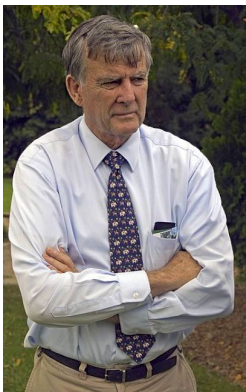


CLA campaigns to free your genes from patent monopolies

Civil Liberties Australia, along with the Cancer Council of Australia and other groups, is lobbying the Australian Government to support the latest private member's bill which would put an end to companies claiming they 'own' our genes.

The bill of MHR Melissa Parke (Labor, Fremantle) would ban patents over fundamental genetic information (such as DNA and RNA) and non-inventive forms of genetic testing. New medicines, vaccines, and novel testing methods would remain patentable.



The bill has cross-party support, being a follow-on to one proposed by Senator Bill Heffernan (pictured, by Bidgee – Liberal, NSW) two years ago, which failed because it was seen as too broad-reaching.

CLA is supporting the Parke bill because inappropriate gene patents infringe the rights of researchers, doctors and patients. In fact, gene patents impact everyone because, CLA believes, we each own our own genes...and no-one else should be granted patent ownership over them.

Patent owners can effectively shut down further research; they can impose high charges on commonly-needed genetic tests or cause significant delays, such when an Australian hospital is forced to send tests for children's epilepsy to the other side the globe, instead of the tests being done in Australia.

In July *New Matilda* ran a piece by CLA Director Tim Vines on gene patents: <http://newmatilda.com/2012/07/05/you-are-not-drug> which was subsequently run in *PSNews* and on the CLA website. If you would like to know more about gene patents and our campaign you can visit the CLA website at: <http://www.cla.asn.au/> or our

* Facebook page: www.facebook.com/freegenes and

* Twitter page: www.twitter.com/freegenes and

* YouTube channel: <https://www.youtube.com/dontpatentme>

You can also see the discussion on the ABC's *Lateline*: <http://tiny.cc/ti36hw>

Your personal privacy/surveillance is at risk: will MPs listen?

Two major hearings in federal parliament this month will affect how much privacy you have, and what state surveillance you are subjected to.

The hearings are into how the major police, crime and spook agencies collect and swap intelligence (PJCLE*), and what reforms are needed in how the the security and police agencies tap into all forms of communication, and how they use the information (PJCIS**).

CLA will once again argue that such committee hearings should not be held separately from each other.

There should be a major national debate on the how intrusive police and intelligence data gathering is in the wake of 9/11, and what should be done to wind it back substantially.

The recommendations of a separate public inquiry, with civil society representatives on it, should be turned into shorter, less draconian legislation with a five-year sunset clause.

Then, the Human Rights Committee of parliament should conduct a normal proceeding – take submissions, hold hearings, produce a report – to finalise the best-possible laws for Australia.

CLA fears we will once again not be “heard” by parliament: committees are so tunnel-visioned that they cannot see that a comprehensive approach to these issues is required, rather than the one-at-a-time, pick-them-off, draft-and-tick legislative proposals which have seen the police and spook agencies come to exert unprecedented control over civil society in Australia in the past 10 years.

See below for information on the separate inquiries, by the * Parliamentary Joint Committee on Law Enforcement, and by the ** Parliamentary Joint Committee on Intelligence and Security.

Law Enforcement:

CLA will appear on Monday 10 August before the Parliamentary Joint Committee on Law Enforcement which is inquiring into how, where, when, and why the Australian Crime Commission (ACC) and Australian Federal Police (AFP) gather, use and share criminal intelligence for serious and organised crime purposes (our underline).

In that context the committee will consider the:

- role and objectives of the ACC within the context of the national security framework
- ACC's collection capability, including resourcing, expertise, powers, and criminal intelligence community networks
- adequacy of the ACC's criminal intelligence holdings
- availability and accessibility of ACC's criminal intelligence
- interoperability of Australian law enforcement agencies in relation to criminal intelligence holdings.

The problem, CLA says, is that first consideration should be whether authorities have too much power now, and whether they should be collecting what they are collecting. But no-one knows what they are collecting, because they operate totally secretly with virtually no oversight on the intelligence aspect of their roles.

We don't know, in fact, whether they are very intelligent or not, whether they abuse their data collection powers, whether they collect more intelligence than they should, whether they destroy material they shouldn't have and don't need, or exactly how they go about their roles.

Intelligence and Security:

The Parliamentary Joint Committee on Intelligence and Security has extended the deadline for submissions to its inquiry into potential reforms of national security legislation by two weeks, to Monday 20 August.

The PJCIS is considering a package of government proposals for “telecommunications interception ‘reform’”, telecommunications sector security ‘reform’ and Australian intelligence community legislation ‘reform’...or so the bureaucracy says.

In fact, the “reforms” would extend state monitoring and surveillance of you, your activities, and your communications dramatically. They would make ISPs responsible for collecting and retaining – in a massive national database – every word that flowed through your computer, mobile phone, home and

office telephone, pad/tablet and anything else you use to communicate.

They would do this in the name of "anti-terrorism", as they have done this past decade.

But potential terrorists comprise about 0.000001% (1 in a million) of the Australian population. To maximise surveillance on those 22 people*** over the next 10 years, Australia's secret police want to monitor every communication of the 99.99999% of the rest of us.

If that isn't overkill, nothing is.

Note also that the "reforms" are government-proposed. Nobody has asked civil society, like Civil Liberties Australia and the Australian Privacy Foundation, what we think should be proposed in the reforms. If they had, the documents being considered by the PJCIS would be dramatically different.

That is what should occur: a round of consultation by and involving civil society groups, funded by the Attorney-General's Department, to produce a more balanced document than the one now being considered by the PJCIS.

Will that happen? Pigs will fly first, because this government, like its predecessor, refuses to create the laws that the Australian people want, and instead creates the laws that the police and security services want.

In such a "police" state, the people increasingly lose their voices. This hearing is not, as it purports to be, more consultation...it is instead a streptopolitical infection of the public throat.

The full terms of reference are on the PJCIS website at: www.aph.gov.au/pjicis The website also contains the government discussion paper which describes the "reform" proposals.

*** Remember, Australia's secret police have already locked up 22 potential Australian terrorists about five years ago.

Summing up what's wrong with both inquiries...

This observer, commenting on an article on an ABC site, summed the situation up very well:

Pete : 11 Jul 2012 2:33:09pm

These laws are designed by lazy politicians in cahoots with lazy police. It's all about making their day a bit easier, instead of forcing them to do the grunt work to find evidence a crime has actually been committed. The AFP's successful pleading to heighten terrorism laws is a similar effort: we can't be bothered doing the leg work, so give us powers never countenanced by centuries of criminal and common law. Keelty was a master of this, and now we have a huge AFP apparatus, with all its smalltown inefficiencies and bureaucracy. Haneef's treatment was just one example of the incompetence of these fools. It's a shame, because most coppers in the forces would be happy to do the right thing - you rarely hear them crying out for more draconian laws. The loser is the citizen, as ancient rights are slowly eroded away and we end up with a quasi police state. Policing is tough work because it's meant to be hard work - by legitimate design. Instead of the aphorism 'follow the money' try 'follow the avoidance of hard work' and you'll find the real reason for these changes.

– Comment on the article *Freedom of association lost in the moral panic*, article by Chris Berg, IPA, on the ABC's

The Drum <http://tiny.cc/btxchw>

Rights president speaks out about restrictions

The new president of the Australian Human Rights Commission is worried about the right to free speech in Australia, saying it is "very, very fragile".



Professor Gillian Triggs (pictured) told Chris Merritt in *The Australian* that free speech here can be restricted in ways that would never be permitted in comparable countries. "There is no doubt that in Australia we do not have the mechanisms for protecting freedom of speech that exist in other countries," she said.

The president said differences on human rights were emerging between Australia and similar countries, and

that here young people were ignorant of how free speech principles were won.

"I find it astonishing that young Australians barely know we have a Constitution and certainly can't point to any of the jurisprudence of our great judges on the development of the right of free speech and political communication," she said. "Our young people barely know they are there and barely know how we manage human rights in this country."

Professor Triggs has taken on leading the AHRC just as the federal government attempts to further wind back press freedom, limit free speech, increase spook agency monitoring and surveillance and create open slather access to private and personal data by police and bodies like the Australian Crime Commission.

She told Mr Merritt that one of her goals for her time at the AHRC was to promote a clearer link between Australian domestic law and international legal standards. She believed that, because Australia did not have a "benchmark set of rights", the nation was drifting away from the jurisprudence of Europe and North America.

"My concern is that our jurisprudence across a whole range of law is at risk of being isolated from that evolving jurisprudence of our natural partners," Professor Triggs said. <http://tiny.cc/wxmzhw>

Hold your horses, says Treaties Committee

The Australian Parliament's Treaties Committee wants the Anti-Counterfeiting Trade Agreement put on hold.

Australia must not ratify ACTA until after an independent and transparent economic analysis of its costs and benefits, the committee says. Treaties Committee chair Kelvin Thomson says the agreement has flaws and the committee is not yet convinced that it is in Australia's interests.

"The committee is concerned about the lack of clarity in the text, the exclusion of provisions protecting the rights of individuals, and ACTA's potential to shift the balance in the interpretation of copyright law, intellectual property law and patent law," Mr Thomson said.

"The international reaction to ACTA, which, without exception, comes from countries which the committee considers would have the same interests as Australia, must also be taken into consideration."

His committee has made nine recommendations, including that the Anti-Counterfeiting Trade Agreement not be ratified by Australia until:

- the Treaties Committee has received and considered an independent and transparent assessment of ACTA's economic and social benefits and costs;

- the Australian Law Reform Commission has reported on its Inquiry into Copyright and the Digital Economy; and
- the Australian Government has issued notices of clarification about terms of the agreement.

The committee also recommended that, given their importance in the world economy, Australia should also have regard to ACTA's ratification status in the European Union and the USA.

Since Thomson's Treaties Committee stand, the European Parliament's has voted in June 2012 to reject ACTA – 478 against, 39 in favour, 165 abstentions: thus did the European Parliament vociferously reject the Anti-Counterfeiting Trade Agreement (ACTA) after lobbying against it by nearly 60 organisations.

Described as a "tremendous victory for freedom of expression", ACTA threatened to paralyse cyber-innovation and the free access to technologies, education and culture.

This vote takes a noteworthy place in the history of European democracy and citizenship, according to FIDH.

One member of the EU-wide coalition against ACTA put it succinctly: "We defeated this evil treaty negotiated in secret by a club of private interests and dogmatic civil servants. The ACTA battle demonstrates how crucial our networked public sphere is to the future of our societies and democracies." <http://tiny.cc/1s1ehw>

British MEP David Martin recommended against the treaty, stating: "The intended benefits of this international agreement are far outweighed by the potential threats to civil liberties".

Details: <http://tiny.cc/av4qgw>

Rights Council votes for freedom of expression

The United Nations Human Rights Council – including Australia – last month passed a landmark resolution supporting freedom of expression on the Internet.

Even China, which filters online content through a firewall, backed the resolution.

It affirmed that "the same rights that people have offline must also be protected online, in particular freedom of expression, which is applicable regardless of frontiers and through any media of one's choice." However, the resolution is not binding on anyone. Still, it's better than nothing.

Resolution: <http://tiny.cc/9mf2gw>

Executive gains more power over parliament

Prof Anne Twomey writes:

"In days of old, when Legislative Councils were appointed bodies, Labor Governments would try to swamp them with suicide squads of members who, once appointed, would vote to abolish the House.

"(Last month), the House of Representatives committed its own act of hara-kiri, passing a bill in just over three hours that gave full authority to the executive to spend money on whatever it wished without the need for further legislation or parliamentary scrutiny.

"It was an abject surrender of its powers of financial scrutiny to the Executive, and all in an effort to save a few school chaplains. " *Read the full article:* <http://tiny.cc/pzo9gw>

Libs vote for more protestor jailing

Confrontations over environment protestors are likely to increase if the Liberals win government.

The Liberal Party federal council has unanimously passed a motion making it more likely protestors targeting businesses and workplaces will go to jail.

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The move follows recent protests in Tasmania from environmental groups Code Green, Still Wild Still Threatened, and Markets for Change relating to the Tasmanian Intergovernmental Forestry Agreement, the *Hobart Mercury* reported.

The groups have particularly targeted the work sites of timber company Ta Ann and the state's last woodchipping export facility, Artec.

Tasmanian Senator Richard Colbeck's motion was seconded by Bass Liberal candidate Andrew Nikolic (pictured). It called on federal council to "encourage the Coalition, when in government, to strengthen the law and increase the penalties for wilful economic sabotage of law-abiding businesses".



Mr Nikolic said the motion was designed to crack down on environmental activists who repeatedly engage in illegal protest. He said the northern Tasmanian community, and its mining and forestry industries, were suffering. <http://tiny.cc/etxsgw>

Mentally ill highly represented in jail entrants

About one-third of people going into jail have mental health problems: this is 2.5 times the average.

The alarming figures were revealed in the 2010 National Prisoner Health Census, done by the Australian Institute of Health and Welfare.

Generally, prison entrants with mental health issues have relatively poor socio-economic and health characteristics and are more likely to engage in risky health behaviours, AIHW reported. In 2010, 31% of prison entrants reported that they had been told by a doctor, psychiatrist, psychologist or nurse that they had a mental health disorder (including drug and alcohol abuse) in their lifetime.

Sixteen per cent of prison entrants were currently on medication for a mental health disorder and 14% reported experiencing very high levels of distress.

Two out of five prison entrants in Australia with a mental health disorder did not complete Year 10 at school and 2 out of 3 were either unemployed or unable to work due to disability, age or condition. Further, this group had extensive criminal histories, with about 1 in 3 having been incarcerated five or more times in an adult prison. Also, half of this group had received a head injury that resulted in a loss of consciousness or blacking out.

– The mental health of prison entrants in Australia: 2010. AIHW bulletin no. 104. Cat. no. AUS 158. Canberra: AIHW. <http://tiny.cc/5fe2gw>

China will abolish death penalty

China plans to abolish the death penalty, a Chinese delegation told CLA President Dr Kristine Klugman last month.

The biggest country on earth will also move, before the end of 2012, to introduce a new law against domestic violence (DV) to bring a new focus on this "hidden" crime.

The two surprisingly frank statements about DV and the DP came during a formal dialogue between high-ranking delegates of a Chinese delegation and members of Australian non-government organisations. The DP answer was in response to a direct question from Dr Klugman.

For decades the Chinese Government has been the pariah of the world community over the death penalty (DP)...though the large numbers being killed has reportedly dropped

substantially over the past few years, from about 10,000 in 2005 to possibly about 2000 in 2010 (China does not release official figures).



PHOTO: Chinese Ambassador to Australia Chen Yuming, CLA President Dr Kristine Klugman, and Chinese Vice Foreign Minister, Cui Tiankai. Photo: Howard Moffatt, AUSPIC

The dialogue saw representatives of seven Australian NGOs meet 35 members of a high-ranking Chinese delegation led by Vice Foreign Minister of the Ministry of Foreign Affairs of the People's Republic of China, Mr Cui Tiankai.

In relation to the DP, Dr Klugman asked whether China was considering a further reduction in the number of crimes which were subject to the death penalty, such as tax fraud, property offences and theft, and whether China would consider releasing death penalty statistics.

One of the Chinese delegates, a senior legal figure, replied that the court was cautious in applying the death penalty. In a murder case, where the accused agrees to compensation to the victim's family, the death penalty is not applied, he said.

The death penalty would continue to be necessary because of the public attitude which expected it. The aim was to abolish the death penalty, he said, but it would take time.

Statistics on the number of people put to death are submitted to the National Peoples Congress (but are not made public).

Ex-DPP lawyer fined for unsatisfactory professional conduct

A one-time deputy Director of Legal Services of the Office of Public Prosecutions in WA who was partly responsible for the wrongful conviction of Andrew Mallard has been fined \$10,000 – the maximum fine available – for his handling of the case in which vital evidence was withheld or obscured.

He was also ordered to pay \$3500 in costs.

The State Administrative Tribunal found Ken Bates had shown "unsatisfactory professional conduct" in the 1995 prosecution of Mr Mallard for the murder of Mosman Park jeweller, Pamela Lawrence. Mr Mallard spent 12 years in jail because of the wrongful conviction, which was quashed in 2006, with the WA Government subsequently making him a \$3.25m ex gratia payment.

The SAT found Mr Bates' handling of the crown case "fell short to a substantial degree of the standard of professional conduct observed or approved of by members of the legal profession of good repute and competence."

The SAT said that Mr Bates failed to comply with the prosecutor's duty of disclosure, failed to adequately review materials of fact, and failed to withdraw a flawed submission that Mr Mallard had used a wrench to murder Ms Lawrence.

Convicted killer Simon Rochford was later charged with Ms Lawrence's murder, but was found dead in his Albany Prison cell in 2006.

A WA Corruption and Crime Commission report in 2008 criticised Mr Bates' handling of the case and a year later he was asked to step down from the DPP, receiving a \$270,000 payout of entitlements.

The CCC recommended disciplinary action against Mr Bates and two assistant police commissioners, Mal Shervill and Dave Caporn, who had headed the case as lesser-ranked

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officers, but all three resigned from their public posts, avoiding disciplinary action.

<http://tiny.cc/3bt4hw> and <http://tiny.cc/6ct4hw> and <http://tiny.cc/3jt4hw>

CLA says that several close observers believe that Mr Bates' 1995 actions, and those of the police officers, reflected a flawed culture in place in the Office of the DPP and the police force in WA in the mid-1990s.

Some people believe the culture may have changed, but has not necessarily improved greatly to this day, in either arm of the two primary services supposedly delivering "justice" in WA. CLA member and long-time justice campaigner Brian Tennant continues to argue for review of a number of cases from the period.

By no measure does a fine of \$10,000 appear to balance 12 years of a man's life wrongly spent in jail, the payout by the state of \$3.25m, the odium in which the DPP is now rightly held (at least in historical terms)...and the fact that Mr Bates continues to operate as a legal practitioner – and therefore officer of the court – in WA.

Under LinkedIn, Mr Bates is currently (28 July 2012) described this way:

Ken Bates is an experienced Criminal and Traffic Lawyer with over 30 years of experience in all aspects of criminal and traffic law. Before commencing in private practice doing solely defence work, Ken was the Director of Legal Services at the Office of Public Prosecutions for the State of WA. Ken is a member of the Criminal Lawyers Association and served as a Vice President for several years. Ken offers a wealth of legal experience

Sure he does, CLA says, but not all of it is good. Some of Bates' experience is officially sub-standard.

It will be interesting to see whether members of the Criminal Lawyers Association and the Law Society of WA who are of good repute and competence permit someone officially found to have not possessed those attributes to remain as a member.

If Bates has, since 1995, re-acquired those attributes which the profession honorarily bestowed on him on original admission, it will be interesting if the two bodies can demonstrate where, when and how he did so.

ODD SPOT:

Unspeakable! Speaker bans free (media) speech in parliament

This was to be a photo of Fiona Simpson...but we have banned her from CLArion for nine days for being a dill.

Queensland Speaker Fiona Simpson banned television news crews from the parliamentary chamber for nine days in retaliation for broadcasting footage of a demonstration on civil unions.

She told the parliament it was a clear breach of media access rules and could cause future public safety issues.

The ban applies to the ABC and Channels Seven, Nine, and Ten. While an in-house video feed is provided to

the media, the press gallery says the vision is not broadcast quality and is unacceptable to them because it is controlled by the parliament. <http://tiny.cc/3rt7gw>

Ombudsman criticises NSW prison brutality

NSW Ombudsman Bruce Barbour says the state's prisoners are being beaten because his 2010 recommendations for reform have not been actioned.

Corrective Services NSW should overhaul its training, investigating and reporting procedures, he said two years ago, but there has been no apparent improvement.

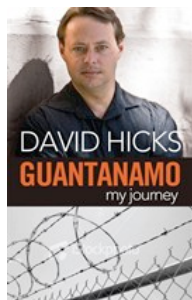
The State Government says it is working to implement the reforms and is appointing an Inspector of Custodial Services to ensure high standards are met.

Long-serving Correctives Services NSW Commissioner Ron Woodham is being replaced by Peter Severin, who moves from chief executive of the Department for Correctional Services in SA. <http://tiny.cc/ewv2hw> and other sources.

Australian briefs

Police debase justice: Several police officers assaulted an Aboriginal man in a northern NSW police station then falsely claimed he had attacked them, a court has found. The officers gave "palpably false evidence", magistrate David Heilpern said in Ballina Local Court, despite CCTV footage clearly showing what really happened. He referred the matter to the NSW Police Integrity Commission, after finding that in lying under oath about the assault the officers had caused the "administration of justice to be debased". <http://tiny.cc/csuOgw>

X-Tasman crimes – all will be revealed: A six-month trial is under way in which New Zealand gets access to criminal records from all Australian states and territories while Queensland can access NZ records. CrimTrac Agency and NZ Police are doing the swapping until December 2012. After that, it's likely all Australian jurisdictions will have access to criminal records from NZ, and vice versa – media release, Minister Clare 3 July.



Hicks exonerated! David Hicks can't have his book profits confiscated based on their being "proceeds of crime". The federal DPP admitted as much last month when it dropped a case against him. Will the Australian government now acknowledge publicly that Hicks committed no crime, and their jailing of him in Yatala Prison in South Australia for nine months and gagging of him for a year was illegal, as well as immoral? Will the Australian government

now compensate Hicks for its incompetence in acting illegally against him?

Guantanamo: My Journey paperback ISBN: 9781742752266

Published: 01/02/2012 **Imprint:** William Heinemann Australia 480 pages

New pro bono centre to help neighbours: A new Centre for Asia Pacific Pro Bono housed within the Law Council of Australia secretariat will act as a clearing house to support requests from the A-P for pro bono help, and will administer a disbursements fund kicked along by about \$450,000 of government seed money - AG Roxon speech at launch, National Portrait Gallery, 16 July 2012.

Court stopped: The NSW Government last month suddenly stopped a special youth court that sent young offenders to counselling and rehabilitation instead of jail. It was set up 12 years ago after a recommendation of a drug summit. The government said the court cost too much, but others involved in running it said it worked, and was cost effective. <http://tiny.cc/6vtwqw>

Police form another elite force: The Australian Federal Police have a new Specialist Response Group (SRG)

combining the ACT Policing's Specialist Response and Security Team and the AFP's Operational Response Group. Almost 200 SRG people will train full time to be ready to respond to major incidents in Australia. The group will also operate within the Asia Pacific region, providing "dedicated and ongoing specialist policing support"...whatever that means in reality – from a media release by federal Minister Clare, ACT Minister Corbell.

Australian justice for Afghanistan? Australia is sending civilian justice advisers to Afghanistan, working under AusAID as part of the Australian Civilian Corps. They will mentor local Afghan legal officers in the Government of Afghanistan about how better to administer justice, working at the Justice Centre in Parwan – from joint AG Roxon and Minister R. Carr media release.

Triggs means Rights: Professor Gillian Triggs is the new president of the Australian Human Rights Commission, from 30 July for five years, replacing Catherine Branson. Prof Triggs' background includes being dean of the Faculty of Law at U. Sydney and director of the British Institute of International and Comparative Law in London. She has extensive experience in international law and human rights law – AG Roxon media release.

CLA's main activities for July:

Media

* *Canberra Times* and *2CC* interview on ACT Clubs scanning patron driver licences

* *New Matilda* and *PS News* piece on gene patents

* *The Courier* (Ballarat) comment on juvenile justice and sentencing

* *SBS Radio* interview on NSW anti-consorting (anti-bikie) laws

* *Sunday Telegraph* interview on smartphone forensics and proposed data retention laws

* *Canberra Times* interview on Police lapel cameras and privacy

* *Canberra Times* and *2CC* Radio interview on ACT stun gun use and built-in cameras

WA media: Rex Widerstrom

* Media Release, WA women prisoner rights

* *Perth 10* (TV) interview on criminal forfeiture laws

Meetings with members

Lynne Bliss - ACT political scene

Margaret O'Callaghan - trip to Zambia, African human rights exchange, foreign aid

Rajan Venkataraman - current projects

Benjamin Smith - submission on crimes legislation

amendment, plus internship program with U. Canberra

Kirsty Magarey - Parliamentary Library, OPCAT (Torture protocol)

Other meetings

Ned Dobos ADFA - lecture on human rights to recruits, DLA Report

Andrew Leigh MP - security legislation

Requested meetings Malcolm Turnbull (arranged), Gai Brodtmann (arranged), Sen John Faulkner

Forums

DFAT NGO human rights dialogue with Chinese delegation (report on web)

Skeptics meeting, Choice magazine presentation

Projects

Lodged FOI request to Standing Cttee Police Emergency Management re firearms report of Aust Crime Commission - new police powers.

With Aust Privacy Foundation, sent letter re airport scanning.

MP Rowan Ramsey, Member for Grey (SA, Liberal) re Coober Pedy and regional airport searches

Gene patents:

- circulated 'myth-buster' paper to MPs
- lodged FOI re gene patents information in three places
- web page, facebook, twitter established

Research on WA juvenile detention rates, HIV Aids in prisons

Clerk of the Senate, suggested lecture by new Australian Human Rights Commissioner on trade-off between security and civil liberties

Cases

Paul Pini - discrimination in employment by FaCHSIA

Submissions/hearings

Expert Panel on Asylum Seekers

Crimes Legislation Amendment (Slavery, Slavery-like Conditions and People Trafficking) under way

ACT Public Interest Disclosure Bill, under way

Criminal Intelligence - complete in August (Appear before committee 10 August)

National Security - complete in August

INTERNATIONAL

UN talks up cost of crime

The UN estimates organised international crime is worth up to \$890bn a year.

The turnover of transnational criminal networks is worth more than six times the global aid budget, or around 7% of world legal exports, the UN Office on Drugs and Crime (UNODC) said last month while launching a campaign that aims to underline that "there is always a victim".

The most lucrative trade, over a third of the total, is in narcotics, which has an annual value the UN estimates at \$325bn. Second is the trade in counterfeit goods, which generates around \$255bn. Human trafficking generates \$33bn a year, with an estimated 2.4 million victims affected at any one time.

Afghanistan produces around 90% of the world's opiates – the 2011 crop was nearly 6,000 tonnes – most grown in the Taliban's southern strongholds. High value, low volume and easy to store for years if needed, it is a hard crop to convince farmers to replace in poor and volatile areas.

Opiates trafficked out of northern Afghanistan alone were worth about \$410m in 2010, according to a UN report. As the north is a relatively safe area, this trade is believed to be flourishing with the support of government officials.

"Corruption rather than insecurity appears to be the main corollary to high-volume opiate trafficking in northern Afghanistan," the report said. <http://tiny.cc/a5gjhv>

Police numbers to drop dramatically

Police numbers in England will drop when another 5,800 frontline officers lose their jobs in the next three years, according to an official survey on the impact of British Home Office spending cuts.

Her Majesty's Inspectorate of Constabulary (HMIC) warns that three forces – the Met, Devon & Cornwall, and Lincolnshire – may not be able to provide an efficient or effective service in future. Its report says 17,600 police jobs have gone since

March 2010 to find savings of \$1150m. This is more than half the 32,400 uniformed officers and civilian staff jobs to be lost by 2015.

The HMIC report reveals forces in England and Wales will close a fifth of all police stations – 264 – but will open 137 "public access points" in locations like supermarkets and libraries.

The police inspectorate says frontline policing is changing, with forces merging response and neighbourhood teams, spending more on investigations and police protection, and increasing the use of volunteer special constables by 9,000.

<http://tiny.cc/pzmtgw>

DPP invites activists to challenge convictions

The UK's Director of Public Prosecutions has invited 29 environmental activists to challenge their conviction for protesting at a coal-fired power station.

Keir Starmer invited them to challenge their convictions at the court of appeal after concluding that a senior prosecutor may have withheld vital evidence about undercover police officer, Mark Kennedy, from their trial.

Mr Starmer also announced a Scotland Yard review all of the police officer's deployments, saying: "What happened in cases involving Mark Kennedy cannot be allowed to happen again."

The campaigners stopped a train carrying about 1,000 tonnes of coal to the Drax power station in North Yorkshire in 2008. Kennedy is understood to have infiltrated the group, assisting them with a reconnaissance mission and later driving some campaigners to a rendezvous. They were convicted in 2009.

<http://tiny.cc/fshvgw>

Report savages NYPD over "Occupy" activities

The first systematic look at the New York police department's response to Occupy Wall Street protests paints a damning picture of an out-of-control and aggressive organization that routinely acted beyond its powers, The Guardian reported last month.

After an [eight-month study \(pdf\)](#), researchers at the law schools of NYU and Fordham accuse the NYPD of deploying unnecessarily aggressive force, routinely obstructing press freedoms and making arbitrary and baseless arrests.

The study, published on Tuesday, found evidence that police made violent late-night raids on peaceful encampments, obstructed independent legal monitors and was opaque about its policies.

The NYPD report is the first of a series to look at how police authorities in five US cities, including Oakland and Boston, have treated the Occupy movement since it began in September 2011. The research concludes that there now is a systematic effort by authorities to suppress protests, even when these are lawful and pose no threat to the public.

Sarah Knuckey, a professor of law at NYU, said: "All the case studies we collected show the police are violating basic rights consistently, and the level of impunity is shocking".

To be launched over the coming months, the reports are being done under the Protest and Assembly Rights Project, a national consortium of law school clinics addressing America's response to Occupy Wall Street. <http://tinyurl.com/d7s5bej>

Long arm of the law taps into phone data

Mobile phone carriers in the USA responded to 1.3 million demands for subscriber information last year from law enforcement agencies seeking text messages, caller locations and other information in the course of investigations.

The *New York Times* reported there had been an explosion in cellphone surveillance in the past five years, with companies turning over records thousands of times a day in response to police emergencies, court orders, law enforcement subpoenas and other requests.

Law enforcement officials say the GPS technology built into many phones helped in responding to kidnappings, attempted suicides, shootings, cases of missing people and other emergencies.

As cell surveillance increased, warrants for telephone tapping by US federal and local officials — eavesdropping on conversations — declined 14% last year to 2,732, according to a recent report from the Administrative Office of the United States Courts. <http://tiny.cc/ahi6gw>

Malaysia to repeal its sedition act

Malaysia's is to repeal a long-standing law curbing free speech before general elections next year.

Prime Minister Najib Razak said last month that the Sedition Act represented a bygone era and would be replaced with a new law to prevent incitement of religious or racial hatred. The move is part of a pledge to protect civil liberties.

Opposition leaders claim the reforms are a ploy to gain public support before polls in 2013, in which opposition leader Anwar Ibrahim is expected to do well. <http://tiny.cc/q8zbhw>

Burma refuses visa over Muslim allegations

Burma has refused to grant a visa to Pakistani human rights advocate Asnar Burney, who wanted to go to Burma on a fact-finding mission regarding reports of Rohingya Muslims arbitrarily arrested and killed in Arakan State.

The Burmese embassy in London informed Burney that they would not allow any journalists and human rights activists to come to the country on a fact-finding mission. <http://tiny.cc/bin1hw>

In Australia, the President of Muslims Australia (AFIC), Mr Hafez Kassem, has called on Foreign Minister Bob Carr to take unspecified supportive action on behalf of the Rohingya.

Robin Hood tweeter wins appeal

Paul Chambers, 27, who was found guilty of sending a menacing tweet, has won a UK High Court challenge against his conviction. Outside the court, Chambers said he felt "relieved and vindicated", adding: "It's ridiculous it ever got so far."

He had tweeted in frustration when he discovered that Robin Hood airport in South Yorkshire was closed because of snow. Eager to see his girlfriend, he sent out a tweet on the publicly accessible site declaring: "Crap! Robin Hood airport is closed. You've got a week and a bit to get your shit together otherwise I'm blowing the airport sky high!!"

He has maintained that he did not believe anyone would take his "silly joke" seriously. The Lord Chief Justice, Lord Judge, sitting with Mr Justice Owen and Mr Justice Griffith Williams, agreed. <http://tiny.cc/t8w3hw>

ASEAN prepares for human rights declaration

Local and international rights groups are pushing Cambodia to use its presidency of ASEAN this year to push for a declaration of human rights to international standards.

ASEAN members have drafted a human rights declaration that it expects to approve later this year, but built in are limitations that need changing, advocates say.

Civil society has not been able to officially review the declaration, but according to a draft, basic rights and freedoms are subject to exceptions. These include "the just requirements of national security, public order, public health, public safety, public morality, as well as the general welfare of the peoples in a democratic society," according to the draft.

The limitations create the potential for justifying human rights abuses, rights advocates say. <http://tiny.cc/xqz9gw>

German boys to be 'Merkeled'?

German supremo Angela Merkel's spokesman has promised Jewish and Muslim communities they will be free to circumcise young boys, despite a court ban.

The government said it would find a way around the ban by a court in Cologne in June.

"It is absolutely clear that we want to have Jewish and Muslim religious life in Germany," said Merkel's spokesman, Steffen Seibert. "Circumcision carried out in a responsible manner must be possible in this country without punishment."

Ruling in the case of a Muslim boy taken to a doctor with bleeding after circumcision, the Cologne regional court said the practice inflicted bodily harm and should not be carried out on young boys but could be practised on older males who gave consent. The ruling applies to Cologne and surrounding districts.

Jewish religious practice requires boys to be circumcised from eight days old, and among Muslims the age of circumcision varies according to family, country and branch of Islam. <http://tiny.cc/bitfhw>

Scots add gaiety to marriage

The Scottish government will legalise same-sex marriages in churches and in civil ceremonies, despite bitter opposition from church leaders.

A draft bill that will enable gay and lesbian couples to marry with the same legal rights as heterosexual couples will be published later this year and is expected to be enacted next year, after Scottish ministers resisted intense pressure from the Catholic church to drop the proposals.

The legislation will include significant new protections and "conscience clauses" for churches and individual clergy who object to gay marriage on religious grounds, said Nicola Sturgeon, Scotland's deputy first minister, according to *The Guardian*. <http://tiny.cc/lo9zhw>

International briefs

NZ vote on gay marriage comes closer: NZ looks set to have a debate and vote on making gay marriage legal after a ballot to decide which new bills would go before the parliament pulled the controversial issue from the proverbial hat. NZ leaders are divided on the issue, with most saying they support having a debate, but not necessarily passing the Marriage (Definition of Marriage) Amendment Bill submitted by Labour MP Louisa Wall which would make it clear that marriage was a union of two people regardless of their sex, sexual orientation, or gender identity.

User pays operates on French roads: Drivers and bike riders in France — including foreigners — must now carry two breath-testers or face a fine of \$13.50. The French make road users provide the test kits, whereas in Australia the police provide them. The French drink-drive limit is .05 as in Australia.

Malaysian to challenge US 'no-fly' listing: A Malaysian national may challenge her inclusion on the US government's No-Fly List, according to a federal appeals court. The plaintiff,

ruled the court, has significant ties to the United States as a university professor who lectures and travels extensively. The court ruled that the plaintiff has the right to try and establish that she does not belong on the government watch list. – from *Security Management* <http://tiny.cc/687ahw>

Here come the Marines...as cops: The US Marine Corps now has law enforcement battalions, specialized military police who can quickly deploy around the world to help investigate crimes from terrorism to drug trafficking and train fledgling security forces in allied nations, according to Julie Watson of Associated Press last month. The battalions could control civil disturbances, handle detainees, carry out forensic work, and use biometrics to identify suspects, assisting local authorities in allied countries in securing crime scenes and building cases so criminals end up behind bars and not back out on the streets because of mistakes, according to a Marine Corps spokesperson. <http://tiny.cc/yr6zhw>

Threat levelled: Read *Wired's* article on how the US Justice Department sues people who challenge the law: <http://tinyurl.com/7nrsd6p>

DATES

6-8 Aug, Canberra: CIPL Workshop, ANU: Connecting International Law with Public Law, Engendering governance: from the local to the global. Info: Katharine.Young@anu.edu.au

7 Aug, Perth: Ending of Life and Medical Care: Legal Challenges: public lecture by AssPro Meredith Blake, Law School UWA, 6pm Social Science lecture theatre. <http://www.ias.uwa.edu.au/lectures/blake> RSVP: ias@uwa.edu.au

11 Aug, Melbourne: Stop Aboriginal Deaths in Custody: 2012 Winter Action, 11am-1pm, Old GPO, cnr Burke & Elizabeth Sts. <http://www.isja-msg.com/> E: Alison Thorne at alison.thorne@ozemail.com.au

13 Aug, Melbourne: The unlikely embrace of human rights in South Africa: how the apartheid government and the African National Congress discovered human rights simultaneously in the mid-1980s. Prof Saul Dubow, U. Sussex, at the Charles Pearson Theatre, U. Melbourne. Details: <http://tiny.cc/mo18hw>

23-25 Aug, Brisbane: 'Doing Justice for Young People in Australia and New Zealand', 23-25 August 2012, Sebel Citigate Hotel. Info: <http://www.aija.org.au/Youth%20Justice%202012/Programme.pdf>

27 Aug, Darwin: What is the best way to protect human rights in a democracy? Austin Asche Oration in Law and Governance, Michael Kirby, Bldg Red 7 Casuarina campus, Email: rspv@cdu.edu.au by 24 Aug.

27-31 Aug, Rarotonga (Cook Is): 43rd Pacific Islands Forum. <http://tiny.cc/t24en>

28 Aug, Adelaide: The Importance of a Lifetime Commitment by Lawyers to Social Justice and Law Reform (The Elliott Johnston Memorial Lecture), former High Court judge, Michael Kirby, 5-7pm, 182 Victoria Sq, Adelaide. Contact: claire.treacy@flinders.edu.au or 08 8201 5028. Details: <http://tiny.cc/1do8hw>

28 Aug, Adelaide: National Police Accountability Network meeting (see item 29-31 Aug below)

28-29 Aug, Canberra: Investigating Operational Incidents in a Military Context: Law, Justice, Politics. University House, ANU:

http://law.anu.edu.au/coast/events/operational_incidents_conf.html

29-31 Aug, Adelaide: National Community Legal Centres conference 'Weathermakers...Creating a Climate of Change' conference. Web: <http://tiny.cc/sk87bw> Ph: 07 5580 8 677 Email: naclc2012@conferenceonline.com.au

31 Aug, Canberra: *Running a human rights-friendly prison: the Alexander Maconochie Centre*, Don Taylor, ANZSOG event, 12.30-1.30pm, Innovation Centre, U. Canberra, Bldg 23, www.governanceinstitute.edu.au

4 Sept, Perth: Free Speech, Public Discourse and the Moral Blameworthiness of Suffering Fools (Public Ethics series), AssPro Lawrence Torcello, Rochester Inst. of Tech. NY. 6-7pm, UWA> Details: <http://tiny.cc/knn8hw> RSVP: ias@uwa.edu.au

6 Sept, Sydney: Corruption Prevention Network 2012 forum. <http://tiny.cc/1515bw>

17-18 Sept, Canberra: *Participatory Justice and Victims: Achieving justice for victims in local, national and international settings*. Prof John Braithwaite, ARC Federation Fellow, Founder of RegNet ANU and CLA member; Liz Kelly London Metropolitan U. Prof of Sexualised Violence & Director of the Child and Woman Abuse Studies Unit; Kathleen Daly, Professor of Criminology & Criminal Justice, Griffith U; John Dussich, Prof Emeritus Victimology and Criminology at CalState U, Fresno. Details/regog: <http://tiny.cc/imhdhw>

20-22 Sept, Canberra: Public Law Weekend (including International Law Day) at ANU: Law's Challenge to Democracy – Democracy's Challenge to Law. Details: cipl@law.anu.edu.au

20 Sept, Canberra: Annual Kirby Lecture on International Law at ANU to be presented by former International Court of Justice Judge Christopher Weeramantry, now at Monash U.

21 Sept, Canberra: 15th Geoffrey Sawer lecture at ANU: to be presented by Professor Adrienne Stone, University of Melbourne, constitutional law expert currently engaged on a four-year project researching "Freedom of Expression in Democratic States".

13-14 December, Sydney: international workshop on '[States of Surveillance – Counter-Terrorism and Comparative Constitutionalism](#)'. Gilbert and Tobin Centre, UNSW. Info: f.davis@unsw.edu.au

2013:

12-14 Mar, Brisbane: NatStats Conference, "A better informed Australia: the role of statistics in building the nation". <http://blog.abs.gov.au/Blog/natstats.NSF/>

2015:

June, England: 800th anniversary of Magna Carta

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

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