



**ALTA 2003**  
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## **Abstracts from the Law and Social Justice Interest Group**

### **Surveillance Law**

Rick Sarre

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#### **Abstract**

The paper endeavours to list and critique the legislative initiatives that both empower and restrict surveillance at State and federal level, along with the motley array of common law torts that may apply to protect against eavesdropping. Video cameras are included in a broader definition of the term 'surveillance device' that now includes optical surveillance devices in WA, Victoria and in NSW (but only in so far as workplace surveillance is concerned). The paper in its final form will also discuss information privacy legislation, e-privacy (from hacking) and the new ASIO surveillance provisions. Surveillance is ubiquitous and discriminatory, and is becoming more intrusive as the tools of surveillance become smaller and more effective. Yet surveillance law is a mixed bag in Australia. What are the implications for personal privacy and social justice? What accountability for the use of surveillance is appropriate? Do the ends (especially in a world of heightened 'security') justify the means? What we can conclude is that the legal tools with which one can challenge unfair or illegal surveillance are only available to those who can afford the legal fight.

### **The MERIT pilot program in Lismore**

Greta Bird

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#### **Abstract**

MERIT is designed to reduce the number of drug dependent persons being gaoled. In MERIT a person arrested by a police officer is brought before the court as soon as possible. If they state that they are drug dependent, and they meet certain criteria, they are assessed for intake into the program. Many of these people are young and may enter adulthood with a criminal 'career' if they are not diverted from the mainstream criminal justice system. The evaluation by SCU judged the scheme highly successful, drawing on the insights of professionals, magistrates, police and health workers. The paper looked at the shift in criminal justice from a classical 'just deserts' approach to one that encompasses 'therapeutic' and restorative justice principles. It expressed some cautions about the ability of new models to answer old problems. This gave rise to an interesting dialogue concerning an issue in which it is often assumed that only good can come of 'therapeutic' diversion.

## **Gay male rape and domestic violence**

Chris Kendall

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### **Abstract**

This paper argues that the acts that result from gay male pornographic images are no less damaging than the acts resulting from other types of pornography. Far from the fantasy or mere fictional representation that its promoters would have us believe it is, gay male pornography presents (and therefore is a form of) male sexuality and male power. Gay male pornography, because it glorifies the masculine and denigrates the feminine, reinforces the male/female social dichotomy and hierarchy. Hence, in addition to the emotional and physical harms inflicted on those used to produce it, it strengthens those stereotypes. It also affirms that it is unnatural to engage in a sexual dynamic not premised on male/female polarity. Thus it is homophobic. The reality of gay male rape and domestic violence has not been given the academic attention it deserves. This was a fascinating exploration.