

## How the government has stolen your rights and liberties

British Prime Minister David Cameron accuses *The Guardian* newspaper of using “stolen information” to harm the fight against terrorism by publishing leaks from whistleblower Edward Snowden. <http://tinyurl.com/ouxaowx>

The leaks showed the UK, the USA, Australia, NZ and Canada – the ‘Quintet’, or ‘Five Eyes’ – were spying on their citizens as well as all other people who communicated to and through them. There was active surveillance of citizenry worldwide, and premiers, prime ministers and presidents were specially targeted.

Instead of a newspaper harming the state, as the British PM claims, the spying is a clear case of the state abusing all the world’s citizens, particularly its own in the case of the Infamous Five.

Cameron’s statement is monumental arrogance. It illustrates that he, like some other leaders, apparently do not understand that they derive their power from the people, not the other way around.

The pre-eminent fact is that the first offence – before the Snowden leaks – is unauthorised, illegal spying by all five countries on their own people and on other people and nations.

Cameron (*right*) says he is “open to suggestions how the security services could be governed”. That is hardly the point.

First the security forces must be told they have no right, role or responsibility, in a democracy under the rule of law, to collect private information about or between citizens who have done nothing other than be citizens. If you’ve done nothing wrong, why should you be under state surveillance?

We the people comprise the state. It is not the elected parliament, or the prime minister or president, and it is particularly not the security services, who are the state.

Any surveillance “on behalf of the state” must have the imprimatur of the state before it is legal. No vote of the people in any of the five countries have approved such state behaviour. No political party told us in their political platforms – on which we elected them – that they would put us under surveillance. No laws exist in any of the five nations which authorise secret surveillance of all citizens without cause. Probably no political leader even knew the full extent of the spying on us: leaders almost certainly gave no mass authorisation to the spook bodies to behave as they have.

All five leaders – Cameron, Obama, Abbott, Key and Harper – have a political and legal responsibility to rein in their security services. When they’ve completed that important task, maybe they can go back – like PM Cameron – to lecturing us and the media.

– Bill Rowlings, CEO, Civil Liberties Australia

See also an article by Senator Scott Ludlam: <http://tinyurl.com/n2d5gm7>

See also: Huffington Post: *Cameron ‘la-di-da’*: <http://tinyurl.com/q5n72do>



## Civil Liberties Australia and the ACT Human Rights Commission lead discussion at Canberra International Film Festival

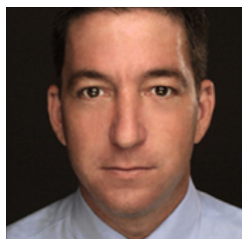
[Saturday \(2 November 2013\)](http://www.cla.asn.au/) CLA Vice President Tim Vines joins ACT Human Rights Commissioner Dr Helen Watchirs in a panel discussion of the complex and polarising realities of Australia’s refugee program. This panel discussion is part of the Canberra International Film Festival and will follow the screening of “*A World Not Our Own*” [at 8pm](http://www.ciff.com.au/films/world-not-ours) in the Arc Cinema, Canberra. Details and ticket sales at: <http://www.ciff.com.au/films/world-not-ours>

## Australia and others engage in ‘ubiquitous, suspicion-less, spying’

The most under-discussed aspect of the NSA story has long been its international scope, Glenn Greenwald, the man who broke the Snowden leaks, wrote late last month in *The Guardian*.

That all changed when Germany and France, then Spain, exploded with anger over new revelations about pervasive NSA surveillance on their population and democratically-elected leaders, he said.

“As was true for Brazil previously, reports about surveillance aimed at leaders are receiving most of the media attention, but what really originally drove the story there were revelations that the NSA is bulk-spying on millions and millions of innocent citizens in all of those nations. The favorite cry of US government apologists —*everyone spies!*— falls impotent in the face of this sort of ubiquitous, suspicion-less spying that is the sole province of the US and its four English-speaking surveillance allies (the UK, Canada, Australia and New Zealand).



“...is there any doubt that the US government repeatedly tried to mislead the world when insisting that this system of suspicionless surveillance was motivated by an attempt to protect Americans from (terrorists)?

“Our reporting has revealed spying on conferences designed to negotiate economic agreements, the Organization of American States, oil companies, ministries that oversee mines and energy resources, the democratically elected leaders of allied states, and entire populations in those states,” Greenwald (*pictured*) wrote. Full story: <http://tiny.cc/xh1n5w>

As a minor matter, how could the UK government in all conscience charge News Limited journalists with listening in to mobile phone calls when the government itself has been mass-surveilling millions upon millions of people, with less justification than News Limited can muster for its ‘investigations’ targeted at providing news stories?

## Your private business is public

Australians’ email and instant messaging contact lists are being hoovered up by the nation’s electronic intelligence agency under a massive surveillance partnership with the US, top-secret documents show.

The latest leaks from former US intelligence contractor Edward Snowden reveal a new dimension to the US-led electronic eavesdropping. Address books and "buddy lists" from Yahoo!, Hotmail, Facebook and Gmail accounts are being harvested across the globe.

The documents, published by *The Washington Post* last month, show the clear involvement of Australia along with the US, Britain, Canada and New Zealand.

These are the "five eyes" intelligence-sharing nations, or 'The Quintet', as the five AGs call themselves.

More than 250 million contact lists are being gathered around the world each year under the program, which is led by the US National Security Agency (NSA) and includes Australia's Defence Signals Directorate.

Experts say the program gathers contact lists in huge volumes that can then be "data-mined" to help identify people of interest.

The revelations have sparked political outrage, with independent Senator Nick Xenophon branding the program "an outrageous and unnecessary intrusion into the lives of Australians".

Greens Senator Scott Ludlam called it "an extraordinary departure from traditional law enforcement ... to a surveillance culture that says, 'Rather than looking for the needle, we're going to trap and store the entire haystack'." <http://tinyurl.com/p8wc67a> and <http://tinyurl.com/kn8ld96>

## Australian ministers knew all about Prism

The Australian government was aware of the US National Security Agency's top-secret Prism program at least two months before its existence was revealed to the world.

Answers to an ABC FOI request has confirmed officials in the Attorney-General's Department prepared a secret briefing for the AG on Prism in March 2013, two months before the first story was published revealing the electronic surveillance and data mining program undertaken covertly by US agencies.

The briefing document was withheld from release by the AG's Department on national security grounds. <http://tiny.cc/apzm4w>

And no-one is responsible for monitoring either the holding, or abuse, of such information: the Inspector-General of Intelligence and Security, Dr Vivienne Thom, says "Not my problem."

If not, whose is it?

It is fanciful to think, as is suggested, that the Australian government became aware of Prism only in 2013. Australia's ultra spooks were not only aware of it, they were part of it, since its inception.

## NSW Police hold vast image stores

The Privacy Commissioner of NSW, Dr Elizabeth Coombes, is quizzing police about how much data from people's everyday lives they are recording and storing.

NSW Police have been photographing vehicle numberplates regardless of whether they are suspected of any offence for four years, gathering more than 200 million entries.

Three digital cameras are attached to 280 police vehicles and they automatically take the snapshots and time-stamp them before they are added to a vast repository of data which is used as a tool for investigators. The cars can capture 1,000 images an hour. Using infrared wavelengths, they can operate day and night. <http://tinyurl.com/pmk5y5a>

## Which bank spies on you?

The Commonwealth Bank has been caught secretly photographing senior politicians at a Coalition fundraiser.

The Sydney Morning Herald reported that the Commonwealth Bank hired security firm G4S to do the actual dirty work, keeping tabs on anti-banking lobbyist, Michael Fraser.

He was apparently under surveillance at least between 28 August and 1 September when in Sydney for a private fundraising dinner for Nationals Senator John Williams.

In a memo obtained by SMH, the Commonwealth Bank requested photographs of people Mr Fraser met to "allow for the identification of individuals". <http://tinyurl.com/njyvyz7>

## Pssst! How to punish invasions of privacy?

The Australian Law Reform Commission wants to find out. They want us to describe "innovative ways the law might prevent or redress serious invasions of privacy" or to provide them with detailed legal design of a statutory cause of action.

The ALRC paper, *Serious Invasions of Privacy in the Digital Era* (ALRC 43, 2013) has kicked off consultation.

There has been a flurry of activity – but no action – on a tort of privacy for years: by the ALRC in 2008, Prime Minister and Cabinet in 2011, and both the NSW and Victorian Law Reform Commissions.

The ALRC now says community input will mould draft recommendations for a 'discussion' paper by 28 Feb 2014. The ALRC must deliver recommendations to the Attorney-General by 30 June 2014.

Paper 43 is available free from [www.alrc.gov.au](http://www.alrc.gov.au) or as an ebook. Submit via: [http://www.alrc.gov.au/content/serious\\_invasions\\_of\\_privacy-online-submission](http://www.alrc.gov.au/content/serious_invasions_of_privacy-online-submission) or email: [privacy@alrc.gov.au](mailto:privacy@alrc.gov.au). Closing date Monday 11 Nov 2013.

– media release 8 Oct 2013: [sabina.wynn@alrc.gov.au](mailto:sabina.wynn@alrc.gov.au)

CLA will be lodging a submission authored by ANU law student Chevaul Walsh, mentored by CLA V-P Tim Vines.

## DFAT gags journos' right to know

The Department of Foreign Affairs and Trade has taken the extraordinary step of rescinding confirmations of attendance for journalists who had registered to attend a public briefing on the controversial Trans-Pacific Partnership Agreement in Sydney late last month, *Delimitter* reports.

DFAT, after first taking journo registrations, then revoked them, stating that the meeting is "off-the-record", and that journalists are not welcome."

The Trans-Pacific Partnership (TPP) is a secretive, multi-national trade agreement that threatens to extend restrictive intellectual property (IP) laws across the globe and rewrite international rules on its enforcement. Civil Liberties Australia has been in formal correspondence with government for months, trying to find out more details about the TPP...to no avail.

A number of major countries are negotiating the agreement, including the US, Japan, Australia, Peru, Malaysia, Vietnam, NZ, Chile, Singapore, Canada, Mexico, and Brunei Darussalam.

Leaked draft texts of the agreement show that the intellectual property chapter would have extensive negative ramifications for users' freedom of speech, right to privacy and due process, and hinder peoples' abilities to innovate, *Delimitter* said. In addition, the process of the TPP negotiations has been shrouded in secrecy. <http://tinyurl.com/kq4f36q>

## Social media sites hand over personal data

Microsoft handed government, police and security agents in Australia personal information about more than 1000 users in the first half of 2013, a transparency report reveals.

To end-June, authorities made 1219 requests for data from 1462 accounts, compared with 2238 requests from Australian authorities in all of 2012. Microsoft granted 1050 (86%) of requests so far this year, handing over information such as email addresses, names, locations and internet protocol (IP) addresses. Globally, 64 governments made 37,000 requests concerning 67,000 accounts. More than 70% came from the US, UK, France, Germany and Turkey.

Yahoo! Facebook and Twitter also handed over data. <http://tinyurl.com/np3mx69>

## Subs rise, for first time ever

Civil Liberties Australia turns 10 next month, on 10 December. We'll have a history of the organisation in the Dec issue.

The Board has decided that it is time to raise the annual subscriptions, which have been unchanged for a decade, since December 2003. The subs from 1 Jan 2014 will be \$40 for an individual member (now \$25), \$60 for a household membership (now \$40), and \$20 for student/concession/unwaged (was \$10).

The increase in fees will keep up with rising costs, and allow planning for expansion of activities.

## We need rewards for dobbing in fraudsters

There's urgent need for a qui tam – "key tam" – law in Australia: under such a law, if you help generate a successful case against a fraudster, you get part of the savings.

A whistleblower in the US has won a \$14.8 million reward for providing tips to the Securities and Exchanges Commission. The information led to enforcement action by regulators and recovery for investors who had suffered losses in the scam.

The commission has set up a new agency, Office of the Whistleblower, to catch white-collar criminals, Michael West reported in the Fairfax media. <http://tinyurl.com/ms9x8ot>

"It eliminates a resounding double standard, and one which persists in Australia. If you dob in a terrorist or a bank robber here, a reward might be on the cards, but not if you dob in a fraudster." <http://tinyurl.com/pohrqqg> CLA has long supported introducing similar rewards here: see <http://www.cla.asn.au/News/qui-tam-do-we-need/>

## Taxpayer outlays \$317 a day for each juvenile

It costs \$317 per day – more than \$115,000 a year – to keep each adult prisoner locked up in WA.

Juvenile prisoners cost \$645 a day, or \$235,000 a year, each, because they require more staff.

After a horror year for the state's Department of Corrective Services, including a riot at WA's only juvenile detention centre, it has also been revealed that the cost to keep prisoners locked up has shot up in 2012/13.

WA's prison population topped 5000 for the first time during 2012-13, with the the daily cost per inmate rising from \$291 to \$317, the annual report shows. <http://tinyurl.com/p23q8wo>

WA voters should be demanding that police and the magistrates keep juveniles out of jail if at all possible, merely to save taxpayers having to pay more and more taxes each year.

## Film pair seek shake-up on boat murder verdict

October 28, 2013

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Filmmaker Eve Ash (right) with legal consultant Barbara Etter. Photo: Justin McManus

Photo shows pro bono lawyer Barbara Etter (left) and Eve Ash, featured in an article in *The Age*

## 'Shadow of Doubt' to screen in Sydney, Canberra being negotiated

The Sydney screening of 'Shadow of Doubt' will be held in Paddington on Tuesday 5 November.

Stay tuned for details of a Canberra screening in December, which is being negotiated.

Producer/writer/director Eve Ash, a CLA member, reports the Melbourne screening on 28 October went off well.

The documentary was launched in Hobart in late-July, and enjoyed a four-week season there.

The 80-minute documentary tells the story of Sue Neill-Fraser, who has served four years of a sentenced 23 for the murder of her husband/partner on board a yacht, Four Winds, near the finish line of the Sydney-Hobart yacht race in January 2009. Bob Chappell's body has never been found, so there is no certainty he is dead.

Civil Liberties Australia believes Neill-Fraser is innocent, as she has always claimed, and that there has been a massive misaligned investigation by Tasmanian Police and a miscarriage of justice by the state's legal system.

An appeal for the Governor's mercy is under way, and CLA is lobbying for Tasmania to 'mirror' the new appeals law passed in South Australia earlier this year. With such a law in Tasmania, Neill-Fraser would have a chance to have her case reassessed. <http://tinyurl.com/o65bqvt>

## Does fear drive the politicians' opposition to same-sex marriage?

The ACT Legislative Assembly passed an Act allowing same-sex marriages last month.

Attorney-General George Brandis has asked the High Court to rule the ACT law invalid.

We are now in limbo until the court's decision. Or is that purgatory? The federal government could easily resolve the issue without asking the High Court to do its dirty work. The AG can simply introduce a disallowance motion into the federal parliament in the form of a bill. Let the people's representatives have a free vote on this social, rather than political, issue.

Are some politicians afraid of gay people? Or are they afraid of religious leaders, who represent the roughly 6% of the population who are actively religious, surveys show.

Are some politicians dedicated to ensuring anyone who isn't "like us" can't enjoy the same symbols we enjoy? Isn't it the job of politicians to help as many Australian as possible live lives their lives to the fullest, free from artificial restraint?

## BIKIES Special

A new 'Bikies Special' series is on the CLA website. For problems identified already, and background to this massive assault on civil liberties and rule of law in Queensland, please go to:

[www.cla.asn.au](http://www.cla.asn.au) or <http://www.cla.asn.au/News/bikie-laws-criminalise-innocents-in-qld/>

## Fitzgerald slams Qld govt excesses

The man behind Queensland's historic corruption inquiry, Tony Fitzgerald, has delivered a scathing verdict of the Newman Government's new laws targeting bikies and sex offenders.

Judges, lawyers and civil libertarians have all voiced concerns about the changes, but Premier Campbell Newman has labelled critics as "apologists for paedophiles".

Fitzgerald (pictured right at Griffith U), who presided over the judicial inquiry into Queensland police corruption in the late 1980s which ended former Queensland premier Joh Bjelke-Petersen's era, has written an opinion piece for the *Courier-Mail* newspaper: he slams the new laws.



It was "foolhardy" for politicians to make major changes to the criminal law without consulting legal experts, he says.

"Although parliament has power to enact almost any law which it chooses, parliamentarians who are elected to do what's best for the community don't have a mandate to give effect to prejudices and ill-informed opinions, ignore ethics and conventions or attack fundamental values such as personal freedom or essential institutions such as the judiciary," he writes.

Although free societies provide opportunities which criminals can exploit, in totalitarian states the worst criminals are commonly those in power, he wrote.

Any Queenslanders "who is even remotely aware of the state's history" should be wary of a government interfering with the criminal justice system. "History teaches us that claims that repressive laws will reduce serious crime are usually hollow and that laws which erode individual freedom and expand a state's power over its citizens are fraught with peril," he writes.

"Although free societies provide opportunities which criminals can exploit, in totalitarian states the worst criminals are commonly those in power." <http://tinyurl.com/ktpdvjr>

## Convict bikies one day, arbitrary jail the next

After passing bikie laws that are needlessly draconian, Queensland AG Jarrod Bleijie now plans another law to bypass the courts to jail someone for life on his and the executive's decision only.

Mr Bleijie's wants to keep sex offenders like Robert John Fardon imprisoned if government legal appeals against their release orders fail.

Under the new law, once the usual appeals process has ended, Mr Bleijie could lock up someone under a "public interest declaration". The Governor in Council – the state's Governor and a select coterie of cabinet members – would then "determine if the AG has a case". In reality, they would rubber stamp the executive jailing.

The "public interest declaration" would be for the term of the person's natural life...unless the Governor in Council decides to lift it.

"Its rulings are final and conclusive and cannot be reviewed other than for jurisdictional error by the Supreme Court," Mr Bleijie said. <http://tinyurl.com/ncd32fx>

Civil Liberties Australia has a simple test for any such brainwave new law ideas: let the politicians apply it to themselves equally as they apply it to anyone else. That is, allow for a political party to decide which convicted politicians should remain in jail after they have served their sentences.

AG Bleijie and Premier Cameron appear to be on the path to tropical Haeckelism, the philosophy which some people believe produced Nazi thinking. Of Haeckel, it has been written:

"Ernst Haeckel also recommended the execution of all incorrigible criminals: 'Not only would the struggle for life among the better portions of mankind be made easier, but an advantageous artificial process of selection would be set in practice, since the possibility of transmitting their injurious qualities would be taken from those degenerate outcasts.' (History of Creation, 1, 172-3)

"Haeckel was an opponent of equality, civil liberties and of trade unionism, and a supporter of a strong state whose interests took precedence over those of individuals."

That last statement has a familiar ring, what with happenings in Queensland. <http://tiny.cc/dcp24w>

## Prisoners barred from attending funerals

A decision to reduce the number of offenders given leave to attend funerals in a bid to save \$500,000 has come under fire from the independent prisons' watchdog, which says the WA Department of Corrective Services cannot substantiate the saving and has provided an "inconsistent, incoherent and unpersuasive" explanation for the cost-cutting exercise.

In a report tabled in State Parliament, Inspector of Custodial Services Neil Morgan said the department had also failed to follow its own guidance on assessing the impact of its policy on Aboriginal prisoners and ignored a recommendation of the 1991 Royal Commission into Aboriginal Deaths in Custody.

In July last year, the department revealed that it would introduce significant restrictions to reduce the number of prisoners given leave to attend funerals to achieve an annual saving of \$500,000. <http://tiny.cc/h7b34w>

## State may have to repay 'ill-gotten' gains

The WA Government could be forced to pay back up to \$50 million it has seized from WA drug traffickers over the past 12 years, Sean Cowan wrote in *The West Australian* last month.

The validity of WA's tough property confiscation laws have been thrown into doubt after the NT Court of Appeal found the NT's laws, which mirror those used in WA, were unconstitutional in the way they dealt with drug traffickers.

Last month, the High Court granted the NT Attorney-General special leave to appeal against that ruling. The High Court is expected to hear the case early next year and its decision will set a precedent which WA judges will be forced to follow.

Depending on the HC ruling, any convicted drug trafficker whose property had been seized since WA's criminal property confiscation laws came into force in 2001 may be able to recover their money by appealing to WA's Court of Appeal.

<http://tiny.cc/6mc34w>

## NT finds yet another way to round up drunks



The NT will issue new Alcohol Protection Orders to people drunk who commit crimes punishable by six months in jail.

According to Chief Minister Adam Giles (*left*), 60% of offences against the person and 70% of domestic violence order breaches are alcohol-related. The APO will ban a person from consuming or

possessing alcohol, or going to any licensed premises. It will run for three, six or 12 months.

A sergeant or above of police can issue an APO when someone is charged. The person APO'd can request an internal review by a senior police officer and external review by local courts. An order automatically rescinds if found not guilty, or the charge is dropped – media release 16 Oct 2013.

## Man jailed in caravan remains in limbo

A repeat sex offender will test the NT Government's new Serious Sex Offenders legislation in a case before the Supreme Court.

The 34-year-old man has served a one-year jail sentence for exposing children to pornography and sexually assaulting a nine-year-old girl at Hermannsburg in central Australia in July last year. His latest imprisonment came after several prior assault convictions and jail time for sex offences.

In sentencing him, Chief Justice Trevor Riley said the man's prospects of rehabilitation were poor.

Last month he appeared before the Supreme Court to contest a motion by Territory AG John Elferink that he be detained indefinitely under the Serious Sex Offenders Act. He has been living in a caravan on the grounds of Darwin's Berrimah prison, under a temporary supervision order.

The AG argues evidence from psychiatrists show the man is a serious danger to society and should remain in custody. Counsel for the offender has urged the court not to rush the case.

The case is the first time the legislation has been tested since its introduction in March 2013. <http://tinyurl.com/ocqfo7c>

## BashIT Bill aims to obliterate pornography

The NT's new *Criminal Code Amendment (Child Abuse Material) Bill* – the BashIT Bill – will allow police to pummel the problem out of existence.

Now, child abuse material can only be destroyed if there has been a conviction recorded.

In future, police will be able to destroy a mobile phone, tablet or computer containing pornographic images even if they can't get a conviction – AG John Elferink media release 9 Oct 2013

## Pass-swap costs penitent grandson

A Melbourne man who arranged for another man to give him an airline boarding pass has been convicted in Hobart under laws designed to crack down on terrorists.

Elie Mekhael, 24, was convicted in Tasmania of using false identification information at an airport under Commonwealth law designed to target terrorists and organised crime which was introduced in November 2012.

Mekhael flew to Hobart in July because he wanted to reconcile with his grandmother who was dying. When the reconciliation was not successful, he decided to return to Melbourne immediately.

He returned to the airport within hours, but did not have money or identification, and arranged for a friend of a friend to buy a ticket and give him the boarding pass.

The court heard there was no allegation of terrorism or other criminal behaviour. But Magistrate Olivia McTaggart said knowing the identities of passengers was an important part of maintaining air safety. She recorded a conviction and fined Merhael \$500. <http://tinyurl.com/mvknmnm>

## Would you allow criminals to scan your driver's licence?

Personal information scanned at Kings Cross nightclubs is at risk because some staff do double-duty as criminals, CLA's CEO Bill Rowlings told the *SMH*.

He said that patrons who handed over licence details and had their photos taken were effectively "trusting" (nightclub) bouncers and (late-night) hotel staff with personal information. Sometimes, they were not the most upright citizens in our community, CLA's CEO said.

A 12-month trial of linked identity scanners is due to begin for "high risk" pubs and nightclubs in Kings Cross in time for the peak summer trading period. Late trading venues with a capacity of more than 120 people will be forced to scan their customers' photo ID – most likely a driver's licence – and store the details for a maximum 30 days.

The NSW government thinks the scheme will prevent patrons thrown out of one establishment entering another, and will help enforce new "precinct banning orders" for repeat troublemakers.

Chair of the Australian Privacy Foundation Roger Clarke said there were "risks of abuse by the organisation who collects [the information] ... and with people who break in and gain access from the pub or whatever".

Mr Clarke said there was also a serious risk of identity theft, particularly given photo identification must be scanned. "If you end up with decent quality scans you're in a position to craft a pretty good copy and if you can do that, you can represent yourself to be somebody else," he said.

<http://tinyurl.com/om2fxl4> and <http://tinyurl.com/lxmnetb>

## Scan cost too high: executive

Kings Cross hoteliers warn that scanning technology mandated by the NSW government will cost them tens of thousands of dollars a year due to the need for extra security staff.

The stance is a 180 degree turnaround from 12 months ago when clubs in the Cross were dead keen to scan everyone who moved, or didn't move.

Hotels argue the cost is "outrageous" compared with the benefits. Australian Hotels Association NSW chief executive

Paul Nicolaou likened the plan to switching from random breath testing to testing every driver during certain hours of the day. "The cost to government to run such a scheme would be outrageous compared to the benefit," Mr Nicolaou said. <http://tinyurl.com/msok7zd>

## Council confers life membership on Murphy



The NSW Council for Civil Liberties conferred life membership on retiring President Cameron Murphy last month.

Murphy stepped down at the AGM after 13 years as president. Stephen Blanks (*left*), secretary for many years, is the new president. Dr Lesley Lynch is the new secretary. The meeting also passed motions

supporting asylum seekers, calling for the government to come clean on surveillance, backing whistleblowers and the media and requesting film festivals be freed from censorship restrictions and fees.

The NSWCCCL also celebrated its 50th anniversary with a dinner last month: see separate report.

## Txt n lus?

Drivers illegally texting or using mobile phones may be photographed by police, and their phones surrendered, under a plan to increase prosecution rates and improve road safety.

Transport NSW is also considering extending the ban on some provisional drivers using mobile devices, even in hands-free mode, to all young drivers.

But the government has rejected a call by the NRMA and NSW Police to increase the standard \$298 fine for drivers caught repeatedly using a mobile device.

The NSW government's response to a Staysafe inquiry into mobile phones and road safety comes after new data shows police are issuing fewer fines. The Office of State Revenue says 2228 drivers were fined for mobile phone offences in August 2013, fewer than half the number fined in August last year (4522). In 2012-13, a total of 36,584 mobile phone fines were issued, down from 42,377 in the previous year, and 52,691 in 2010-11. <http://tinyurl.com/khh3e7m>

## Faith discrimination comes under scrutiny

NSW Labor will back a private member's bill to abolish controversial laws that allow private schools to expel or discriminate against gay or transgender students.

Independent MP for Sydney Alex Greenwich has introduced the bill to remove exemptions for private schools from parts of the NSW Anti-Discrimination Act, a move some faith-based schools say could threaten their religious freedom. Under the act, it is unlawful for public schools and educational institutions to discriminate against or expel students on the basis of homosexuality, transgender status and other traits, but private schools are explicitly exempt from these laws.

Similar concerns have been raised in other states recently, notably Tasmania, over the unintended consequences of anti-discrimination legislation which, in fact, endorses religious-based discrimination. With people who are actively religious nowadays comprising less than 10% of the population, many religion-based, exceptional laws are coming under scrutiny. <http://tinyurl.com/mk2nfpf>

## Australian briefs

**One pays to go to blazes:** Arsonists will have to pay the costs of firefighting the blazes they light under new Tasmanian laws. Courts will be able to order reimbursement to the state for attending and putting out the fire. Tasmania has been hit by serious deliberately-lit fires, including the Bridges Bros building in Hobart and vacant public housing. The Tas Sentencing Advisory Council recommended the new approach. <http://tiny.cc/ff4j4w>

**Euthanasia bill dies in parliament:** A voluntary assisted dying – euthanasia – bill introduced by Labor Premier Lara Giddings and Greens leader Nick McKim as a personal matter and calling for a conscience vote, was defeated 13-11 in the Tasmanian lower house last month. Premier Giddings said polling had shown that 80% of Tasmanians from all political persuasions supported law reform around euthanasia. The voting would indicate MPs are highly unrepresentative of their community. <http://tinyurl.com/kfafj3z>

**No further appeal in Rayney case:** NSW Director of Public Prosecutions Lloyd Babb, who was appointed by the WA government to conduct the prosecution of Mr Lloyd Rayney, announced last month that he would not appeal to the High Court, effectively closing the case. Corryn Rayney, a senior Perth lawyer, disappeared on 7 August 2007 after her weekly bootscooting class and was found days later in a bush grave at Kings Park in the heart of Perth city. Her prominent barrister husband was initially named by WA Police as the "only person of interest" in the case: Mr Rayney is suing for defamation over that statement. <http://tinyurl.com/qarzpzt>

**Most people don't want to be scanned:** A national survey of 1000 people published by the Office of the Australian Information Commissioner found 72% of people believed ID scanning at licensed premises was "not acceptable". However, the NSW government is making ID scanning mandatory at Kings Cross premises. <http://tinyurl.com/kmnyfrc>

**Learn about refugees:** A film on refugees, *A World Not Ours*, will screen on Saturday 2 November at 8pm in the Arc Cinema of the National Film and Sound Archive in Canberra with a discussion afterwards: CLA vice-president Tim Vines will be a panel member. There will be a second screening of the film on Saturday 9 Nov at 4.30pm at Dendy Cinemas, Civic. The film tells a story of the Ain-el-Helweh refugee camp in Lebanon, less than 260ha but home to over 70,000 people who can neither work there nor leave its confines. Details: <http://ciff.com.au/films/world-not-ours>

**Court goes social media:** The Victorian Supreme Court is joining Facebook and launching a website with live videos and retired judges' blogs to preserve the concepts of open justice and a fair trial in the digital age. Chief Justice Marilyn Warren said last month that the public could also watch video "on demand", download judgments and leave comments on the news section of the website. Already on Twitter, the court would banish photocopiers and printers to become an e-court by 2016. The court's website could also feature blogs from retired judges. <http://tinyurl.com/prrrj7w>

**Children get legal say:** Children in the NT will soon be able to tell their lawyers how to represent them. Minister for Children and Families, and AG, John Elferink detailed

proposed changes to the *Care and Protection of Children (Legal Representation and Other Matters) Bill*, that would see children aged 10 and over be considered capable of instructing their legal representative. For children who lack sufficient maturity and understanding, the 'best interest' model would continue, he said. – media release, 16 Oct 2013.

## CLA report – main activities for October 2013

### CLA spring BBQ

Lively conversations marked the CLA spring BBQ for Canberra members and friends on Sunday 27 October. Held in the garden of the president and secretary, on a warm, sunny afternoon, about 40 members enjoyed the social occasion: many commented on the interesting conversations.

The president announced the probable screening early next month of the documentary, *Shadow of Doubt*, in Canberra. It screened in October in Melbourne, and was due to screen in Sydney in November. Members will be advised of a Canberra screening date and venue shortly.

### NSW CCL commemorates 50 years with dinner

Members and supporters of the NSW Council for Civil Liberties gathered for a fund raising dinner in Sydney on Friday 25 October..



The function was attended

by the CLA president Kris Klugman and CEO Bill Rowlings, vice president Tim Vines and director Saskia Vervoorn.

The occasion provided an opportunity for CLA members to congratulate the new president of NSWCCCL, Stephen Blanks, meet Lesley Lynch the new secretary, acknowledge the service of past president Cameron Murphy and meet with long time friends such as Dorothy and Scott Campbell, authors of the NSWCCCL history.

The keynote speaker was Justice Carolyn Simpson, a long-time civil liberties advocate and former NSWCCCL President. A video from another prominent member in earlier days, former High Court judge, Michael Kirby, was shown: he was overseas on UN business.

CLA members took the opportunity to build bridges for future cooperation between organisations.

*Photo shows High Court judge Virginia Bell, NSW Supreme Court judge and keynote speaker at the dinner, Carolyn Simpson, and CLA president Dr Kristine Klugman.*

### Some other main activities in October

- Meeting with Bill Gammage, author of *The Biggest Estate on Earth: How Aborigines made Australi*to discuss aboriginal concepts of civil liberties;
- Victorian CLA members Lesley Vick and Ken Davidson;

- CLA members Fiona Patten and Robbie Swan (Australian Sex Party) re elections;
- CLA members from NSW Des and Janette Griffin;
- Rosemary Jennings re CLArion;
- CLA members Kathy and Julie Klugman re human rights in the Pacific, PNG and Indonesia;
- Friends and Family of Drug Law Reform remembrance ceremony;
- Australian Institute of Criminology conference *The criminal system in Europe – how do people view it?*

### Media

**National:** Tim Vines

\* [Drug Driving Laws](#) (Canberra Times)

\* Genetic Discrimination and insurance (TV episode on Channel 31 in Victoria [at 9:30pm 4 Nov](#))

\* Refugees and Canberra International Film Festival (ABC 666 Radio)

\* [Facebook censorship of violent images](#) (Background provided to AAP Journalist)

\* CCTV Cameras and Schools (Comment provided to WA student journalist for The Western Independent)

\* Story on SueNeill-Fraser case and Sydney film showing: <http://tinyurl.com/kbjm9jw>

**Other:**

\* Supervised ANU Law Intern (report prepared on surveillance in the workplace), Tim Vines

\* [Submission to IP Australia](#) on objects clause for the Patents Act (Gene Patents work), Tim Vines.

## INTERNATIONAL

### Canadian court upholds law against doctor-assisted suicide

The appeals court of the province of British Columbia last month reinforced a 1993 Supreme Court of Canada ruling that physician-assisted suicide is illegal.

Examined closely, the *Vancouver Sun* said in an editorial, the judgment reinforces a gathering sense that the law in its current form is overly rigid and causes real harm. The paper said:

“That’s certainly the view of Chief Justice Lance Finch, who filed a lengthy dissent. He concluded that the law deprives competent, terminally ill people of their rights to life, liberty and security of the person. Perversely, one effect of the prohibition is to cause some to take their own lives prematurely, he found. But for the law, terminally ill patients ‘could choose a longer life, and they could have greater access to medical supervision and advice over their decisions.’

“Moreover, the law’s deprivations are overbroad and grossly disproportionate, Finch wrote. ‘A prohibition which allows for no exceptions, regardless of competency, autonomy or freedom from coercion is broader than necessary to achieve the objective of protecting vulnerable individuals.’”

Even two BC judges who upheld the existing law felt compelled to suggest revisions, should the matter make its way again to the Supreme Court of Canada, as it surely will, *The Sun* said.

“As it stands, there’s no avenue for relief from ‘a generally sound law that has an extraordinary, even cruel, effect on a

small number of individuals,' they wrote. Their solution: a constitutional exemption for appropriate individuals.

"The law, the two judges noted, is meant to protect the vulnerable. Lifting the prohibition for those who are 'clear minded, supported in their life expectancy by medical opinion, rational and without outside influence, and protected by a court process' would not undermine that purpose."

<http://tinyurl.com/lpzsbfe> and <http://tinyurl.com/obj5a3s> plus other sources

## US breaks its own laws in kidnapping

Kidnapping is legal, according to the American Secretary of State, John Kerry.

He said so after a US special forces raid kidnapped a Libyan citizen from the streets of Tripoli, the capital of Libya, and took him aboard a US warship.

"..Abu Anas al-Libi...is a key al-Qaeda figure, and he is a legal and an appropriate target for the US military," Mr Kerry told reporters at the Asia-Pacific Economic Cooperation summit in Indonesia. Abu Anas had committed "acts of terror" and had been "appropriately indicted by courts of law, by the legal process", he said.

"The United States of America is going to do everything in its power that is legal and appropriate in order to enforce the law and protect our security," he said. <http://tinyurl.com/psd7xey>

Under no law – even US law – is kidnapping people legal, Civil Liberties Australia says. Kidnapping is not legal even to arrest indicted criminals in the USA. Arrest warrants are used.

Whomever lands the kidnapped Libyan on US territory will have breached US law. US federal authorities have a duty to arrest and charge the kidnappers.

The Libyan recently kidnapped from Africa is following hundreds of thousands of people stolen from that continent, whose descendants are now US citizens. US President Barak Obama is one such person. One would think that, as a black man, he would oppose kidnapping from Africa.

The USA also made the extraordinary claim last month that its killing by drone in countries outside the USA, without benefit of arrest or trial, was legal. This is despite Amnesty clearly finding otherwise in international law. If the Americans can kill at will from the sky in Afghanistan, or kidnap at will in Libya, they can do the same in Australia, CLA says. Or anywhere.

## NSA tapping is widespread, and commercial also

The US National Security Agency taped 70.3 million phone calls in France over a 30-day period between 10 December 2012 and 9 January 2013, *Le Monde* newspaper reported last month, citing documents from former US security contractor Edward Snowden.

The newspaper reported that NSA automatically picked up communications from certain phone numbers in France and recorded text messages under a program code-named "US-985D". *Le Monde* said the documents indicated the NSA targeted not only people suspected of being involved in terrorism but also high-profile individuals from the worlds of business and politics.

The *Le Monde* article followed similar revelations by German weekly *Der Spiegel* that US agents had hacked into the email account of former Mexican president Felipe Calderon. <http://tinyurl.com/qa5jnvz>

## Uruguay to lead, spiffingly and spliffingly



Uruguay plans to sell legal marijuana for \$1 a gram to combat trafficking of drugs.

The plan to create a government-run legal marijuana industry has passed the lower house of Congress, and Uruguay's president, José Mujica (left), expects to push it through the Senate soon as part of his effort to explore alternatives in the war on drugs.

The measure would make Uruguay the first country in the world to license and enforce rules for the production, distribution and sale of marijuana for adult consumers.

Marijuana sales should start in the second half of 2014 at a price of about \$1 a gram, drug chief Julio Calzada told Uruguay's *El País*, newspaper last month. That is about an eighth or less of what it costs at legal medical dispensaries in some US states. <http://tiny.cc/4gwc5w>

## 'Rogue' patent may force IVF couples to pay more

Scientists are waiting on a patent decision that could have serious implications for couples seeking IVF treatments in Europe.

Researchers writing in the journal *Reproductive BioMedicine Online* last month warned that the granting of a patent for a technique known as time-lapsed microscopy (TLM) by the European Patent Office in January could result in a large rise in the cost of IVF treatments.

A test based on the technique – which involves measuring the first three cell cycles in a human embryo – could make dramatic improvements in IVF success. Such a test could cost \$1300.

Many biologists believe it is wrong to try to patent something that is a natural process. However, a patent taken out by Stanford University and biotechnology company Auxogyn was granted by the European Patent Office in January. Interested parties had until the end of October to oppose it. The final patent decision is expected in the next few months. <http://tinyurl.com/o7lcnfz>

## Razak reverts to laws of the 'dark days'

Human rights and civil society groups have criticised Malaysian Prime Minister Najib Razak's move to bring back detention without trial and other laws he claims are needed to battle rising crime.

Malaysia's draconian Internal Security Act, which the long-ruling United Malays National Organisation government repealed last year, was sometimes used to jail government critics. But Mr Najib denies amendments to the 1959 Prevention of Crime Act mark a return to the dark days of the ISA, saying the increased powers will not be abused.

Executive director of the human rights group Suaram, Nalini Elumanai, said the new laws were to "stop the civil society movements . . . that is the real motive". <http://tinyurl.com/oyqzrwo>

## Shoot first, question corpse later

Malaysia's security minister has called for police to "shoot first" when they encounter criminals and defended a spate of killings by police.



Ahmad Zahid Hamidi, the minister for internal security, has apparently given police a licence to kill to deal with a recent upsurge in gang-related violence.

Mr Zahid said there is no longer a need to compromise with suspects. "There is no need to give any more warning shots. If we get the evidence we shoot first," he said, referring to 40,000 alleged gang members, half of whom he claimed were ethnic-Indian Malaysians.

Opposition MP N. Surendran, a member of opposition leader Anwar Ibrahim's Keadilan party, said Mr Zahid's admission would shock the nation. "It is nothing short of ministerial endorsement of extrajudicial killings by the police," he told the AFP news agency. "It is incitement and approval of cold-blooded murder by the police force." <http://tinyurl.com/lf49u9x>

## **New law may take children away from homosexuals**

Russian lawmakers will debate a proposed new law in February 2014 that could see the state take children away from homosexual couples.

The debate will likely coincide with the 2014 Winter Olympic Games in Sochi.

The bill, published on the website of Russia's Duma (the lower house of parliament), says the state can strip parents of custody if they practise "non-traditional sexual relations," the term used in Russian laws to describe homosexual relations.

Russian homosexuals have feared such a measure ever since President Vladimir Putin in June signed a "gay propaganda" law, sparking international condemnation. Russia does not allow gay marriage or civil partnerships. It has also banned adoption by gay couples from other countries.

The existing grounds for depriving parents of custody in Russia include chronic alcoholism, abuse and abandonment. The decision to move a child out of the family and into a children's home is taken by a court. <http://tinyurl.com/ljjm9n7>

## **Spooks keep Cabinet in the dark: claim**

UK Cabinet ministers and members of the national security council were told nothing about the existence and scale of vast data-gathering programs run by British and American intelligence agencies, a former member of the British government has revealed.

Chris Huhne, who was in the Cabinet for two years until 2012, said ministers were in "utter ignorance" of the two biggest covert operations, Prism and Tempora. The former Liberal Democrat MP admitted he was shocked by the surveillance capabilities disclosed by Edward Snowden.

"The revelations put a giant question mark into the middle of our surveillance state," he said. "The state should not feel itself entitled to know, see and memorise everything that the private citizen communicates. The state is our servant." <http://tinyurl.com/nfac88c>

## **Subservient democracy fights back**

A former British director of public prosecutions has launched a strident attack on the head of MI5 for using "foolish self-serving rhetoric" to resist legitimate calls for Britain's intelligence agencies to face more scrutiny in the face of revelations about their surveillance capabilities.

Lord Macdonald QC said it was wrong for Andrew Parker and other senior figures in the intelligence community to argue

that greater scrutiny and more transparency would affect the ability of MI5, GCHQ and MI6 to do their work.

Arguing that the existing legislation governing the services was "anti-modern", the peer, now a defence lawyer, said that an urgent review of the oversight regime was needed to prevent "an increasing subservience of democracy to the unaccountability of security power". <http://tinyurl.com/ngf6moq>

## **ODD SPOT:**

### **Nonsense verse aims to beat spying**

A US art teacher has come up with a way to confuse the cyber spooks of the US National Security Agency – add a nonsense story, containing trigger words, to every Gmail. <http://tinyurl.com/kjydcqt>

## **Country's top judge arrested, accused of taking \$0.25m bribe**

Indonesia's constitutional court chief judge – the equivalent of Australia's High Court chief justice – has been arrested for alleged corruption.

Judge Akil Mochtar, appointed earlier in 2013, was allegedly caught red-handed one night last month having accepted a bribe worth about \$277,000 from a politician.

Anti-corruption agency KPK made the arrest at his official residence in Jakarta's Widya Chandra district, home to senior politicians and officials. He was among five people arrested in a sting operation in two different locations.

The alleged bribe is reported to have come from an MP representing the Golkar party. Golkar was the vehicle of former long-time president Suharto, and the party is now a member of President Susilo Bambang Yudhoyono's governing coalition. The alleged bribe reportedly relates to a case involving a local election in central Borneo. <http://tinyurl.com/nm2hpr4>

## **US forces secrecy on Japan's parliament**

Under a proposed new law in Japan, civil servants who leak classified information, and journalists who obtain such information, would face up to 10 years' imprisonment.

The Japan Federation of Bar Associations argues that the new secrecy bill represents an unwarranted risk to the people's right to know and that enforcing existing legislation would suffice.

Chief Cabinet Secretary Yoshihide Suga countered that the secrecy legislation is urgent and needs to be ready for the launch of Japan's National Security Council, alluding to US reluctance to share highly classified intelligence with the Japanese government, which it views as a leaky sieve.

The draft *State Secrets Protection bill* has been readied for submission to the Diet (parliament, or kokkai), but widespread criticism has led the government to consider inserting provisions protecting the public's right to know and journalists' freedom of reporting. <http://tinyurl.com/ms5uxmd>

## **Secret court may open...a little**

The new president of the UK court examining complaints about the intelligence services and government surveillance may publish advance notice of its public hearings for the first time.

Mr Justice Burton, new head of the Investigatory Powers Tribunal (IPT), said: "I will be ready and willing to look afresh

at our procedures if it's necessary in order to ensure fairness and security."

His speech to the Public Law Project in London was the first outside parliament by the president of the tribunal since it started in 2000.

The IPT investigates complaints about MI5, MI6, GCHQ and the use of surveillance powers by government, police and local authorities. It is frequently described as the UK's most secret court.

Unlike other courts, the IPT's rulings are not subject to challenge through appeal or judicial review. Many cases are accepted for consideration on the basis that people suspect or believe they are the subject of surveillance. <http://tinyurl.com/ou6o23b>

## Man jailed 12 years over 'assist' to self-harm

A man who helped his friend attempt to kill himself by giving him a can of petrol shortly before he set himself on fire has been jailed for 12 years.

A judge in Durham crown court in the UK said Kevin Howe, 20, "took some delight" in knowing what his inseparable friend Stephen Walker, now 31, was about to do, moments before he set himself alight. Walker suffered 95% burns and has needed many operations since the incident at his home in County Durham in May 2013.

Judge Christopher Prince, sentencing Howe, said: "He would not have suffered these injuries had it not been for your actions." <http://tiny.cc/bbdu4w>

## ODD SPOT:

### Two US rabbis judge a hit single

Two rabbis offered an unusual service to Jewish women who could not get their husbands to agree to a divorce: for a fee, they would convene a rabbinical court and authorise violence to get the recalcitrant husband to agree to a divorce, the FBI said.

They would also employ hired muscle, two men known as Ariel and Yaakov, to kidnap the husband and torture him, until he pledged to divorce his wife, according to a criminal complaint in the US District Court in Newark, New Jersey, last month. <http://tinyurl.com/ky7koo4>

## Obama curtails comment

In the Obama administration's Washington, government officials are increasingly afraid to talk to the press, the Committee to Protect Journalists warns.

Those suspected of discussing with reporters anything that the government has classified as secret are subject to investigation, including lie-detector tests and scrutiny of their telephone and email records.

An "Insider Threat Program" being implemented in every government department requires all federal employees to help prevent unauthorized disclosures of information by monitoring the behavior of their colleagues.

Six government employees, plus two contractors including Edward Snowden, have been subjects of felony criminal prosecutions since 2009 under the 1917 Espionage Act, accused of leaking classified information to the press – compared with a total of three such prosecutions in all previous US administrations. Read the rest of the article: <http://tinyurl.com/kd8quh6>

## Clinton H calls for sense over surveillance

Hillary Clinton has called for a "sensible adult conversation", to be held in a transparent way, about the boundaries of state surveillance highlighted by the leaking of secret NSA files by the whistleblower Edward Snowden.

In a boost to British deputy prime minister Nick Clegg, who is planning to start conversations within government about the oversight of Britain's intelligence agencies, the former US secretary of state said it would be wrong to shut down a debate.

Clinton, who is seen as a frontrunner for the 2016 US presidential election, said at Chatham House in London: "This is a very important question. On the intelligence issue, we are democracies thank goodness, both the US and the UK. We need to have a sensible adult conversation about what is necessary to be done, and how to do it, in a way that is as transparent as it can be, with as much oversight and citizens' understanding as there can be." <http://tinyurl.com/magprsq>

## Court reinforces need for warrants

The US Third Circuit Court of Appeals has handed down a huge decision in favor of privacy rights in America.

The court confirmed last month in *United States v. Katzin* that federal authorities must get a probable cause-driven warrant (that is, have reasonable suspicion in Australian terms) before attaching a GPS tracking device to a suspect's car.

The Supreme Court decided in January 2012 in the *United States v. Jones* case that attaching a GPS device to a suspect's car without a warrant constituted unreasonable search and seizure. In the wake of that decision, the FBI turned off 3000 tracking devices.

However, the *Jones* case did not provide a clear-cut ruling on whether a lower legal standard could conceivably apply. In the new case, *Katzin*, the court definitively answered that with a resounding 'no'. <http://tinyurl.com/peaf4wx>

CLA believes the case may have ramifications in other situations where the need for warrants also apply, such as international kidnapping (what the American Administration calls 'rendition') and assassination by drone inside or outside the USA.

## International briefs:

**Chinese crack down on dissident professors:** An elite Chinese university has expelled an outspoken economist who champions free speech and the rule of law. Peking University's School of Economics voted last month to dismiss Professor Xia Yeliang by a 30-3 vote. In 2008, Xia helped draft Charter 08, a call for sweeping changes to China's one-party political system that landed its main champion, Liu Xiaobo, in prison. Communist Party authorities have reportedly directed some college campuses that certain topics are now barred from class discussions, including press freedom, judicial independence and civil society. In August, East China University of Political Science and Law in Shanghai banned Zhang Xuezhong, also an outspoken professor, from teaching any course at the school. <http://tinyurl.com/ow2ej9x>

**Call for UK to enforce prisoner right to vote:** The UK should withdraw from the Council of Europe if it chooses to ignore pan-Europe judgments giving prisoners the right to vote, the continent's most senior human rights official has

warned. Niels Muižnieks, the Council of Europe's human rights commissioner, said British MPs could not "cherry-pick" decisions issued by the European court of human rights. His comments, published in evidence to the joint UK Commons and Lords parliamentary committee considering a draft voting eligibility (prisoners) bill, are likely to raise the political stakes in an already inflamed confrontation that has set British ministers at odds with the Strasbourg-based European Court of Human Rights. <http://tinyurl.com/l5sk4mx>

**Allah censored:** A Malaysian court has ruled that a Christian newspaper cannot use the word "Allah" to refer to an entity believed by some to be a supreme being. The unanimous decision, by three Muslim judges in the appeals court, overturned a 2009 ruling by a lower court that allowed the Malay language version of the newspaper, The Herald, to use the word "Allah". "The usage of the word Allah is not an integral part of the faith in Christianity," chief judge Mohamed Apandi Ali said. "The usage of the word will cause confusion in the community." <http://tinyurl.com/l53spxr>

**2 million censors:** China's internet censors may number 2 million, the Beijing News has reported. Called "internet opinion analysts", they trawl Chinese social media for "troubling entries" which are passed on to a small group of decision-makers. Weibo, the Chinese equivalent of merging Facebook and Twitter, has more than 500m users who post 100m messages a day. <http://tinyurl.com/po4w2mb>

**Russians tap dance on snow:** The world's newest invasive and systematic spying and surveillance systems will tap the communications of all athletes and spectators attending the winter olympics in Sochi in February 2014. Russia's has installed telephone and internet spying capabilities will give the FSB (the organisation which replaced the KGB) free rein to intercept any telephony or data traffic and even track the use of sensitive words or phrases mentioned in emails, webchats or on social media. <http://tinyurl.com/p66uv4z>

**Scientists take action against new law:** Scientists in the USA were in open revolt last month because NASA banned Chinese researchers from attending a conference on the Kepler space telescope. The NASA ban was mandatory under a new US law, passed in March, which prohibited anyone from China setting foot in a NASA building, supposedly to prevent espionage. A growing number of US scientists decided to boycott the telescope conference in protest, with senior academics withdrawing individually, or pulling out their entire research groups. After weeks of bad press, NASA bosses partially backed down, promising to take a second look at Chinese scientists' security clearances. <http://tinyurl.com/nnpqvy> and <http://tinyurl.com/jidu4w>

**Judge wrist-slaps dronistas – suggests appeal:** Six protesters (dronistas) who broke into RAF Waddington in Lincolnshire, home of Britain's first unmanned drones base, were described by a judge at their trial as "dutiful people". He said it was with a "heavy heart" that he found them guilty of criminal damage to the base. Judge John Stobart ordered the protesters to pay \$17 compensation each to the RAF, \$130 in costs and a \$26 victim surcharge. He said he would welcome an appeal. The protesters argued that the use of unmanned drones was a breach of international law and accused the government of war crimes. <http://tinyurl.com/oslnyym>

**China wants to ban AIDS people:** A UN agency has condemned a draft Chinese regulation to ban HIV-positive people from spas and public bathhouses. The proposed ministry of commerce rule is the latest instance of longstanding discrimination against HIV-positive people in China. A draft posted online by China's state council orders spas and similar establishments to prominently display signs prohibiting "people with sexually transmitted diseases, AIDS and infectious skin diseases". Hedia Belhadj, China's country coordinator for UNAIDS, said it was concerned by the provision and called for it to be removed. She pointed out there is no risk of transmission of HIV in a spa or bathhouse setting. <http://tinyurl.com/kcfwew7>

**Call to arrest Cheney:** Worldwide groups were calling on Canada to arrest alleged torture and war crimes suspect, former US Vice-President Dick Cheney, when he traveled to Tornot for a lecture at the end of October. Lawyers from the National Lawyers Guild (US), International Association of Democratic Lawyers, European Centre for Constitutional and Human Rights (Germany), Brussels Tribunal (Belgium), International Initiative to Prosecute US Genocide in Iraq (Iraq, Egypt, Spain), Lawyers Against the War (Canada) and Rights International Spain (Spain) said such an arrest was required by the Convention against Torture - media release, Lawyers Against the War (LAW).

## DATES

**1-2 Nov, Gold Coast, Qld:** Succession and Elder Law residential, RACV Royal Pines Resort. <http://tinyurl.com/racs2w>

**2 Nov, Adelaide:** Dr Mustafa Barghouti delivers the 2013 Edward Said lecture for the Australian Friends of Palestine Association, 5.30-7pm, \$5. <http://tinyurl.com/dcqd5w>

**7 Nov, Canberra:** Launch of revamped Honest History website – [www.honesthistory.net.au](http://www.honesthistory.net.au) – by Paul Daley, journalist and author at Manning Clark House, 11 Tasmania Circle Forrest ACT 6pm. RSVP: [admin@honesthistory.net.au](mailto:admin@honesthistory.net.au)

**12 Nov, Hobart:** Nuclear Weapon-Free World: Perfect Vision with a Deadline, Red Cross Oration 2013, by Professor Dr Tadatoshi Akiba, president of Mayors for Peace 2003-2011, international group for nuclear disarmament. E: [UTAS.Events@utas.edu.au](mailto:UTAS.Events@utas.edu.au), P: 03 6226 2521 at the Stanley Burbury Theatre, University Centre, Sandy Bay campus, from 6pm.

**13 Nov, Melbourne:** Human Rights Under Threat in Australia? CLA's Humphrey McQueen will speak along with ACTU President Ged Kearney and refugee advocate David Manne. Event chair is rights lawyer Rob Stary. 6.30-8.30pm Wheeler Centre, 176 Little Lonsdale St, Melbourne. Info: Shirley 0417456001

**14-15 Nov, Port Vila, Vanuatu:** inaugural South Pacific Lawyers Conference: Legal Challenges in Paradise. Details: <http://www.southpacificlawyers.org/>

**15 Nov, Canberra:** Annual Geoffrey Sawyer lecture, by Prof Michael Coper (pictured), ANU College of Law. Public Law Weekend. Details: [cipl@law.anu.edu.au](mailto:cipl@law.anu.edu.au)

**15 Nov, Canberra:** Administrative Law Conference hosted by ANU's CIPL: <http://tinyurl.com/o5gr2w> National Museum of Australia, Lawson Cres, ACTON 2601

**15-16 Nov, Cairns:** 6th annual North Qld Law Symposium. Shangri-La Hotel, Pierpoint Rd Cairns. <http://tinyurl.com/lo9fzdk> Speakers include Rowan Silva.



**17-22 Nov, Sydney:** AFP Specialist Response Group hosts International Negotiators' Working Group 2013 conference, Four Seasons Hotel. Restricted attendees. Details: <http://tiny.cc/wesaww>

**23-24 Nov, Canberra:** Call for Aboriginal nations to assemble in Canberra at Aboriginal Tent Embassy-Old Parliament House, 9am, for 'sovereign union national meeting'. Info: Ghillar, Michael Anderson, 0427 292 492, [ghillar29@gmail.com](mailto:ghillar29@gmail.com) (elected provisional head of state of the euahlayi nation, near Goodooga NSW).

**27 Nov, Hobart:** Prof Emeritus Genevieve Lloyd gives the 2013 James Martineau lecture, on Asylum Seekers and the Rhetoric of Compassion, 6pm, MS2 Theatre, 17 Liverpool St

**28 Nov, Launceston:** Repeat of the above, 6pm, Theatre 5, Sir Raymond Ferrall Centre, Newnham Campus

**28-29 Nov, Canberra:** 2013 Timor-Leste update: A new era? Details: <http://goo.gl/rLgQ6t> More info: [peta.hill@anu.edu.au](mailto:peta.hill@anu.edu.au)

**3 Dec, Melbourne:** Atmosphere of the Lawscape: Bodies, Space, Justice: Professor Andreas Phipopoulos-Mihalopoulos (right), Director of the Westminster Centre for International Law and Legal Theory and a Prof of Law and Theory at U. Westminster in London. 6-7.30pm, Theatre G08, Melbourne Law School, Carlton. Details: Vesna Stefanovski [law-iilah@unimelb.edu.au](mailto:law-iilah@unimelb.edu.au)

**5-8 Dec, Canberra:** Law, Literature and Humanities Association of Australasia conference, Hedley Bull Centre, ANU. Rego: <http://law.anu.edu.au/conferences/registration-rates>

**11-13 Dec, Parramatta, Sydney:** Trans-Tasman Domestic Violence Conference, Rydges Parramatta Hotel, website: <http://www.gcadv.net/2013dvconference.htm> Call for papers (first closing 30 Oct 2012) or details and registration form, email: [chairman@gcadv.net](mailto:chairman@gcadv.net)

#### 2014:

**14-15 Feb, Surfers Paradise:** Queensland Australian Lawyers Alliance (ALA) conference, including International Air Crash Litigation (Joe Wheeler, Shine Lawyers), Marriott Resort. Details: <http://tiny.cc/8w3o3w>

**Feb, Sydney:** 12th annual National Security Australia conference: venue/days not disclosed. Info: <http://www.iir.com.au/conferences/defence/national-security-australia>

**21-22 Mar, Brisbane:** Qld Law Society Symposium, Convention Centre. Info: <http://tinyurl.com/m6kdv62>

**16 May, Torquay:** Victorian Australian Lawyers Alliance (ALA) conference, at The Sands Resort. <http://www.thesandstorquay.com/welcome/index.mhtml>

**3-5 June, Tahiti:** Political, Economic and Legal Governance in Pacific States and Territories: 2014 Pacific Island Political Association Conference. University of French Polynesia. Info: [Kerryn.baker@anu.edu.au](mailto:Kerryn.baker@anu.edu.au)

**16-18 July, Hong Kong:** Obligations VII – Divergence and Convergence. Jointly hosted by law faculties at U. Hong Kong and U. Melbourne, to be held in Hong Kong. <http://www.law.hku.hk/obligationsvii/>

#### 2015:

**June, England:** 800th anniversary of Magna Carta

**Date, Place TBC:** 2nd Global Domestic Violence Conference

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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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