

ual. It does not follow that because we live already with a plethora of licences, cards and numbers that one more would make no difference, just as it does not follow that ID cards, once introduced, could be restricted to dealings between citizens and government departments.

The *West Australian* asked how long it would be before government officers at all levels, including the police, came to see the cards as an essential preliminary to any dealing with the public. It commented that given our 'natural aversion' to taking a difficult course when an easier one is available, restraining legislation would be 'about as effective as laws to make water run uphill':

The big danger, however, results from advances in computer technology. A universal ID system would produce an instantaneous data base able to amass and retain copious amounts of confidential information about every citizen. Control over that information would pass from the individual to the State.

The *West Australian* concluded that the case for such a change in Australia's present circumstances had not yet been made (4 June 1985). The *Courier-Mail* (3 June 1985), on the other hand, supported the proposal for an identity card:

We believe the idea has a deal of merit. Tax cheats and social welfare frauds deserve no public sympathy; they are sponging off the efforts of others who pay their contribution to the community. There might be some grounds for disquiet if a malevolent government was inclined to abuse the purpose of these cards. In the Australian political context, this is most unlikely.

Mr Jim Nolan, Executive Member of the New South Wales Privacy Committee, said his Committee strongly disagreed that the benefits of an identity card system would outweigh its disadvantages, as argued by the Federal Treasury. He said that there were serious doubts about the so called benefits anyway: 'cash transactions would not be affected one way or another by the ID card system', he said. 'If a plumber got a hundred dollars in cash for a job he would not put it in a bank; he would go into Grace Bros and

spend it. Ms Beverly Schurr, Secretary of the New South Wales Council for Civil Liberties, said federal privacy policy would have to be properly established before any consideration was given to the ID system' (*Sydney Morning Herald*, 6 June 1985).

hampering surveillance? Meanwhile, a proposed Victorian Government Privacy Bill drew criticism from police, private investigators, the security industry and journalists. Police claimed that the proposed Bill would hamper sensitive surveillance operations: 'Up until now we have been able to take pictures of people meeting on private property as long as we stayed on public ground', a policeman is quoted in the *Melbourne Sun* of 15 March as saying 'We would need a warrant from a County Court judge before we could move, and that just would not work'. The Victorian Attorney-General, Mr Jim Kennan replied that the legislation would not affect police operations. Mr Kennan said that he had hoped to have the legislation ready for Parliament's Autumn Session but that that was now out of the question and that he wanted comment from all interested parties.

personal freedom

O God! I could be bounded in a nutshell,
and count myself a king of infinite space.

Shakespeare, *Hamlet* II, 2, 263

safeguards. The Federal Director of Public Prosecutions, Mr Ian Temby QC spoke of a need to preserve the safeguards to personal freedom in a speech to a university gathering during the past quarter. Mr Temby, speaking at a graduation ceremony at his Alma Mater, the University of Western Australia on 18 April 1985, said:

It may be that in the more austere age which looms, personal freedom is undervalued ... There has been a retreat from the ideal of the supreme importance of the individual, and an increase in the power exercised by Government authorities, Courts, or the politicians, and perhaps most dangerously 'the majority'. It should be a matter of concern to us all.

Mr Temby argued that no amount of 'drug abuse, dirty movies, or official corruption could justify the in-roads being made on the personal privacy, liberties and freedoms which we have traditionally enjoyed'.

Mr Temby proffered three examples of the way in which he said standards had already slipped in the area:

- allegations in an anonymous letter referred to recently in the Federal Parliament 'were given the same sort of credence as an official report might properly command';
- elements of the press have dubbed an individual who has never been convicted of any offence as 'public enemy number one';
- many are disposed to sanctify certain law enforcement officers who broke the law by tapping telephones.

Mr Temby adopted the sentiments of former ALRC Commissioner, Professor Zelman Cowen, as he then was, from the 1969 Boyer Lectures on Privacy to the effect that the protection of privacy depended not only on appropriate legal protections and procedures but also on the attitudes of men and women in democratic societies.

bills of rights and wrongs

It is always easier to be sympathetic to someone else's minority groups. They are safely out of reach and can be accorded a dignity denied our own.

Bruce Dawe, Toowoomba *Chronicle*,
14 September 1978

nz bill of rights. The advent of the Labor Government in New Zealand has brought fresh pressures in that country for a Bill of Rights for New Zealand. Earlier this year a White Paper was presented to the New Zealand House of Representatives by the Hon Geoffrey Palmer, Minister for Justice. The White Paper contained a draft Bill of Rights for New Zealand and detailed comment on each of the proposals. The New Zealand draft is clearly intended to establish the supremacy of the Bill of Rights over existing

law. It is based on the International Covenant on Civil and Political Rights and is also designed to recognise and affirm the treaty of Waitangi with the Moari people in 1840. The Paper carefully analyses the problems identified with Bills of Rights including the necessity or desirability of judicial law making, the changes that would be necessary or that would result in the role of the courts, and the relationships of the Bill of Rights to rights of administrative action and existing protections for human rights.

a wider role. The White Paper comments finally:

but the Bill of Rights will be more than a legally enforceable catalogue of fundamental rights and freedoms. It will be an important means of educating people about the significance of their fundamental rights and freedoms in New Zealand society. Citizens will have a readily acceptable set of principles by which to measure the performance of the government to exert an influence on policy making. An awareness of basic human rights and fundamental freedom amongst citizens and a desire to uphold them is as powerful a weapon as any against any government which seeks to infringe them ... As Sir Robert Cooke has said 'there is a wider and deeper argument. An instantly available, familiar, easily remembered and quoted constitution can play a major part in building up a sense of national identity.'

social and economic rights excluded. According to Mr Palmer, the Bill excludes economic and social rights for a very deliberate reason, namely that these matters, in the New Zealand Government's view, should be left to the political process.

progress report. More recently Mr Palmer disclosed the Government was not entirely happy with the way in which public debate on the Bill of Rights was progressing. Addressing a seminar of the International Commission of Jurists on the Bill of Rights on 10 May 1985, Mr Palmer said:

it is my view that very few people have much appreciation of what is involved in adopting a Bill of Rights for New Zealand. We are still a long