

STICKYBEAK



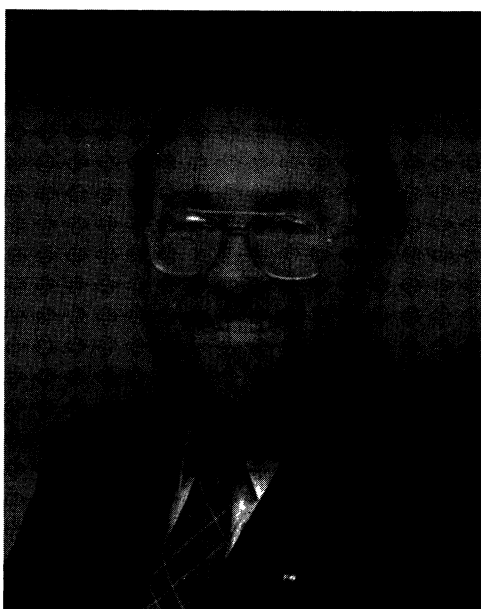
REFLECTION AND RENEWAL

Judge Ian Dearden, formerly a specialist criminal defence lawyer and President of the Queensland Council of Civil Liberties, is now a Judge of the District Court of Queensland. Besides his new role as a judge and his ongoing commitment to civil rights, he is also an accomplished folk musician. He spoke with the *Alternative Law Journal's* Yasmin Gunn and Kay Rosolen.

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Civil liberties and lawyering

Within the theme of 'Lawyering, Dissent and the Surveillance State' we interview two Queensland lawyers who have been prominent in issues of civil liberties and privacy, and social justice respectively. Albeit at different ends of different career paths, each reflects on the possibilities and potential for using legal expertise and advocacy to make a difference.



Judge Ian Dearden

Q: Why did you choose to study law?

No particular reason. I was good at economics at school and someone suggested I study accountancy. Someone else suggested that because I was good at debating, I should consider law. On that rather slight foundation I enrolled in a combined LLB/B Com at University of Queensland commencing in 1974. It was, in fact, 10 and a half years after I started studying law that I even got to see the inside of a solicitor's office.

I always knew I was going to university, but I had little idea what I was going to do (I knew I didn't want to study medicine). I was only 16 when I started university. I can't recall tossing up other options.

Q: How did you become involved in the Queensland Council for Civil Liberties?

I left Australia in 1981 and went to Europe. I came back in December 1983, and I enrolled in the legal practice course at QUT in 1984. The Queensland Council of Civil Liberties seemed to me to be an obvious avenue

for my interest and energy, given my involvement in student politics in the late 1970s.

Q: Can you contrast the civil liberties surveillance issues then (ie Joh-era Queensland) and now after September 11 and Tampa?

The more things change the more they remain the same. The threats to individual rights and liberties in Queensland in the 1970s and 1980s were indicative of an authoritarian regime seeking to exert (as Father Frank Brennan put in his book of the same name) 'Too much Order With Too Little Law'. I remain concerned to the present that rights and liberties are at significant risk with scant justification being provided.

Q: What were the burning issues in your work on privacy and the law?

Privacy was, in my experience of nearly 11 years as President of Queensland Council of Civil Liberties, the single biggest issue, both in terms of media comment and public contact. The range of issues is huge — from drug testing of mine workers (which overwhelmed me on my first day as president of QCCL) through to genetic testing, surveillance cameras and the sanctity of personal information.

Q: Have any of those issues been resolved or have they just been accentuated by new technologies?

Privacy issues have become far more complicated and omnipresent with the rise of computer and surveillance technology. It's almost impossible to live, work and play in modern society without leaving a trail, easily swept up by various modern technologies which make the capture, storage and retrieval of data remarkably cost effective. All of this occurs, in Queensland at least, in a regime where we have no wide ranging comprehensive, enforceable privacy legislation. The relevant Commonwealth privacy legislation is of only limited assistance in protecting individual privacy.

Q: How did you feel when you were sounded out about becoming a judge?

I felt quite overwhelmed by the prospect of having to sell my practice and deal with the personal, financial and personnel issues which would follow. I was a sole practitioner with a busy practice, a staff of seven, and no succession plan. However, with the benefit of a