# Drug Law Reform

***In early March, the Institute released a new discussion paper on drug policy, titled* Drug Law Reform: Beyond Prohibition. *The paper evaluates the impacts of strict drug laws and the current approach to illicit drugs. Andrew Macintosh argues that the costs of the current regime exceed the benefits and that far better outcomes could be achieved by expanding treatment and prevention services and easing the punitive pressure on drug users.***

The launch of the paper followed soon after the announcement that the Council of Australian Government's (COAG) would prepare a mental health strategy that would promote stricter drug laws to address growing concern that drug use is contributing to burgeoning mental illness problems.

This came as no surprise as the Federal Government, New South Wales Government and several state liberal parties had all been making noises in the preceding months about the need for tougher drug laws.

Until recently, the Howard Government's drug policy has been decidedly two-faced. Publicly, the Government has presented itself as having a 'zero-tolerance' approach to drug issues. This was illustrated in its decision to name the National Illicit Drug Strategy 'Tough on Drugs' in 1997.

Despite the name, the strategy adopts a modified form of prohibition that attempts to mitigate the negative effects of strict drug laws with diversion programs that direct drug users from the criminal justice system into education and treatment.

The Federal Government has also provided additional funding for certain prevention and treatment programs and has tolerated a number of harm reduction initiatives that are incongruous with the rhetoric of zero tolerance, including needle exchange and methadone maintenance treatment.

At first glance, the outcome may seem to be perfectly sensible: governments talk tough to signal society's disapproval of drug use, while supporting a moderate form of prohibition and expanding treatment and prevention services. Unfortunately, the reality is less positive.

> The history of drug policy under the Howard Government has been decidedly two-faced.

The Federal Government has opposed the implementation of innovative harm reduction programs like prescription heroin trials and drug consumption rooms. Further, approximately 80 per cent of government funding for illicit drug issues is spent on drug law enforcement and despite the additional funding provided under the National Drug Strategy, treatment and prevention services remain grossly under-resourced and limited in reach.

The much celebrated diversion programs are an inefficient means of dealing with drug problems. Research

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shows that they are extremely expensive and no more effective than voluntary treatment. Compulsory and coerced treatment can also distort public health priorities and result in non-dependent users being sent to treatment when it is unnecessary, which can then displace those in need. These programs may be a slight improvement on pure prohibition, but they are no long-term solution to the problem.

While the Federal Government should shoulder a considerable amount of the blame for the current state of drug policy, state and territory Labor governments have also been reluctant to embrace drug reform. There have been some exceptions, such as the establishment of the Kings Cross drug consumption room and the decriminalisation of minor cannabis offences, but state Labor policy has remained entrenched in the prohibition mould.

**Strict new laws**

Recent events suggest that the moderate version of prohibition that has prevailed since the mid-1990s may be about to change. Strict new drug laws have recently been enacted that give the Commonwealth the power to intervene in what have traditionally been regarded as state drug issues. The Federal Government has also called for the end of cannabis decriminalisation. Not to be outdone, the New South Wales Labor Government has also promised to introduce draconian new cannabis laws.

Supporters of stricter cannabis laws argue that new evidence has emerged that illustrates that cannabis is a major cause of mental health disorders and that, as a result, it is necessary to tighten drug laws.

Yet the evidence concerning the link between cannabis and mental illness is hardly new. Further, the fact that cannabis use has adverse health consequences is no reason to increase the stringency of drug laws.

The more relevant question is whether stricter drug laws are the most effective means of addressing drug issues and, as the discussion paper details, the answer to this question is that there are better alternatives.

**Drawn to crime**

Drug policy is complex because drug laws work on both suppliers and consumers in often conflicting ways. For example, prohibitions on use deter some people from taking drugs. Arguably, most of those who are deterred would not have developed drug problems anyway.

However, even if it is accepted that drug laws do reduce use amongst a certain section of the community, they can also raise demand and drug-related harm by:

- forcing experimental drug users to interact with criminal suppliers, leading to an escalating cycle of harder and greater drug use;
- triggering a ‘forbidden-fruit effect’, whereby the illegal status of drugs increases their attractiveness to certain people; and
- causing social and economic problems amongst users, which aggravate the causes of substance misuse disorders.

The often overlooked distinction between drug use and drug harm adds a further layer of complexity to policy issues. Fewer people using and supplying drugs is not a better outcome if it means those still involved in drug markets engage in more dangerous and criminal behaviour.

Drug laws can both increase and decrease the social costs of drug markets by changing the patterns of drug use, the behaviour of drug users, the types of drugs supplied and the methods used to supply them. Examples of the negative effects of prohibition on drug users include the users refusing to seek medical assistance for fear of being prosecuted, increase dangerous behaviour like needle sharing and binge consumption, and greater drug-related acquisitive crime.

The supply-side effects are no less severe. Prohibition increases the risks associated with drug quality, leads to the supply of more potent drugs and causes corruption.

Most of the media coverage of the Institute’s paper did not probe into the complexities of the policy debate, preferring to concentrate on the discussion of the causes of Australia’s heroin drought and the general futility of prohibition.

> Drug policy is complex because drug laws work on suppliers and consumers in different ways.

The report prompted the new Chair of the ANCD, Dr John Herron, the former Howard Government Minister for Indigenous Affairs and Ambassador to Ireland and the Holy See, to put out a media release that insinuated that the discussion paper failed to acknowledge the positive trends concerning illicit drug use, drug-related harm (particularly the gains made in relation to heroin) and government funding for treatment and prevention programs.

This statement was strange as the discussion paper does review these issues, although it is doubtful that the ANCD had actually seen the full report before the press release was published.

The question remains whether the paper will be able to influence policy-makers and the broader ongoing debate about drug policy. While the Federal Government may have made up its mind it is hopeful that some of the states and territories are still open to alternative options. ■

**Andrew Macintosh is the new Deputy Director of The Australia Institute.**

# Skip Dipping: Shopping For Free

**Anybody fancy a little skip dipping? How about some hopper shopping, urban gleaning or dumpster diving? Emma Rush explores an interesting new phenomenon.**

A small segment of middle-class people are making a surprising new kind of political protest against the enormous quantities of waste produced in affluent societies – by sorting through it and reclaiming some of it for personal use or redistribution.

This informal social movement is evident in Europe and North America, and it also appears to be on the rise in Australia. Early this year, we spoke to a range of people about their motivations for dipping into commercial and construction industry skips – and the treasures they've pulled out!

### Who are the skip dippers?

Skip dippers in Australia are both women and men, from their late teens to their early sixties, and most are either studying or professionally employed – including engineers, academics and ministers of religion. Two features, however, were common to all skip dippers interviewed.

The first was a strong objection to the vast quantities of wasted production, usually couched in an awareness of the environmental damage resulting from this. Many also stated an ethical objection to the disregard for the many people who still go without which is shown by organisations that are wealthy enough to throw away items that are still usable.

The second characteristic common to all skip dippers was a genuine enjoyment of the process of reclaiming usable items, which they described in terms such as 'fun and ethical', 'adventurous', 'the thrill of the chase' and 'liberating'.

Dipping into construction industry skips for re-usable items seems to be more acceptable than dipping into supermarket skips for food. Construction skip dippers are happy to 'dip' during the day, 'whenever I pass one, if convenient'. Besides the many reusable building materials that are discarded, they have had some amazing finds – the most impressive being not one but *four* overhead projectors (now superseded by data projectors) which were thrown out by a top Melbourne hotel.

### What do they find?

Dipping into supermarket skips is usually practised at night to avoid attracting attention. Skip dippers often go in small groups to sort through the contents, which sometimes (although not always) look a lot less like rubbish than the uninitiated might imagine.

Many supermarket skips are emptied daily, which means nothing has been sitting there long, and a significant portion of the waste is clean plastic packaging material.

The dippers pull out almost everything imaginable. One spreadsheet from a household who kept a record of their 'takings' included from one trip: rubber gloves; shampoo and conditioner; endives; Anzac biscuits; oranges; lettuces; tomatoes; bananas; grapes; and 15 jars of pasta sauce – one was broken and the labels of the others were smeared, but nothing was wrong with the contents.

The latter is a common phenomenon – other skip dippers referred to 'a 2kg bag of oranges with one orange broken', 'a dozen eggs with one broken' and 'a box of jars of honey with one broken'. Best finds from around Australia included wine and beer, imported chocolates, 15 bottles of cranberry juice (all still within the use-by date), 'a huge bag of cherries that made a fabulous enormous cherry pie', and 'two brand new pressure cookers'.

Anything that can be found on the shelves inside the supermarket is eventually going to end up in the skip out the back for one reason or another: either it is beyond the use-by date; its packaging is dirty or broken; more stock has arrived and the old stock is discarded; or a customer has knocked it onto the floor and it has been swept up by staff who are not allowed to put packaged products back on the shelf once they have fallen on the floor.

In response to criticism from people who see skip dippers as 'yuppies taking food from the mouths of those who need it', skip dippers respond that the problem is usually too much food in the skips rather than not enough. An accepted principle of the practice around the world is to leave enough for others who may need it.

It is reasonable to assume that skip dippers barely make a dint in the 17 million tonnes of solid waste that is disposed of in landfill each year in Australia. But their practice bears witness to the fact that despite some success in the limited recycling programs available across Australia, we are still a very long way, both culturally and institutionally, from a society that systematically eliminates waste. ■

*Skip Dipping in Australia* is available for download under 'What's New' at the Australia Institute website www.tai.org.au

# The Dirty Politics of Climate Change

***In a recent speech in Adelaide, Institute Executive Director Clive Hamilton exposed the work of the "greenhouse mafia", fossil fuel lobbyists who have huge influence in Canberra. This is an edited version of his speech.***

Behind the daily news reports there is a secret world of politics in Canberra, the world in which the real business is transacted. It's a world of powerful lobbyists who use methods both subtle and brutal to advance their own interests without a care for the effects on other Australians.

Because the way it works is so contrary to the democratic process, it is in the interests of those involved never to speak of it in public. Occasionally we get glimpses of it when things go wrong, or when a former insider allows us a peek, but its true nature remains shrouded in secrecy.

The inner workings of this world were exposed on the ABC's *Four Corners* program on 13 February. The program was based on a disturbing analysis of how climate change policy is decided in Canberra. We now know that for a decade the Howard Government's policies have been not so much influenced but actually written by a tiny cabal of powerful fossil fuel lobbyists representing the very corporations whose commercial interests would be affected by any move to reduce Australia's burgeoning greenhouse gas emissions.

> Climate change policy has been influenced by the "greenhouse mafia".

The story has been uncovered by the efforts of the author of a doctoral dissertation recently completed at the ANU. Guy Pearse, a member of the Liberal Party and a former adviser to Senator Robert Hill when he was environment minister, has managed to coax the leading members of the fossil fuel lobby into frank admissions about how they go about their business.

It emerges that climate change policy in Canberra has for years been determined by a small group of lobbyists who happily describe themselves as the 'greenhouse mafia'. This cabal consists of the executive directors of a handful of industry associations in the coal, oil, cement, aluminium, mining and electricity industries.

Almost all of these industry lobbyists have been plucked from the senior ranks of the Australian Public Service where they wrote briefs and cabinet submissions and advised ministers on energy policy. The revolving door between the bureaucracy and industry lobby groups has given the fossil fuel industries unparalleled insights into the policy process and networks throughout government.

The members of the greenhouse mafia claim to be more familiar with greenhouse policy than the Government, because they are the ones who wrote it. As one bragged: "We know more about energy policy than the government does. … We know where every skeleton in the closet is most of them we buried".

According to Dr Pearse after hours of interviews, they are absolutely committed to defeating the environment movement on climate change. Emboldened by their success, he wrote, "they pursue the greenhouse agenda with an almost religious zeal".

The Howard Government has allowed the greenhouse mafia extraordinary influence over Australia's stance on climate change. Alone among the nations of the developed world, key members of fossil fuel lobby groups have actually been made members of Australia's official delegation that has negotiated or more accurately, attempted to derail international agreements on climate change, notably the Kyoto Protocol.

Even the Bush Administration does not permit this unseemly arrangement, relegating fossil fuel lobbyists to the gallery along with other NGOs rather than having them at the conference table. Said an insider: "They are part of the [Government's] team. It is probably the best cross-industry alliance; the most successful … of any one that has been put together. … We all write the same way, we all think the same way, we all worked for the same set of ministers".

Green groups have been no match against such a powerful opponent when it comes to crucial policy decisions. This is when the inside knowledge and connections of the greenhouse mafia really make a difference, and when the democratic process is trashed.

> "We know where every skeleton in the closet is – most of them we buried."

Cabinet deliberations, ministerial committees and preparation of cabinet submissions are meant to be confidential and beyond the reach of lobbyists. Indeed, the unauthorised disclosure of cabinet-in-confidence materials is a crime. Yet the research reveals that the greenhouse mafia has "unrivalled access" to internal government processes.

Members of the greenhouse mafia even admit to being called in to government departments to vet and help write cabinet submissions and ministerial briefings, referring to

'mutual trust' between the lobbysists and the bureaucrats (whose seats the lobbyists once warmed). They have used this access to help bureaucrats in the industry and energy departments write submissions designed to counter proposals coming to Cabinet from the Australian Greenhouse Office through the environment minister. "It is about fixing the outcomes", one said.

Another glimpse into the cynical world of greenhouse politics was afforded last year when a set of secret meeting notes was leaked. In May 2004 the Prime Minister called a meeting of LETAG, the Lower Emissions Technology Advisory Group, which consists of the CEOs of the major fossil fuel companies, including Rio Tinto, Edison Mission Energy, BHP Billiton, Alcoa and Orica, the companies behind the lobby groups that make up the greenhouse mafia.

These sorts of meeting are never publicised, but we know about this meeting because private notes made by Sam Walsh, Chief Executive of Rio Tinto's iron ore division, were leaked. The notes provide another extraordinary insight into how climate change policy is really made under the Howard Government.

The industry minister Ian Macfarlane, who was also present, stressed the need for absolute confidentiality, saying that if the renewables industry knew they were meeting "there would be a huge outcry". The Prime Minister told this highly select group that his Government was in political trouble over greenhouse policy as it was being out-manoeuvred by the NSW Government and by Mark Latham who was benefiting politically from his promise to ratify the Kyoto Protocol and support the renewable energy industries.

There was an election coming up and the media, especially the *Sydney Morning Herald*, "had created a problem for Government" so he had called the meeting to get some ideas about how the Government could beef up its greenhouse credentials in a way that would convince the SMH that it was serious about climate change.

The Prime Minister also said he was also worried about the Tambling Review of the Mandatory Renewable Energy Target, which had cautiously recommended extending the scheme. Minister Macfarlane said that MRET review had "found that the scheme worked *too well* and investment in renewables was running ahead of the original planning". The Government was looking for an alternative so that it could kill off MRET.

In the tight little world of greenhouse lobbying, the Prime Minister saw nothing improper in going to the country's biggest greenhouse polluters to ask them what the Government should do about greenhouse policy, without extending the same opportunity to other industries, not to mention environment groups.

**The Dirty Dozen**

The greenhouse mafia of industry lobbyists have not, of course, been the only people preventing Australia from taking climate change seriously and, for historical record, the main culprits need to be outed. The twelve people who in my opinion have done more than all others over the last decade to prevent any effective action to reduce Australia's burgeoning gas emissions are named below.

In 50 years time, this 'dirty dozen' should be remembered as those most responsible for the failure of Australia to accept its international responsibilities and tackle the gravest threat facing the country in the 21st century. Some are well known, others have been highly influential behind the scenes.

I hope that in 50 years time as Australians swelter in debilitating heatwaves, battle fierce bushfires, fight over dwindling water resources, lament the loss of unique species and tell stories recalling the wonders of the Great Barrier Reef, they will be reminded of the names of those who refused to act in the face of overwhelming evidence of what lay ahead. They carry a huge burden or moral responsibility. ■

**Hugh Morgan.** As the CEO of Western Mining and a member of the BCA, Morgan has been influential in the Australian Aluminium Council and responsible for establishing the Lavoisier Group. Morgan has enjoyed unparalleled access to the Prime Minister.

**John Eyles**. Seconded from his senior position at Alcoa Australia to head up the Australian Industry Greenhouse Network (AIGN).

**Ron Knapp.** Formerly a senior Canberra bureaucrat and head of the World Coal Institute, Knapp has been the CEO of the Australian Aluminium Council since 2001. The AAC has without question been the most powerful and effective fossil fuel lobby group in Canberra.

**Alan Oxley**. The Chairman of Monash University's APEC Study Centre and former trade ambassador, Oxley has been involved in almost every major initiative and lobbying effort of the climate skeptics brigade. Now employed by TCS Daily – an extreme right wing web-based news and lobbying outlet partly funded by Exxon Mobil.

**Peter Walsh**. The old Labor political war horse who helped organized the secretive right-wing Lavoisier Group. Rehashes stale arguments in the opinion pages of *The Australian*.

**Meg McDonald**. Headed the Australian delegation to the Kyoto conference in 1997, then joined Alcoa as its head of corporate affairs. She spearheads the aluminium industry's fierce rejection of the treaty she helped to negotiate.

**Barry Jones.** The former head of APPEA, Jones was at the heart of the greenhouse mafia in Canberra.

**Chris Mitchell.** As editor-in-chief at *The Australian*, and before that at the *Courier Mail*, Mitchell has adopted an aggressive stance against anyone arguing that climate change is a problem.

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# Gagging the CSIRO

*Roslyn Beeby*

Shortly after taking up the post of CSIRO chief executive, Dr Geoff Garrett addressed a national meeting of communications staff and jokingly compared his role as the organisation's leader to the exploits of British cartoon character, Captain Horatio Pugwash.

He explained that he and CSIRO's divisional chiefs were like Pugwash and his blundering pirate crew, frequently steering straight for trouble, but inevitably saved in the nick of time by the common sense of Tom the Cabin Boy. Like Tom, the role of the various team was to keep the CSIRO ship out of troubled waters, Dr Garrett explained.

Although CSIRO's scientists weren't included in this cartoon comparison of organisational roles, it was subsequently suggested they were probably viewed by management as crewing for arch-rival buccaneer Captain Cut-Throat Jake, intent on plundering corporate doubloons to bolster their flagging research budgets.

In modern management theory, folksy anecdotes like this are part of an organisation's bonding package. The big gun gurus like Jack Welch and Stephen Covey use homespun pop culture parables - and cloying personal stories about family life - to illustrate nebulous concepts like solution-selling, synergistic communication and quadrant management.

It's an insular, buzz-word culture that doesn't sit well with the scientific tradition of fearless inquiry, sharp analysis and robust debate. This clash of cultures - the spin tactics of information management locking horns with scientific rigour - lies at the root of current allegations within CSIRO that scientists are being gagged.

There have been numerous reports aired recently. Former CSIRO Atmospheric Research chief Dr Graeme Pearman was warned not to comment publicly on greenhouse emission reduction targets. Resource economist and architect of national water reform, Professor Mike Young, was carpeted for releasing a report which claimed some - not all - drought assistance schemes might not be compatible with sustainable environmental management.

And a Senate Estimates Committee heard that three CSIRO scientists who were members of the influential environmental think-tank, the Wentworth Group of Concerned Scientists, were pressured by former Federal science minister Peter McGauran to 'rethink' their involvement.

CSIRO management's response has been to claim that these scientists had strayed into 'the zone beyond which science could give way to policy development'. Decoded, that means they had suggested solutions to problems instead of waffling about the need for expanded perspectives or ongoing dialogue.

An executive-level task force has been set up by Dr Garrett to explain to staff how CSIRO's newly-devised (and tightened) communications policy will guide future public comment. CSIRO management has played down the gagging allegations, declaring robust debate is encouraged by the organisation. The problem is simply that confusion has arisen among staff over a blurry line between objective comment (e.g. climate change is occurring) and 'policy prescriptive' comment (such as, we and the government should do something about it).

But this tutorial-style approach doesn't address two concerns that are increasingly undermining CSIRO's capacity for informed and independent scientific comment. They are the selective culling of pockets of scientific expertise as a way of silencing debate on politically contentious issues such as continuing environmental degradation and species loss; and the in-house silencing of scientific dissent when it clashes with commercial interests.

Last year, a wave of redundancies at CSIRO's Sustainable Ecosystems stripped the division of senior expertise in feral pest control and conservation biology. The division has adopted an agri-business focus, and any potentially dissenting voices have been effectively silenced by this ruthlessly selective culling and the climate of fearful compliance created in the wake of this forced exodus.

One of the most disturbing allegations of of gagging concerns two CSIRO atmospheric research scientists - Dr

QUARTERLY ESSAY

**Whither Social Democracy?** The latest Quarterly Essay published by Black Inc is by Institute Executive Director Clive Hamilton. Titled ***What's Left? The death of social democracy***, it throws out a challenge to Australia's social democratic party, both the true believers and the right-wing machine men. He argues that the Labor Party has served its historical purpose and will wither and fade as the progressive political force in Australia.

Copies of the Essay may be purchased at the discounted price of $13 (includes postage within Australia). Just email (mail@tai.org.au) or ring the office (02 61251270).

Fred Prata and Dr Cirilo Bernardo - who voiced concerns, not over climate change, but the commercialisation of an aviation safety device. Prata and Bernardo are, respectively, the inventor and instrument designer of an early-warning system to alert pilots and air traffic controllers to aviation hazards caused by volcanic ash plumes.

They argued, as clearly was both their right and duty, that the technology needed more work before it could be commercialised by CSIRO. As a consequence of speaking up, they claim they were excluded from any further involvement with the project and, in Prata's case, admonished for not being a team player. Bernardo's contract was not renewed and Prata was made redundant earlier this year. The technology, which would have benefited all Australian taxpayers by making flying much safer, looks likely to be left to gather dust on the shelf.

These are turbulent waters. Captain Pugwash and Tom the Cabin Boy need to come up with a better solution than running a series of management-controlled fireside chats that will explain to scientists how to boldly speak up, while boldly saying nothing. As Bertolt Brecht wrote in *Galileo*, a play which explores the clash of science with political censure, 'science knows only one commandment - contribute to science'.

**Rosslyn Beeby is the environment and science reporter at the Canberra Times.**

The Australia Institute

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# Bugging Legislation

***Cameron Murphy***

Proposed measures to extend the interception powers of police to 'stored communications', including email and SMS messaging, were recently introduced into Federal Parliament by the *Telecommunications (Interception) Amendment Bill 2006*. If passed, the bill will strike another blow against civil rights by dramatically expanding the capacity of law enforcement agencies to intrude into our private lives.

The *Telecommunications (Interception) Act 1979* is supposed to protect our privacy by prohibiting the interception of telecommunications without a warrant. These so-called 'interception warrants' fall into two broad categories: security warrants that relate to national security issues and criminal investigation warrants.

Unfortunately, bugging has reached plague proportions in recent years. In fact the per capita telephone interception rate in Australia is 26 times higher than in the United States.

Bugging worries civil libertarians because the scope of the warrants is often extremely broad and the operations are covert. You do not know that your phone has been tapped by authorities; or that every conversation is monitored, recorded and transcribed.

**Secret interception**

In most cases, people only discover that they have been the subject of an interception when their communication is later used in criminal proceedings. In contrast, a person who is the subject of a standard search warrant is usually aware that the search is being conducted. Search warrants also tend to be far more limited in their reach, providing the police merely with the power to enter a particular location and seize specific items.

Before 11 September 2001, two types of interception warrants were available for criminal investigations, service warrants (for a particular service like a phone line) and named person warrants (for any service a named person may use). These were limited in their use to the investigation of very serious offences, including murder, kidnapping and narcotics offences.

> Per capita telephone interception rates in Australia are 26 times higher than in the US.

In early 2002, the legislation was amended to permit the issue of these warrants in connection with the investigation of a collection of additional offences - terrorism, serious arson and child pornography.

Two further amendments were passed in 2004 to provide law enforcement agencies with greater access to stored communications such as email, SMS messaging and voicemail communications.

At the time, we were told that these measures were necessary if our law enforcement agencies were to keep apace with the sophisticated technological innovations favoured by terrorists. We are now told once more by Attorney General Phillip Ruddock that powers must be further expanded to take account of the innovative techniques being used by suspects.

The new legislation adds to this trend of creeping amendments by further expanding the types of devices and people who can be subject to interception warrants. There are three main areas of concern.

Firstly, the bill will broaden the types of communications that are subject to interception warrants to include such

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# Institute notes

## New Publications

A. Macintosh, *Drug Law Reform: Beyond Prohibition*, Discussion Paper No. 83, March 2006.

C. Hamilton, *What's Left? The Death of Social Democracy*, Quarterly Essay, Issue 21, 2006

E. Rush, *Skip Dipping in Australia*, Webpaper, February 2006

## Forthcoming Publications

E. Rush, *Corporate Control of Childcare*

A. Macintosh, *The Case Against School Vouchers*

F. Argy, *Equality of Opportunity in Australia*

H. Saddler & F. Muller, *Border Tax Adjustments for Greenhouse Policy*

***INSTITUTE NEWS***

We are please to announce that Andrew Macintosh has been appointed Deputy Director of the Institute.

Other new staff members include Christian Downie who started as a Research Assistant and Kelly Bruce who is our new Office Manager.

*Bugging Legislation from page 7*

things as email, voicemail, SMS and internet records. Secondly, interception warrants concerning stored communications will be extended to include ordinary criminal investigations rather than security- and terrorism-related offences.

Thirdly, the legislation will give law enforcement agencies the power to obtain warrants to tap the phones of innocent 'b' parties – people who, though they themselves are not suspected of any offence, are thought likely to be contacted by a suspect.

These 'b' party warrants shift the focus of interception from those suspected of an offence to third parties who happen to know someone who may be a suspect. For the duration of the warrant, law enforcement agencies would be able to intercept all of the third party's telephone conversations and other relevant communications. In the instance that the third party discloses involvement in an unrelated crime, the legislation provides no protection from self incrimination, even for minor offences.

The puzzling thing about 'b' party warrants is that law enforcement agencies already have the power, under so-called 'named person' warrants, to tap any phone that a suspect is likely to use. The only difference is that by transfering the focus of investigation from a suspect to a 'b' party it expands the information collected and intrudes into the lives of non-suspects.

Police claim that these measures are vital to effective law enforcement. But these developments represent an extension of interception powers to circumstances for which they were never intended. This is not a new phenomenon. It is often the case that draconian measures, introduced for a very limited and specific purpose, are subsequently extended in their application to less grave subject matters.

Here, we have witnessed the extension of telecommunications interception powers from their original subjects - terrorists and organised crime bosses – to a much broader group of people, including innocent third parties. In a pincer movement, we have also seen the extension of these powers to a greater variety of 'communications'; from telephone conversations, to email, instant messaging, SMS and the internet.

Rather than being a policing measure of last resort, phone tapping has become the norm in ordinary criminal investigations. Police are effectively substituting interception warrants for normal search warrants in an attempt encroach on peoples' private lives. These latest laws will only further erode our diminishing civil rights and protections against the state.

***Cameron Murphy is president of the NSW Council for Civil Liberties***

*Climate Politics from page 5*

**Ian MacFarlane**. As industry minister in the Howard Government since November 2001, Macfarlane has been the greenhouse troglodyte of the Government.

**Alan Moran.** As the head of the Regulatory Unit at the Institute for Public Affairs, a right-wing think tank with close ties to greenhouse sceptics, Moran's role has been to support the fossil fuel corporations with anti-environmental opinions about climate science.

**Malcolm Broomhead.** CEO of chemicals and mining company Orica since 2001. He led the charge against emissions trading on behalf of the fossil fuel lobby.

**John Howard.** The Prime Minister has consistently taken the side of the fossil fuel lobby and dismissed the interests of other industries. His door is always open to the bosses of big fossil fuel corporations and closed to those representing renewables (except his ethanol-producing mate Dick Honan).