduced in 1917 just after the US entered the first world war.

The WikiLeaks grand jury of between 16 and 24 jurors sits in secret. It is a form of pre-trial hearing, considering the prosecution evidence and calling witnesses, before finally deciding on whether or not to take a prosecution forward.

<http://tiny.cc/vyeoo>

Mother charged over 'suicide' death of baby

A woman in the USA has been charged with murdering her four-day-old baby girl by trying to kill herself with rat poison when pregnant.

Bei Bei Shuai, 34, a restaurant owner originally from China, was pregnant and planning to marry her boyfriend until she learned that he was already married and would be abandoning her.

She went to a hardware store, bought rat poison pellets, and swallowed some. But she did not die immediately and was persuaded by friends to go to hospital. She was given treatment to counteract the poison and gave birth on New Year's Eve 2011, but her daughter, Angel, suffered seizures and died after four days.

Shuai then had a second breakdown and spent a month in a psychiatric ward, after which she left to stay with friends and began rebuilding her life. But in March she was arrested and charged with murder and attempted foeticide. She now faces life imprisonment.

"This case has huge implications for pregnant women, not only in Indiana but across the country," said Alexa Kolbi-Molinas, a lawyer with the American Civil Liberties Union.

"If we allowed the state to put a woman in jail for anything that could pose a risk to her pregnancy, there would be nothing to stop the police putting in jail a woman who has a drink of wine or who smokes. So where do you draw the line?" <http://tiny.cc/64oo8>

The small print matters

Research reveals just 7% of Britons read online terms and conditions when signing up for products and services...and there's no reason to think the percentage would be different in Australia.

The research exposes how easy it is for people booking and paying for goods and services online to click the terms and conditions box without actually reading them in full.

Nearly six in 10 (58%) adults said they would rather read an instruction manual or their utility or credit card bill than go through online terms, and more than one in 10 (12%) would rather read the phone book. Meanwhile, 43% of those who don't always read the terms and conditions say they are boring or difficult to understand. But by failing to check the small print they are in the dark about their rights, until something goes wrong.

Just over a fifth (21%) of people surveyed said they had suffered as a result of ticking the terms and conditions box without having done their homework. One in 10 found themselves locked into a longer contract than expected because they signed up without reading the small print, and one in 20 lost money by not being able to cancel or amend hotel or holiday bookings. <http://tiny.cc/61ddz>

Proposed law would make site an open book

A new State law in California, proposed by Senator Ellen Corbett, would force social networks like Facebook to allow parents access to their child's account(s) and force all privacy settings to their maximum level by default.

Parents could request that images or text be removed from any social network page "upon request ... within 48 hours upon his or her request." Any social network failing to perform these duties will get hit with a \$10K fine per incident.

"This legislation is a serious threat both to Facebook's business in California," said Facebook rep Andrew Noyes.

The bill is on its way to the Senate after moving through legislative committee.

<http://techcrunch.com/2011/05/16/california-bill-to-give-parents-access-to-kids-facebook-pages/>

Think-tank wants new law for all drugs

The UK's outdated drug laws could be doing more harm than good and are failing to recognise that banning some "legal highs" may have negative consequences for public health, according to a leading independent panel set up to analyse drugs policy.

On the eve of the 40th anniversary of the *Misuse of Drugs Act 1971*, the UK Drug Policy Commission warns that the exponential rise in "legal highs" and the availability of substances over the internet are making current laws redundant.

A damning report carried out for the commission by think-tank Demos suggests that drug control legislation is no longer "fit for purpose" in the 21st century and should be replaced using consumer protection legislation, *The Observer* newspaper reported.

In the longer term, the report suggests, the government should introduce a harmful substances control act that would change how all psychoactive substances, including alcohol and tobacco, are controlled <http://tiny.cc/nbq87> For *Taking Drugs Seriously*, <http://www.ukdpc.org.uk/current.shtml>

Twitterers silenced by judicial injunction

A British judge has banned Twitter users from identifying a brain-damaged woman in one of the first attempts to prevent the messaging website from revealing sensitive information.

Justice Baker's injunction last month includes Twitter and Facebook in the list of media prohibited from disclosing the information.

It was issued in the Court of Protection in the case of a mother who wants to withdraw life support from her brain-damaged daughter. It prevents the identification of the woman and those caring for her. <http://tiny.cc/fr0br>

Court rules DNA database is unlawful

Britain's Supreme Court has declared that chief constables who refuse to delete the DNA profiles of more than 1 million innocent people on request are acting unlawfully.

The current police policy of indefinitely keeping DNA profiles of people arrested but never convicted is excessive and violates privacy rights, the court says.

Chief constables have continued collecting the DNA profiles of everyone arrested, whether they are convicted or not, and keeping them indefinitely on a national database. This is despite a ruling by the European Court of Human Rights more than three years ago that it was a breach of privacy rights.

More than 200,000 new DNA profiles of innocent people have been added to the national police database since the ruling that their blanket retention was unlawful in February 2008, bringing the total to more than 1.1 million. <http://tiny.cc/kb1zj>
Fuller report: <http://tiny.cc/54qjlp>

Suu Kyi calls for close watch on Burma

Opposition leader Aung San Suu Kyi wants Australia to monitor Burma closely, saying election of a parliament after decades of military rule has not produced a move towards "true" democracy.

In a video for federal MPs in Canberra last month, she cites as core concerns the failure to free the country's 2000 political prisoners and tight constraints on the new parliament, according to Deborah Snow in the *SMH*. "I particularly appeal to elected members of parliament, not just in Australia or Asia, but all over the world to look very carefully at how the elections of 2010 were conducted, and what the elected members of the national assembly are allowed to do."

Ms Suu Kyi, recently released from 15 years of house arrest, made the recording to mark 100 days of the Burmese parliament, which convened in January after the first elections in 20 years.

Ms Suu Kyi's National League for Democracy boycotted the poll, which gave the army control of more than 80% of the seats. <http://tiny.cc/sijqc>

Hungarian govt strangles media freedom

A new law which comes into force on 1 July means any journalist in Hungary can face a penalty for a report critical of the government on TV or radio, in the press or on the internet.

The law sets up a five-person council to oversee the media.

Four members of the council are elected by parliament, where the ruling party not surprisingly makes up the majority, while the chairman is appointed by Prime Minister Viktor Orban.

"This is not consistent with OSCE standards and is a restriction of freedom of speech. All five members are representatives of the party in power and fulfill government orders. The authorities have absolute control over the media," said Miklos Haraszti, a former Organisation for Security and Cooperation in Europe (OSCE) representative on freedom of expression and former member of the Hungarian parliament.

Interpretations of the new Hungarian law on control of the media vary, but much of what is aired on television and radio and printed in the press and Internet falls under the law's restrictions.

"The new law is dangerous. The Council for Media Control can shut down any website it dislikes or impose a large fine, which can be as much as 50,000 euros," the founder of the Facebook group, "*One million people are for freedom*", civil society activist Robert Folkel said.

Young twits get their tweets in a knot

Because tweets are so short, it can be hard to compose them in a way that earns them full copyright protection, said Eric Goldman, a professor of internet and intellectual property law at Santa Clara Law School.

He was speaking about a case where a child is suing a former child website sensation over who owns a tweeter-nest.

"Copyright protects the ways in which we express ourselves," Goldman said.

"It doesn't protect the underlying facts or ideas we are expressing."

The law is racing to evolve at the blistering pace of social media. "We've had 600 years to develop the rules on books," Goldman said. "We've had less than five years to develop how those rules apply to tweets." <http://tiny.cc/8qw4f>

International briefs

Paramilitary accused of killings, torture: The Bangladeshi government has allowed a paramilitary force to secretly detain, torture and kill hundreds of people with impunity over the past two years, a report warns. An NGO, Human Rights Watch, has catalogued extrajudicial killings, forced disappearances and deaths in custody of the Rapid Action Battalion. Citing a lack of redress for victims, and the government's dismal record of failing to prosecute a single perpetrator, the NGO has called on the Bangladeshi government to disband the RAB and for the UK and US to withdraw support unless the government takes active steps to hold the force to account. <http://tiny.cc/fp5d3>

Swiss vote to keep assisted suicide: Voters in Zurich have rejected proposed bans on [assisted suicide](#) and "suicide tourism" in which foreigners travel to [Switzerland](#) to receive help in ending their lives: 85% voted to continue assisted suicide, and 78% to continue making it available to foreigners. About 200 assisted suicides are carried out each year by the assisted death group Dignitas. Assisted suicide has been allowed in Switzerland since 1941 if performed by a non-physician who has no vested interest in the death. Euthanasia, or "mercy killing", is legal only in the Netherlands, Luxembourg, Belgium and the US state of Oregon. <http://tiny.cc/wp4gn>

DATES: (You may have to copy and paste URLs)

3 June, Canberra: Justice Connections symposium, Uni of Canberra: <http://www.canberra.edu.au/faculties/law/anzsog-justice-symposium>

9 June, Parramatta: UWS Campus, 5.30 for 6pm. 2011 Open Forum 'Multiculturalism, Terrorism and Peace - An Indian Experience', Prof Priyanka Upadhyay, UNESCO Chair and Professor of Peace Studies at the Bandaras Hindu University, India. Details: Dr Sev Ozdowski, Director, Equity and Diversity, University of Western Sydney. s.ozdowski@uws.edu.au Website: www.uws.edu.au

20 June, World: World Refugee Day (Week is 14-20)

23 June, Canberra: Kirby Lecture on International Law – Louise Arbour, President and CEO, International Crisis Group, Brussels, Belgium, Finkel Theatre, ANU. Info: <http://law.anu.edu.au/cipl/Events.asp>



23-25 June, Canberra: 19th annual Aust and NZ Society of Intl Law (ANZSIL) conference, *the Promise and Limits of International Law*, University House, ANU. Speakers include: Professor Yuji Iwasawa

(pictured), Prof of International Law, U.Tokyo; vice-chair, UN Human Rights Committee Further info: <http://law.anu.edu.au/ANZSIL/conferences.html-UpcomingConferences>

25 June - 1 July, Bali: Criminal Lawyers Association of the NT, 13th biennial conference, 'Extremes in Justice', Bali Hyatt Hotel, Sanur, details: solusi@bigpond.com of 0437 710 090

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

11-14 July, Sydney: Commonwealth Law Ministers Meeting. Info: Ariane Malpas 02 6141 3245 or e: ariane.malpas@ag.gov.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

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

11 Aug, Sydney: Annual Hal Wootten lecture: speaker Martha Nussbaum, 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, a Member of the Committee on Southern Asian Studies, and a Board Member of the Human Rights Program, and founder and Coordinator of the Center for Comparative Constitutionalism.

7-9 Sept, Sydney: Criminal Justice in Australia and NZ - Issues and Challenges for Judicial Administration, E: aija@monash.edu

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

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'Estrange, Director of National Security College, ANU.

13 Sept, Brisbane: Assoc Prof Katharine Gelber: *Speech Matters; Free Speech in Australia*, Level 1 Duhig Bldg, 3-4pm. Info: Rebecca Ralph 07 3346 7407 <http://www.cccs.uq.edu.au/index.html?page=152146>

16 Sept, Canberra: Lunchtime lecture 1-2pm: Glen Patmore, Senior Lecturer in Law, The University of Melbourne *Constitutional Change and Australian Republicanism*. Venue: Staff Library, ANU College of Law

21 Sept, World: International Day of Peace

22 Sept, Melbourne: Democracy v Communism, Remembering the 1951 Referendum on the Banning of the Communist Party. Details: j.damoussi@unimelb.edu.au

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

15-17 Nov, Perth: 3rd Australian Public Sector Anti-Corruption Conference – conference organised by the corruption bodies of WA, Qld and NSW. Details: <http://www.iceaustralia.com/apsacc2011/index.html>

10 Dec, World: Human Rights Day

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:mailto:secretary[at]cla.asn.au)

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