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CLA to campaign on Senate issues and FOI

CLA will concentrate during the upcoming election campaign on trying to gain commitments from the Coalition and Labor for both Senate reform and a major improvement to Freedom Of Information (FOI) practices.

CLA believes returning the Senate to its traditional role of a balanced, thoughtful house of review, with diligent and powerful committees, is crucial to the proper operation of Australian parliamentary democracy.

We will be taking a non-party-political approach to the subject, and asking all parties to commit to a series of reform steps.

With FOI, we will be similarly asking for political party commitment to implementing reforms.

The Coalition Government has recently announced a review of FOI laws and practices, but has given no assurances that all or even some of the review's recommendations will be implemented.

If any member would like to work on, or contribute ideas to, these campaigns, please email: secretary@cla.asn.au

These two election campaign projects will help guide another major national campaign now being planned for 2008. Details will be announced after the election.

CLA's cartoon exhibition launches 8 October

The CLA cartoon exhibition, *Laughing With Knives**, will be officially opened at its first venue, the ACT Legislative Assembly, on Monday 8 October by ACT Speaker, Wayne Berry.

The exhibition features more than 60 cartoons at A4 and A3 size from 18 top Australian cartoonists, including Petty, Leak, Alston, Spooner, Nicholson, Foyle, Sharpe and Pryor.

Laughing With Knives aims to highlight civil liberties issues using humour, and to promote CLA. Cartoonists and law firms and individuals have been very generous in supporting CLA's initiative.

Designed to travel, the exhibition will pack into two medium-sized cardboard boxes. If you know of a possibly suitable venue near you, anywhere throughout Australia, please get in touch as the 2008 and 2009 touring program is being planned.

<mailto:secretary@cla.asn.au>

* *Laughing With Knives* is the Chinese name for political cartoons.

LAST WORD: Are Bush edicts fatuous?

Columnist Justinian has come up with new terminology for edicts on security matters by US President George W. Bush. Read what he suggests we call them – see last item in this bulletin.

First stage of Pacific Project close to fruition

CLA's Pacific Project is nearing completion of its first stage, as the students from ANU and graduate entrants to the Public Service finalize their analyses of 12 Pacific Island nations.

Their research involves political and legal backgrounds, plus the existing state of civil liberties and human rights-related organizations. Sarah Bassiuni is project leader.

The 12 'Pacific' countries include Papua New Guinea and Timor Leste.

Obviously recognizing a similar need for Australia to assist these developing nations, the Law Council of Australia has created a South Pacific secretariat, based at the Law Council's Canberra headquarters.

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High Court overturns prisoner vote ban

The High Court has overturned the measure contained in the 2006 Electoral Amendment Act to remove prisoners' right to vote, unless they are serving sentences longer than three years. The ruling came on an appeal by a women prisoner in Victoria

<http://www.news.com.au/story/0,23599,22332956-29277,00.html>

– from Democratic Audit of Australia (ANU) update, 20 Sept 07

Citizenship tests starts

Australia's new Citizenship Test and resource book *Becoming an Australian Citizen* has been released. Testing starts 1 October.

Details: www.minister.immi.gov.au or ring Kate Walshe on 0421 588 794

Summary CLA of activities for September 2007

CLA featured in **media interviews** during September, with media spokesperson Max Jeganathan commenting on ABC TV on the controversial case involving two women suing their gynecologist because twins were born after an IVF procedure.

Director Lance Williamson undertook press interviews after analyzing the ACT Policing annual report.

CLA also featured on community radio station 2XXfm with CLA member Bill Tully on general CL topics, including APEC security.

Prisoners' rights to vote were the subject of a Troy Cuthbertson-ABC radio Canberra interview with Bill Rowlings.

In Perth, contacts were made with Bret Christian, editor/owner of the suburban Post newspaper group, with a local freelance reporter and a university journalism lecturer.

The **cartoon exhibition** involved many meetings, with ACT Legislative Assembly people and with the Exhibition Centre on production issues.

University liaison: Several meetings were held at the University of Canberra to arrange internships: Father John Parsons, Graham Macafee, Bill Rowlings and Kris Klugman met a range of UC staff, including new CLA member Don Fleming, who is responsible for arranging Law School internships.

In Perth, CLA met with Curtin U's Deputy Vice Chancellor for Strategy and Planning, Prof Greg Craven and with Sylvia Masher of the U of Western Australia's Laws School. We also met with Dr Johan Lidberg of the School of Communication and Journalism at Murdoch U.

During the month, Dr June Verrier resigned from board, for personal reasons. We thank her for her valued contributions, and in particular for a year of diligent and imaginative work on the cartoon exhibition.

AFP's Keelty wants courts to 'change their ways'

Police had to prevent terrorism acts long before their intended execution, Australian Federal Police Commissioner Mick Keelty warned in Adelaide last month.

Mr Keelty said new laws might be needed. "The courts are going to need to change the way they view evidence, witnesses and forensics...dealing with larger numbers of ... crimes that are prevented at a very embryonic stage of execution. Sentencing in this environment could become problematic, at least in the early stages."

– report by Jonathan Pearlman, SMH, 25 Sept 07

<http://www.smh.com.au/text/articles/2007/09/24/1190486226414.html>

Commissioner to decide what you can access on net

The new Communications Legislation Amendment (Crime or Terrorism Related Internet Content) Bill 2007 will give the AFP Commissioner the power to block access to websites he says are crime- or terrorism-related.

"This a major attack on all Australians civil rights", Greens Senator Nettle said.

"There are no clear criteria or definitions of the scope of Commissioner's sweeping power: this could potentially be applied to millions of websites.

"The AFP Commissioner should not be the arbiter of what Australians can read, see or hear on the net."

– The Australian, 12 Sept 07

"This Government's extremism has reached new heights today," said the Chair of the Australian Privacy Foundation, Prof Roger Clarke, a CLA member.

"These draconian powers would apply to a vast array of content which the AFP may 'have reason to believe' 'induces' or 'facilitates' any criminal offence, or is even 'likely to have [that] effect'.

CLA believes there is a sound case to be made for a full parliamentary inquiry into all anti-terror, security-related and data/internet legislation passed since 11 September 2001. In 2008, we will be proposing a major new initiative in this area.

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Police get more powers to track child porn

Police have been given broad new powers to tap phones and search emails and text messages of anyone connected to child pornography suspects.

The Senate last month passed the Telecommunications (Interception and Access) Amendment Bill 2007, extending laws allowing police and security services to spy on people believed to be in contact with suspected criminals. Police will be able to tap a phone for up to 45 days and the Australian Security Intelligence Organisation (ASIO) will have three months to use similar surveillance.

– from The Age, 20 Sept 07

<http://www.theage.com.au/news/National/Police-powers-raised-to-track-child-porn/2007/09/20/1189881683338.html>

Committee proposes watchdog to monitor terror laws

A Liberal-led committee has recommended that an independent monitor be appointed to oversight new terrorist laws to prevent abuses.

The federal parliamentary Intelligence and Security Committee was considering whether powers under recent anti-terror bills were working effectively, or whether there were unintended consequences.

Chairman David Jull said their inquiry found some sections of society were still concerned about the impact of terror laws and terrorist organization offences, and a person should be appointed to a monitoring role.

CLA has been calling for the appointment of a Public Interest Monitor since 2005.

– 21 Sept 07 <http://www.smh.com.au/text/articles/2007/09/20/1189881693566.html>

Human Rights consultation in WA enters next phase

The deadline for written submissions has passed and a series of public forums have been held throughout WA, according to the West Australian Human Rights Consultative Committee chairman, Fred Chaney.

The committee, which is investigating the potential introduction of a human rights law into WA, is analyzing the many submissions received from individuals, community groups, local councils and other peak bodies. It is due to present its report to the State Government by 16 November.

CLA's submission focused on lessons learned from the ACT consultative process.

Judge criticizes treatment of unconvicted detainee

A Victorian Supreme Court judge has accused authorities of punishing a terrorism suspect before he was convicted.

Justice Bernard Bongiorno rejected Ezzit Raad's application for bail but said he was troubled by the conditions Raad was forced to endure, which included segregation and shackling.

Raad, 25, has pleaded not guilty to being a member of and funding a terrorist organization.

– SMH, 7 Sept 07

Kirby criticises WA's anti-gang laws

High Court Justice Michael Kirby has criticized WA's anti-gang laws.

His comments came in a hearing over the constitutionality of police demolishing part of the clubhouse of the Gypsy Jokers biker organization in Perth. The Gypsy Jokers are asking the High Court to stop WA police tearing down concrete walls, steel doors and security cameras.

Lawyer David Grace told the Full Bench that issuing of the tear-down order in 2004 was unconstitutional because the WA Police Commissioner's evidence asking for the order remained top secret – neither defence lawyers nor the bikies were allowed to see it.

Justice Kirby criticized the process that prevented viewing the evidence, saying it was another example of State and Federal governments overriding court procedures.

"This is part of the growing encroachment of the executive on what can be revealed in judicial proceedings," Mr Justice Kirby said.

He said the "envelope was always being pushed" by governments in the area of secrecy. – from The West Australian

<http://www.thewest.com.au/default.aspx?MenuID=77&ContentID=41773>

Call for lobbyists to be registered – again

Julian Fitzgerald considers the regulation of political lobbyists in a new paper produced for the Democratic Audit of Australia, based at the ANU.

He argues that a registration scheme would alleviate some of the problems that this burgeoning industry has brought.

However, there used to be a registration scheme...but it was allowed to lapse by both Labor and Liberal governments.

http://democratic.audit.anu.edu.au/papers/20070920fitz_lobbying.pdf

Also on the subject of lobbying, Prof John Warhurst of the ANU has a new book, *Behind Closed Doors: Politics, Scandals and the Lobbying Industry* (UNSW Press, 2007).

In it, he considers how the industry has attempted to gain influence and the wider effects, both positive and negative, on how politics is conducted.

<http://www.unswpress.com.au/isbn/9780868408798.htm>

– from Audit Update, 20 Sept 07

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Has technology gone too far?

Alex Simpson quit his paper round in Perth when he was told that he had to wear a Global Positioning System tracking device after 18 months working for the company PMP Limited.

6PR's Millsy and Tony Mac spoke to Alex and his father Steven about the issue and whether or not technology has gone too far. Is it an invasion of privacy?

You can listen to the interview at Hot Topics - audio on 6PR, from:

http://www.mytalk.com.au/NewDesign/Pages/S_Talk_6PR.aspx

Queensland and Victoria move on FOI reform

The Queensland government will curb the practice of 'laundering' documents through cabinet meetings to keep them secret after a review of the state's Freedom of Information laws.

David Solomon, who heads the committee established by new Queensland Premier Anna Bligh to overhaul the laws, has identified the cabinet secrecy provisions as a target for reform. "It isn't good enough for documents to be able to be wheeled into cabinet without any rules to keep them from the public eye," he said.

The move follows an initiative by another new premier, Victoria's John Brumby, to overhaul that State's Freedom of Information regime, according to a report in *The Australian*.

<http://www.theaustralian.news.com.au/story/0,25197,22443031-5006786,00.html>

All WA police to carry stun guns

The Western Australian Police Service (WAPS) has supplied its 4,493 officers with 1,100 Taser stun guns, making up a total of about 1,350 Tasers in use in the State.

Police Commissioner Karl O'Callaghan has stated every officer on duty in WA will carry a stun gun. Other States and Territories and the AFP usually restrict the weapons to more highly-trained special force police officers.

WAPS is often accused of being overzealous. The innocuous term 'stun gun' belies the potentially lethal nature of Tasers. Since 2001, 230 deaths in custody have been linked to Taser use by police and other forces, according to a major international report.

Despite this, WA Police Commissioner Karl O'Callaghan said officers would not be afraid to use the 50,000 volt apparatus on any offenders, including juveniles,

– from a report at <http://thedailymagnet.blogspot.com/>

Australia to practice terror techniques in USA

Australia is taking part in a United States counter-terrorism exercise for the first time on 16 October.

Exercise Top Officials 4, or TOPOFF 4, will test US preparedness and response systems to a simulated terrorist incident. Australians will join security operatives from Canada and the UK embedded with US agencies as they respond to simulated attacks and to subsequent consular issues arising.

Australian agencies involved include the Attorney-General's Department (ASIO, ASIS, AFP presumably), the Department of Foreign Affairs and Trade, Defence, ANSTO and ARPANSA.

Equivalent Australian counter-terrorism exercises would be held in Tasmania and the ACT in the next few months, Attorney-General Philip Ruddock announced.

CLA helps Tassie man banned from Parliament

CLA is assisting a Launceston man banned from entering his State's Parliament for six months.

Jim Collier was ordered out of the Tasmanian Lower House for interjecting during a debate on the proposed Gunns pulp mill. The next day, by letter, Speaker Michael Polley personally declared the Parliament and its precincts out-of-bounds to Collier for six months, following comments Collier made during a Hobart ABC Radio interview.

“(I was) Tried, convicted and punished without being permitted to utter a single word in my defence with no right of appeal; Australian justice - Tasmanian style!” Collier wrote.

CLA believes the Speaker has acted beyond his legal powers; we have asked him to identify the legislation on which he is basing his ban order. If there is any legislated power to impose a ban, CLA believes it can operate only after a vote of the Lower House.

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ALRC to examine FOI LAWS

The Australian Law Reform Commission (ALRC) will examine Freedom of Information (FOI) laws and practice across Australia.

They will look at existing Commonwealth, State and Territory access laws and practices, and advise how to harmonize the laws and practices.

"This action is partly in response to the (media organizations') Right to Know campaign," Mr Ruddock said.

The ALRC will consult widely, then complete its work by 31 December 2008.

Client Legal Privilege: The ALRC has released a discussion paper, *Client Legal Privilege and Federal Investigatory Bodies* (DP73), containing 42 proposals addressing disputes over client legal privilege in federal investigations.

Commissioner in charge of the Inquiry, Professor Rosalind Croucher, said that much confusion and uncertainty stems from a lack of legislative clarity and transparent processes.

"Our research has identified 41 federal investigatory bodies – as well as Royal Commissions that are established from time to time – that have coercive information-gathering powers. Many laws governing these bodies provide no guidance about whether client legal privilege applies wholly or in part."

The paper is available from the ALRC website, <http://www.alrc.gov.au/> The ALRC seeks feedback before a final report in December 2007. Submissions close 1 November 2007.

Privacy laws: People could sue anyone who discloses personal information without approval, under new laws that would also impose fines for breaches of privacy.

The ALRC last month recommended the Privacy Act punish "unwanted intrusions into private lives or affairs", possibly as an alternative to defamation.

The ALRC made 300 other proposals covering credit reporting, telemarketers, storing information and transmitting data overseas. They include abolishing the fee for silent telephone numbers, giving the Privacy Commissioner stronger enforcement powers and removing the existing exemption in the Privacy Act for political parties.

<http://www.theaustralian.news.com.au/story/0,25197,22404023-17044,00.html>

NT Legal Aid gets money for premises and models

The Northern Territory Legal Aid Commission has been given an extra \$340,000 to strengthen its regional legal aid services.

Of that amount, \$140,000 will be used to rent larger premises and employ support staff at the Tennant Creek Legal Resource Centre. The centre served more than 850 people in its first year, from May 2006.

Another \$200,000 will be used to develop community-based models for family dispute resolution and family legal education in Indigenous languages. \$400,000 has already been spent on the Indigenous Families Project, which is being developed in consultation with Indigenous communities.

– media release, Attorney-General, 17 Sept 07

Ombudsman criticizes NSW police over surveillance

The Commonwealth Ombudsman has found that NSW police failed to comply with their surveillance powers.

In the first audit of the records kept by the state's police since broadened surveillance laws were passed in 2004, Ombudsman John McMillan found counter-terrorism police failed to properly record their use of bugs and tracking devices or report to the federal Attorney-General.

Professor McMillan said he reviewed 15 warrants obtained by the NSW Anti-Terrorism and Security Group. "There is no suggestion that there has been an

improper use of a surveillance device," he said. "But they are important breaches. You need strict reporting requirements to prevent any slippages in the use of surveillance devices. "

Activist's warrant turns turtle

An anti-war activist last month asked the Speaker of the House of Representatives to enforce a citizen's arrest of Prime Minister John Howard and Ministers Alexander Downer, Philip Ruddock and Brendan Nelson as War Criminals.

Speaking out from the public gallery retired Newcastle academic Peter McGregor was himself arrested, charged with 'unlawful entry on enclosed lands' and taken into custody.

- article supplied by Gareth Smith

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Community elders may get power to monitor pedophiles

Pedophiles in Queensland's indigenous communities may be publicly monitored if a proposal by the State's Department of Child Safety is adopted.

The department's submission to a Crime and Misconduct Commission inquiry into indigenous policing says there is a problem in monitoring perpetrators of domestic and family violence, and repeat offenders returning to the community.

"Perpetrators of child abuse and neglect are not always charged and there are confidentiality and civil liberty issues at stake," the submission says.

"The DCS submits that changes to police policy may include strategies to enable police to advise identified elders or community justice groups of the bail conditions applied to perpetrators of harm to children. If community elders or CJG members become aware of a breach of bail conditions, they could then advise the police."

– from a report by Tony Koch in The Australian, 20 Sept 07

<http://www.theaustralian.news.com.au/story/0,25197,22448695-5006786,00.html>

Timor Leste commission completes public hearings

A commission to uncover the truth behind violence surrounding East Timor's 1999 independence vote completed hearing public testimony from witnesses late last month.

The Indonesia-East Timor Commission of Truth and Friendship (CTF) was set up in 2005 and held five rounds of hearings, with the final set taking place in the East Timorese capital Dili.

"The commission has received enough (testimony) and we will process the results... into our final recommendations," the Indonesian co-chairman of the CTF, Benjamin Mangkudilaga said. – Judicial System Monitoring Programme (JSMP), 27 Sept 07

Supreme Court decision may halt US executions

America, with about 3,350 prisoners on death row, seems to have an unofficial moratorium on executions in place after the Supreme Court late last month granted a rare last-minute reprieve to a condemned man in Texas.

The stay of execution for Carlton Turner Jr, scheduled to die by lethal injection for killing his adoptive parents, arrived hours after a death row inmate in Alabama was granted a 45-day reprieve by that state's governor.

The moves suggested there would be a lull in executions while the Supreme Court reviews lethal injection, the method for dispatching prisoners in all but one of the 38 states which impose the death penalty.

– from The Guardian, 29 Sept 07

Name game raises issues over expanding police control

A record number of Victorians changed their names in 2006-7, prompting calls for mandatory reporting of name changes to police, and concerns over fraud and security loopholes.

The Registry of Births, Deaths and Marriages confirmed that 11,387 Victorians changed their identities in the year to June 30, rising 11 per cent – the figure does not include Australian citizens changing their names because of marriage.

Legislation was introduced to the Victorian Parliament in July that would give the Chief Commissioner of Police the power to block a registered sex offender from changing his or her name. Under the bill, which is awaiting approval in the Legislative Council, all registered sex offenders will have to apply in writing to the Chief Commissioner to seek approval for name changes.

– from a report by Peter Ker in The Age, 8 Sept 07

<http://www.theage.com.au/news/national/name-game-rise-sparks-fraud-fears/2007/09/07/1188783497334.html>

Red tape holds up police, NSW Commissioner says

Red tape was stifling the efficiency of NSW Police operations, Commissioner Andrew Scipione said last month.

It had a significant impact on police operations and caused frustration for officers, Mr Scipione said. The changes Mr Scipione hopes to introduce are believed to be aimed at reducing the number of complaints referred to the force's Professional Standards Command and the Police Integrity Commission.

– from a report in *The Age*, 11 Sept 07

<http://www.theage.com.au/news/National/Red-tape-holds-up-police-Scipione/2007/09/11/1189276678461.html>

Judge rules anti-terror email spying unconstitutional

In a ruling with direct relevance to Australia, unfettered spying by police and security forces on individual emails has been ruled illegal in the USA.

In New York last month, a federal judge struck down parts of America's top anti-terror law as unconstitutional, saying courts must be allowed to supervise cases where the government orders internet service providers to turn over records without telling customers.

US District Judge Victor Marrero said the government orders must be subject to meaningful judicial review and that the recently-rewritten USA Patriot Act "offends the fundamental constitutional principles of checks and balances and separation of powers".

The American Civil Liberties Union (ACLU) challenged the law, complaining that it allowed the FBI to demand records without the kind of court order required for other government searches.

The ACLU said it was improper to issue so-called national security letters, or NSLs – investigative tools used by the FBI to compel businesses to turn over customer information – without a judge's order or grand jury subpoena.

Examples of such businesses include Internet service providers, telephone companies and public libraries.

– from a report by Larry Neumeister for Associated Press

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Card crime study leads to call for new laws

The Australian Institute of Criminology last month commented on 'New crimes in a technology-enabled environment', as it highlighted two recent studies.

Read a report of the studies, plus an outline of CLA's proposal for an over-arching analysis and rewriting of all Australian consumer, financial, data protection and privacy legislation. Go to: <http://www.cla.asn.au/>

Police databases linked around Australia

Police databases throughout Australia became linked when NSW and Queensland databases, the nation's two largest, integrated with those in Victoria, South Australia, Western Australia and Tasmania.

The Victorian Government will soon introduce legislation to allow police to take DNA samples when suspects are charged, rather than when they are convicted.

The Victorians plan to broaden "forensic sample crimes" to include most indictable offences, and to hire 23 new scientists over the next four years, increasing to 310 the number of staff at the State Forensics Centre, according to a report in the Age.

<http://www.theage.com.au/news/national/dna-database-identifies-hundreds-of-suspects/2007/09/11/1189276720817.html>

Experts call for DNA restrictions

Police should only be allowed to keep the DNA of people convicted of a crime, Nuffield Council on Bioethics said last month, according to a BBC report.

People who volunteer their DNA for elimination purposes, such as victims or witnesses, should have the right to ask for the DNA to be removed, the council said.

<http://www.nuffieldbioethics.org/>

Some four million DNA samples are on the police database in the UK.

Lord Chief Justice, Sir Stephen Sedley, last month called for the entire UK population, and every visitor to the UK, to be placed on the database.

WHO'S ON THE DATABASE? 5.2% of the UK population, nearly 40% of black men, 13% of Asian men, 9% of white men.

http://news.bbc.co.uk/2/hi/uk_news/6999703.stm

– from a BBC report, 18 Sept 07 (supplied by Roger Clarke)

Balibo Five inquest findings in November

NSW deputy state coroner Dorelle Pinch will hand down her findings in 5 November into the deaths of five Australian-based journalists in East Timor in 1975.

It will be more than 32 years after Brian Peters, Greg Shackleton, Gary Cunningham, Malcolm Rennie and Tony Stewart were gunned down in the East Timorese border town of Balibo.

Their families have urged Ms Pinch to find the Balibo Five were executed on October 16, 1975, by the Indonesia military. Counsel assisting the inquest, Mark Tedeschi, asked the coroner to recommend war crimes charges against those responsible.

The eight-week inquest earlier this year was told that both Australian and Indonesian governments maintained the journalists were killed in crossfire during the invasion of East Timor by Indonesian troops.

– 11 Sept 07, Judicial System Monitoring Programme (JSMP), Timor Leste

ACT's new police boss is one out of the BIN

Michael Phelan is the new ACT chief police officer (CPO).

CPO Phelan joined the Australian Federal Police in 1985, and became superintendent in 2000, commander in 2002 and assistant commissioner in 2004.

Most recently, he was national manager, Border and International Network (BIN). This clever play on words gave him a title with the same initials as the Indonesian spy agency, BIN, which was allegedly responsible for murdering human rights activist Munir on a Garuda flight from Jakarta to Amsterdam.

"A significant part of his career has been spent in national and transnational crime investigations – he was AFP senior liaison officer in Manila 2001-2002," the media release announcing his appointment said.

CPO Phelan has a Bachelor of Laws (Honours) and a Bachelor of Commerce, according to the ACT Government media release, and holds postgraduate qualifications in human resource management and leadership.

CLA congratulates CPO Phelan and wishes him well in his new post. However, we point out that he comes to it with virtually no management experience whatsoever in community policing. Once again, the ACT is being short-changed for its annual \$100m-plus expenditure on its policing contract.

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UN adopts declaration on Indigenous rights

After 20 years of debate, the UN General Assembly last month adopted a non-binding declaration aimed at protecting the land and resource rights of the world's Indigenous people.

The declaration also sets global human rights standards for Indigenous people and recognizes their right to self-determination.

Australia voted with the US, New Zealand and Canada in refusing to ratify the protocol.

The document acknowledges Indigenous rights in a range of issues and addresses displacement, self-determination, intellectual property rights, collective rights, environmental issues and the right to maintain cultural traditions.

– from *UNity*, newsletter of the UN Assn of Australia, 14 Sept 07

Labor pledges to kill off Access Card

The Labor Party will kill off the \$1.1 billion Access Card if it wins the coming election. "As far as we're concerned, (the Access Card) is dead," Labor human services spokeswoman Tanya Plibersek said.

<http://www.theage.com.au/news/national/labor-pledges-to-kill-off-access-card/2007/08/28/11880671111116.html>

Meanwhile, Karen Dearne in *The Australian* reports that spending on the mooted card has reached \$52 million, despite uncertainty over whether the \$1.1 billion program will proceed.

The Department of Human Services has signed new contracts worth nearly \$10 million since June, with most due for completion well before the end of this year. Her report outlines which companies have benefited so far.

<http://www.australianit.news.com.au/story/0,24897,22356770-15306,00.html>

Restoring faith in government in Australia

The Australasian Study of Parliament (ASPG) Accountability Working Group's report, *'Be honest, Minister!' Restoring faith in government in Australia*, is available on the Democratic Audit of Australia website.

The report recommends codifying ministerial responsibility, strengthening FOI, regulating lobbying, the establishment of a Parliamentary Standards Commission, and establishing independent Parliamentary Presiding Officers.

<http://democratic.audit.anu.edu.au/misc/aspghonestminister.pdf>

Iran hangs three rapists in public

Iran hanged three men in public late in September for raping and robbing 12 young women, most of them university students, Iranian media reported.

The men were executed in front of thousands of spectators at a sports complex in the northern city of Babol, the state broadcaster said on its website.

Two new treaties with China: extradition, prison transfer

Australia and the People's Republic of China last month signed treaties on extradition and the transfer of sentenced persons.

The treaties, together with the Mutual Legal Assistance in Criminal Matters Treaty that came into force in March 2007, are aimed at combating domestic and transnational crime, according to Attorney-General Philip Ruddock.

The extradition treaty provides a number of safeguards for individuals, including grounds for possible refusal in cases which attract the death penalty.

Prisoner transfer arrangements will be voluntary and require the consent of both countries, as well as the sentenced person.

The treaties will be tabled in Parliament and considered by the Joint Standing Committee on Treaties (JSCOT) before binding treaty action to bring the treaties into force is taken by Australia.

Text of the treaties is available on the Department of Foreign Affairs and Trade web site: www.dfat.gov.au/treaties/index.html.

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Papuan priest threatened by Indonesian military: claim

In a remote area of Papua, Indonesia's easternmost province, military officials have been calling a Catholic priest a traitor and a provocateur and threatening to charge him with defamation.

Pastor John Djonga is under threat because he is helping local communities defend their land from claims by the military. In July he also reported to the governor that the army was falsely accusing locals of being separatists.

When Pastor Djonga complained to the local police post, they told him there was nothing they could do. When he complained to the military, the Subregional Military Commander in Jayapura reportedly told him the army would look into his claims but that, if they were not proven, the pastor would be charged with defamation.

<http://action.humanrightsfirst.org/campaign/Djonga/in7uk8g91b883mw?>

Pentagon boosts protection for whistleblowers

The Pentagon has introduced new rules to better protect uniformed employees from retaliation if they report wrongdoing, despite the Bush administration's opposition to similar efforts in Congress.

The conflicts in Iraq and Afghanistan have amplified the role of whistleblowers, who have sounded alarms in cases ranging from the Abu Ghraib prison scandal to widespread contractor fraud.

In a 16-page Pentagon directive dated 23 July, Deputy Secretary of Defense Gordon England mandated a series of safeguards for agency whistleblowers, effective immediately. The directive marks what some watchdogs call a sharp change from the policies under former Defense Secretary Donald Rumsfeld.

<http://thehill.com/business--lobby/in-departure-from-rumsfeld-era-pentagon-aims-to-toughen-whistleblower-protections-2007-08-01.html>

American Bar retracts legal aid offer for detainees

The American Bar Association is backing out of an agreement to find lawyers for Guantánamo detainees because it did not want to "lend support and credibility" to what it called inadequate legal protections for the 340 men held there.

The bar association, the largest lawyers' group in the USA, said it had agreed to help find volunteer lawyers before Congress stripped the courts of the power to hear habeas corpus cases, which are challenges by prisoners on the government's authority to hold them.

The move was the latest chapter in a broad legal debate over what rights Guantánamo detainees may have in contesting findings that they are enemy combatants who can be held indefinitely.

– NY Times, 29 Sept 07

Police to carry assault rifles: Miami police will have the option of carrying assault rifles to combat the rise in the use of similar weapons by criminals. Six other US jurisdictions carry assault weapons. Miami Police Department said 15 of its 79 homicides last year involved the weapons; this year, 12 of the 60 homicides have.

– from an Associated Press story, 16 Sept 07

State legislates against chip implants: California has banned companies from requiring employees to have Radio Frequency Identity (RFID) chips surgically

implanted. Already one company has been licensed by the federal government, implanting more than 2000 people. The bill has no effect on the (external) tagging of prisoners or the (internal) tagging of pets.

<http://science.slashdot.org/article.pl?sid=07/09/03/1847248>

Malaysia tough on migrant workers: On top of Malaysia's often tough working conditions, illegal migrant workers also face mass deportations, detentions and beatings as authorities look to expel 600,000 workers. Malaysia's economy relies on illegal migrant workers to do the jobs most Malaysians are unwilling to do, but authorities allege the illegal workers cost too much in lost revenue and drive up crime.

<http://www.bloomberg.com/apps/news?pid=20601080&sid=akb.Dzmvp5mc&refer=asia>

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'American Empire' on the rise: In his 2002 book *American Empire*, Andrew Bacevich pointed out that it had long been a "cherished American tradition [that] the United States is not and cannot be an empire." The words "American empire" were "fighting words," so that uttering them was an almost sure sign that the speaker was a left-wing critic of America's foreign policy. As Bacevich also pointed out, however, this had all recently changed, so that even right-wing commentators were freely acknowledging the existence of the American empire.

UK ID card to cost \$14 billion: The British Home Office expects the cost of introducing ID cards and developing biometric passports to be \$14bn over 10 years. Individuals will have to pay \$215 for a passport and ID card together, and registration will be compulsory when a passport comes up for renewal. The published costs do not yet include figures for the cost of card readers, of training staff, or developing fingerprint and iris biometrics. The London School of Economics has estimated that the unit cost may rise to as high as \$700.

Data protection being assessed: An international conference will assess the 12 years of existence of the EU Data Protection Directive and the 26 years of the Council of Europe Data Protection Convention. With the title: "Reinventing Data Protection?", the conference is to be held in Brussels, 12-13 Oct 2007, sponsored by Norwegian, Belgian, Dutch, and Italian government agencies and academic institutions. For details, <http://www.vub.ac.be/iPAVUB> or <http://www.privacynetworkinfo/>

Circumcision features in national debate: Circumcision, as supporters call it, or female genital mutilation, as opponents refer to it, was suddenly a ferocious focus of debate in Egypt this northern summer. A nationwide campaign to stop the practice has become one of the most powerful social movements in Egypt in decades, uniting an unlikely alliance of government forces, official religious leaders and street-level activists.

Though Egypt's Health Ministry ordered an end to the practice in 1996, it allowed exceptions in cases of emergency, a loophole critics describe as so wide that it effectively rendered the ban meaningless. But now the government is trying to force a comprehensive ban.

Conservative voices most prominent in US papers: A report from *Media Matters* in the US has analyzed the content of US opinion pages and found that 60 per cent of newspapers print more conservative columnists each week than progressive voices. For the report: http://mediamatters.org/reports/oped/?f=h_top

– from MEAA bulletin, 13 Sept 07

FOR STUDENTS:

Young journalists for Human Rights Watch fellowship

Application Deadline: 5 October 2007

Recent journalism and law graduates worldwide have the chance to apply for an international fellowship with Human Rights Watch. The fellowship is also open to recent graduates from law, international relations or area studies, and those with comparable relevant work experience. The next round of fellowships starts in September 2008 and is open to graduates with relevant degrees received after January 2005 and before August 2008. For more information, <http://www.hrw.org/about/info/fellows.html>

DIARY DATES

24-25 October, Sydney: inaugural Australian Public Sector Anti-Corruption (APSAC) conference <http://www.icac.nsw.gov.au/conference2007/>

3-10 November 2007, Sao Paulo, Brazil: VII International Human Rights Colloquium, annual peer-learning event for young activists from Africa, Asia and Latin America to make connections with and between UN organizations. Info: http://www.conectas.org/coloquio/home_en.html

9 November, Canberra: Geoffrey Sawer Lecture, *Australian Exceptionalism*, Professor Michael Taggart, University of Auckland

9 November, Sydney: David Marr speaks on *In this day and age we can't be too careful, can we?* at inaugural Ken Buckley/John Marsden dinner. Details Berenice Buckley on 02 9818 1553 or email: <mailto:berryb@iint.net.au>

9-10 November, Canberra: 12th Annual Public Law Weekend: *Death of the Rule of Law?* Visions Theatre, National Museum. <http://law.anu.edu.au/cipl/events.asp>

28 November, Melbourne: Public forum: evening, for conference below...

29-30 November, Melbourne: 24th international conference, Law and Society Association of A & NZ: Proposals by 21 Sept. Centre for Media and Communications Law and Institute for International Law and the Humanities, U. Melb. Law School. Details: <mailto:law-cmcl@unimelb.edu.au>

10 December, World: Human Rights Day www.ohchr.org

2010:

10/10/10, World: Target date for the start of the **CLA**-promoted moratorium on the death penalty – ***10/10 for Life***.

LAST WORD: Are Bush edicts fatuous?

American blogger 'Justinian' wrote last month about the never-ending series of edicts issuing from the White House.

A recent one allows the US military to use 'enhanced interrogation techniques', whatever they are in the world of US Administration double-speak.

"I've been trying to think of a name for these ubiquitous Bush edicts," *Justinian* wrote. "Many of them have the flavor of a papal anathema or imperial injunction; indeed, of a *fatwa*. That put me in mind of an early 20th century Americanism, *bushwah*, which the *Oxford American Dictionary* defines as "rubbish, nonsense, bullshit".

Although it derives from *bourgeois*, it's a plausible combination of Bush and *fatwa*, the columnist says.

"Today, the President issued a Bushwah" has a certain ring. It could be shorthand for a curse delivered upon some unfortunate target, say the Islamic Republic of Iran, or a citizen *Staatsfeind*."

<http://gtmoblog.blogspot.com/2007/09/from-our-friends-down-under.html>

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**Updated 15 Dec 09*