

## Brandis seeks resignation of head of AHRC, Senate told

In sensational evidence before a Senate Estimates hearing last month, the head of the Australian Human Rights Commission, Prof Gillian Triggs, said Attorney-General George Brandis offered her the inducement of another job if she resigned from the AHRC.

The Brandis offer was transmitted in person by the secretary of the Attorney-General's Department, Chris Moraitis. Griggs is halfway through a five-year term.

There is a serious legal question over whether the offer is contrary to law, and whether both Brandis and Moraitis should be charged. At the very least, they should be censured by the Australian Parliament.

Prof Triggs described the offer as "a disgraceful proposal".

In Question Time the same day, the Prime Minister Tony Abbott launched a full-on assault on Prof Triggs saying she has lost the confidence of the government and her recent inquiry into children in detention was a "political stitch up".

The "Forgotten Children" report criticised both sides of politics, described shocking incidents of self-harm, and called for a royal commission to look into the continued use of the 1992 policy of mandatory detention and also allegations of sexual assault.

Brandis told the Estimates hearing that the total number of "illegal maritime arrival children" held in Australia that day was 126, plus 116 in regional processing centres. "As well as that there are 28 children in detention in the system who are not illegal maritime arrivals," Brandis said.

The Abbott government is developing a reputation for a bullying approach to any human rights and civil liberties issue, Civil Liberties Australia says. Whatever the issue, it can be bluffed or bombasted away.

The Triggs treatment appears to be a slide further along the continuum on the bullying scale.

## CLA lodges plea for better treaty making

Civil Liberties Australia has lodged a submission with the Australian Parliament appealing for better treaty-making processes to avoid problems like the current secret Trans-Pacific Partnership deal.

The submission, with Pauline Westwood as lead author, is to the Foreign Affairs, Defence and Trade Committee of the Senate.

The CLA submission calls for greater openness and transparency, for mandatory consulting with the Australian people, and for treaties to be made public long before anyone – the Executive or the Treaties Committee – can endorse them.

The Treaty should be on the committee's website shortly. <http://tinyurl.com/myjg9wj>

## Abbott security address: more him than us

Prime Minister Tony Abbott made a "security" statement on TV last month. We would like to report in detail on what he is planning to do about security. However, the speech was

**NOTE: Due to travel commitments, assembling this issue of CLArion had to be completed on 25 Feb 2015.**



**Here's part of our new logo...**

Thanks to the generosity of cartoonist John Ditchburn of *Inkinct Cartoons*, we are now formally permitted to use this cartoon as part of our logo. The Board will be working on logo ideas over the rest of the year: if any members have suggestions, please draw/describe your idea(s), with typeface and styles/colours, and send them in to: [secretary@cla.asn.au](mailto:secretary@cla.asn.au) or post to Box 7438 Fisher ACT 2611.

replete with rhetorical flourish and lacked detailed planning for the future.

It was more about the PM than the people.

To accommodate the PM's teleprompter technique, which means he can cope with short sentences only, it was delivered staccato. In short sentences. Sometimes only a few words.

Mr Abbott spoke first and foremost to the hard, dark men of Australian security, policing and military: they were the bulk of his 'live' audience because it is only among them that he now feels safe and loved. Even some of his senior ministerial colleagues in the audience can no longer be trusted, reports say.

For us at home, the backdrop was Australian flags, rampant. In trying to extrapolate from the speech the things the PM identified as new and which would happen in the future, we could produce this list only:

- a district in Iraq, Mosul, will be proscribed;
- the benefit of the doubt is being eliminated in all bureaucratic decisions (this inevitably means innocent people – refugee claimants and Australians in all walks of life – will suffer unreasonable consequences);
- the government will consider the findings of a recently-released, counter terrorism review, which recommends no major changes;
- there will be a national counter terrorism coordinator (has no-one been coordinating previously?);

- the government will “look at” immigration laws and the citizenship act (has nobody looked in recent years?);
- there will be a clampdown on organisations and individuals inciting religious or racial hatred (now that the Andrew Bolt case is over, and the government’s own proposed reform of the 18C hate-speech provisions is shelved );
- “the government will never underestimate the threat” (which means, in practice, it will frequently – probably constantly – overestimate the threat).

The speech, a cross between a half time football rev-up and the dribblings of a North Korean dictator more than an Australian PM’s vital and necessary address to the nation, ended with a ringing endorsement of the patently banal:

*“We will make the difficult decisions.*

*“We have the best national security agencies and the best police forces in the world.*

*“Our agencies are working together.*

*“All levels of government are working together.*

*“We are doing our duty.”*

The speech also contained listings of what the government has previously done and – as usual now with all Abbott set-pieces – it contained pre-emptive statements that conflict with the rights of the accused in upcoming “terrorism” trials. The PM himself is becoming an obstacle to the rule of law.

If you haven’t read the statement, please do so in full, lest you think the above coverage reports it inaccurately: <http://www.smh.com.au/federal-politics/political-news/prime-minister-tony-abbotts-full-national-security-statement-20150223-13m2xu.html>

## Prime Minister delusional over quality of agencies, forces

If the Prime Minister seriously believes – as he said in his national address – that Australia has the best security agencies and police forces in the world, he is delusional.

The security agencies have an awful record of mistakes, from the Hilton bombing, still “unsolved”, in which three people died 36 years ago, through dummy raids terrifying guests in a Melbourne hotel, to spying on the Timor Leste Cabinet, surveillance on the phones of the Indonesian President and wife, and illegally “kidnapping” two Muslims in Sydney, as formally ruled by a court. They are the failures and mistakes of the agencies we know about: mostly, they keep their big mistakes secret and hidden.

The police forces include the Australian Federal Police, whose wilful disregard of Australia’s not wanting its citizens to be shot by a firing squad in Indonesia is all too obvious.

The NSW Police Force is at open warfare within its own senior ranks, and in the Lindt Cafe siege, NSW Police managed to kill one person, the same as the manic Monis did.

Victoria Police have a woeful record over the years of shooting people dead; the NT Commissioner has just left his job due to alleged conflicts of interest in relation to a female friend; and the WA Police have an appalling history of wrongful convictions, locking innocent people up for years, and of jailing juvenile Aborigines in unconscionable numbers. The Qld Police? Mulrunji Doomadgee on Palm Island, enough said.

Does anyone seriously believe that our spooks and police are across-the-board better than Canadian and NZ equivalents, not to mention the UK agencies and police?

## Extracts from Crabb’s speech commentary on the ABC Drum site:

When is an immoderate bigmouth just a buffoon, and when is he a threat to others? This relationship between speech and action can be just as capricious in prime ministers as it is among weekend jihadists slamming the infidels on Facebook. The (national security) speech continued the trend of increasing empurplement in the PM’s prose department of late.

If the most obvious interpretation is true – that the Prime Minister intends on increasing restrictions on freedom of speech to outlaw the extremist or offensive language of religious figures – then it brings us to a very interesting place.

Tony Abbott fought his way into power on a firm conviction that freedom of speech was sacrosanct. He grappled for months with the attempt to repeal section 18C of the Racial Discrimination Act and eventually was forced by a nervous backbench to relent. How extraordinary that in these dark days he should be designing further crimps on free expression.

– Annabel Crabb, opinion from the ABC’s chief online political writer. <http://tinyurl.com/pcffrm2>

### And a comment on Crabb’s commentary:

If terrorism is about attacking western values and freedoms and the government’s response is to take away western values and freedoms, who’s won? – *rufus t firefly*

## ASIO investigations double

The number of high-priority ASIO terrorism investigations has doubled to 400 in the past year in what Prime Minister Abbott warned is a “long-term era” of heightened national security threat.

According to comments provided in advance of the national address by his office, Mr Abbott says ASIO is currently investigating “several thousand leads and persons of concern” including 400 high priority cases – double the number from a year ago.

(ASIO has a staff of about 2000, and can work with/call on about 12 other federal ‘brother’ agencies, such as the Australian Crime Commission, as well as federal and state police numbering about 63,000, of whom at least 5% or more than 3000 are intelligence-oriented). <http://tinyurl.com/pojmfmz>

Personal freedoms may be “redrawn” in the wake of the Martin Place siege, Prime Minister Abbott says, despite an initial report finding there were “no signs” gunman Man Haron Monis was intent on carrying out a terrorist act. (*CLA does not believe Monis’ act was “terrorist”*).

The report revealed 18 calls and emails were made to the national security hotline over a three-day period about Monis’ Facebook posts just three days before he walked into the Lindt café and held 18 people hostage. Monis suffered bouts of mental illness. He issued a fatwa by DVD against US President Obama. (Two people died in the incident: Monis killed Tori Johnson; police killed Katrina Dawson). He was on an accessory to murder charge, and was also charged with numerous sexual offences.

Yet none of these increasingly-alarming aspects caused authorities to re-classify him?

The PM makes much of the numbers of people under surveillance: but surely the question is surveilling the right

people, regardless of how many, or few. <http://tinyurl.com/l44c9gk>

Labor to roll over...with twist

The Coalition government has effectively 'wedged' the Labor Party on data retention laws, and any package is expected to pass the lower house of federal parliament easily.

But the Senate is a different matter.

Bernard Keane reported in *Crikey* that the government's proposal, forcing communications companies to keep records of the online and telephone activity of every Australian customer, would get Labor backing.

"However, legislation establishing the government's data retention regime may still face a difficult path through the Senate, with Labor understood to be considering following the lead of David Cameron's Conservative government in the UK and amending the bill to protect journalists and whistleblowers, who face being hunted down as police forces, intelligence agencies and corporate litigants trawl through the vast trove of personal data that will be created.

"Labor is expected to back the scheme, currently being assessed by the Joint Committee on Intelligence and Security, in order to avoid giving Tony Abbott any opportunity to revive his fortunes by branding Labor soft on terrorism," Keane wrote. <http://tinyurl.com/mj8rpwh>

### Data grab-bag likely to cause double trouble

The federal government's estimated \$300-\$400 million cost to establish its data retention scheme has been "plucked from the air" and could be "many multiples" higher, telecommunications experts warn.

One expert said the government was yet to provide sufficient detail of what it required of carriers and ISPs to accurately estimate the cost of establishing and running the scheme. Another said the estimate was far too conservative and likened the expenditure that could be needed to include smaller ISPs to that of the NBN rollout. Industry estimates put the cost at roughly double the government guess.

The experts were responding to Prime Minister Tony Abbott's comments that "even at the highest estimate" the cost of establishing the scheme would be lower than 1% of the Australian telecommunications sector's \$40 billion annual turnover. <http://tinyurl.com/klua3ao>

### Several moves afoot to achieve Better Justice

The federal Greens, under justice spokesperson Penny Wright, is assembling a group of experts to advise them on emerging legal issues and to strive for a fairer, smarter Australian justice system.

The Greens proposal matches closely with ideas developed by Civil Liberties Australia and Networked Knowledge in Adelaide in November 2014 for a 'Better Justice' campaign for Australia.

The CLA-based proposal is to run a campaign in conjunction with Canada. *Better Justice*, a campaign description 'owned' by CLA, is as needed in Canada with its federal and provincial system as it is in Australia.

CLA will work with others to gain most leverage from the joint concepts coming forward from a number of directions: a key thing to realise is that all these ideas now emerging are based on the foundation of apparent failing(s) in the legal and justice systems that are going uncorrected.

Senator Wright and the Australian Greens think the justice system Australia deserves would, among other things:

- take public legal education seriously and make sure that all of us understand our own legal rights and those of fellow Australians
- invest in making sure that everyone can access quality legal advice early and for as long as they need it – regardless of who they are, where they live, what their legal issues are or the size of their wallet
- be governed by a legislative framework that enshrines and protects procedural fairness, natural justice and judicial independence, even in the face of threats to national security or irregular migration
- clearly define the limits of government power and make sure that all government decisions that affect people's lives and rights are subject to meaningful merits review
- empower our courts and tribunals to resolve disputes early, quickly and fairly, limiting the potential for protracted and costly litigation or for long stretches in custody, awaiting trial.

They are also keen to end Aboriginal disadvantage and over-representation in the legal system and jails.

(Note: Senator Penny Wright is a member of CLA).

### Legal services cut for Indigenous Australians

Aboriginal and Torres Strait Islander legal services look set to have \$13.4m stripped from their funding over the next three years.

This is despite a December report of the Productivity Commission recommending a \$200m annual increase in funding to community legal centres, and reversing the proposed cuts to the Indigenous legal centres. <http://tinyurl.com/l2cno3y>

### Brandis finds \$17m for anti-terror 'Ozaganda'

Attorney-General George Brandis announced in Washington last month that the Australian government will set up a \$17m new agency to monitor social media and take down terrorist propaganda.

The AG was attending a US White House summit on countering violent extremism.

"We must move beyond the notion that some people have that the internet and social media are a lawless state, they are not," Brandis said. "Social media, the internet, cyberspace... one of the most sophisticated techniques and tools that terrorist groups like ISIL take advantage of. ...the Islamic State ha(s) learned to 'weaponise the internet'." <http://tinyurl.com/m83oox5>

It seems the plan is to counter their 'ganda with our 'ganda. The agency may be called the Ozaganda or Brandaganda.

### People unbuckle to save asylum seekers

For the second time in a handful of weeks, passengers have refused to buckle their seatbelts on a flight in a bid to stop an asylum seeker being deported.

In early Feb, Australian police boarded a Qantas flight to Darwin at Melbourne airport.

A Tamil man, Puvaneethan, 25, and a number of passengers were offloaded and the flight departed about an hour late.

In late December 2014, eight passengers on an Air China flight refused to sit down: Wei Lin, 41, was removed from the plane and sent to Villawood detention centre. <http://tinyurl.com/o9vqg66>

## Anzac motto demands two views

As Anzac Day on 25 April approaches, it's as well to recall the words of historian Humphrey McQueen (a CLA member) in his 1981 commentary on the book by historian Henry Reynolds (another CLA member), *The Other Side of the Frontier*, 1981.

*"Whites today urge blacks to forget. Blacks can't and won't. Reynolds reflects upon the lie of the nation of Anzacs, the country of 'lest we forget', telling Aborigines to do just that*  
<http://tinyurl.com/n7oepru>

## TPP benefit to Australia? 0.0%

The US Department of Agriculture assesses Australia would receive a benefit of 0.00% after 10 years under the Trans-Pacific Partnership (TPP) agreement.

Their analysis predicts economic growth each TPP country would see if the TPP were to slash all tariffs (taxes on imports) to zero and remove all other import restrictions. The report acknowledges that this is the most favourable assumption, and not likely to be achieved.

Under this unlikely best-case scenario, while there would be increases in agricultural trade between some TPP countries, the overall effect on economic growth would be zero for a number of countries, including Australia.

A table on p21 of the report shows the TPP would result in a GDP change of 0.00% for Australia, Canada, Chile, Peru, Singapore, and the USA after 10 years.

For Japan, NZ, Malaysia, and Mexico, the projected gain is tiny – 0.01 or 0.02 percentage points. Vietnam is projected to get the biggest GDP boost at a mere 0.1%

The study did not attempt to assess the economic effects of the deal's non-tariff provisions, some of which, like higher medicine prices and higher copyright costs, could be negative in Australia. The report's understated conclusion is that: "The TPP is unlikely to have substantial macro-economic effects".

In other words the Australian government would be agreeing to the right of foreign investors to sue governments over changes to domestic law, higher medicine prices, higher copyright costs and much more for an economic growth potential of precisely zero. AFTINET: <http://tinyurl.com/m5vy2pw>

## 'Medicines cost more, risk to PBS, under TPP'

Access to affordable medicines could be under threat in Australia if the USA gets its way in secret negotiations over a massive trade deal involving 12 Pacific-region countries, academics have warned.

If Australian negotiators give the US what it wants in these negotiations they will also put at risk the financial sustainability of Australia's Pharmaceutical Benefits Scheme, they say.

Dr Deborah Gleeson, from Melbourne's La Trobe University, has warned in the *Medical Journal of Australia* that pharmaceutical monopoly protections already cost the Australian health system hundreds of millions of dollars a year.

New US ambitions for intellectual property protections would "expand and entrench" those monopolies, making it even costlier, she said.

Ms Gleeson says leaked drafts of part of the secret trade deal, the Trans-Pacific Partnership agreement (TPP), also show that the government will find it harder to pursue patent reform in the future if it agrees to US demands.

Her article comes a week after 27 senior health leaders from 7 of the 12 TPP countries signed and published a letter in *The Lancet* – one of the world's leading medical journals – calling on governments involved in the negotiations to publicly release the full draft text of the agreement before committing to its binding legal terms. <http://tinyurl.com/oym8nkk>

## Expenditure on Indigenous rising

Direct expenditure on Aboriginal and Torres Strait Islander Australians in 2012-13 was \$30.3 billion, or 6.1% of total direct general government expenditure, the Productivity Commission has reported.

ATSI Australians made up 3.0% of the population in 2013.

Australia spent \$43,449 each on ATSI Australians, compared with \$20,900 for other Australians (a ratio of 2.08 to 1, up from 1.93 to 1 in 2008-09).

The PC warns the figures are best estimates, and that delivering services to ATSI Australians is inherently costlier partly because of their locations, and there are relatively more young ATSI Australians in education, for example. <http://tinyurl.com/k8cwfyu>

## Govt goes uber-military: Border Force ramped up, Supremo to rule

The government has tabled proposed new 'Border Force' act, complete with 'Supremo'; and included some worrying provisions.

Here is a simplified outline of the bill, with the areas of most concern in *italics*: these break some new ground in public service provisions:

- There is to be an Australian Border Force within the Department of Immigration.
- It will have a Commissioner – the Supremo – of the Australian Border Force (ABF), who is in control of the Force.
- The Supremo and APS employees in the ABF are able to exercise powers under the *Customs Act 1901*, the *Migration Act 1958*, the *Maritime Powers Act 2013* and other Commonwealth laws.
- The ABF Supremo may direct Immigration and Border Protection what to do.
- There are resignation and sacking provisions for all serious misconduct.
- *All Immigration and Border Protection workers may be required to undergo an alcohol screening test, an alcohol breath test, an alcohol blood test or a prohibited drug test.*
- *There are secrecy and disclosure provisions covering all Force workers.* <http://tinyurl.com/lp76xfg>

## Security theatre starts to dominate parliament

Security "theatre" has become so over-the-top that armed guards are now protecting MPs and senators, watching like spectres from behind toughened glass in both chambers of the Australian Parliament.

The Speaker of the House of Representatives, solicitor Bronwyn Bishop, and Senate President, mortician and embalmer Stephen Parry, have ordered the extra armed guards in the second tranche of ramped-up security recently.

Guards with guns are now stationed on the ground level inside the House of Representatives and the Senate, in glass-

enclosed booths where the parliamentary audio/video teams operate.

Just as the the 100th anniversary of the bravery of Diggers at Anzac Cove is to celebrated in April, our MPs are apparently heading in the other direction: before getting to the chambers – now each protected by their own armed guards – people entering parliament have to pass:

- armed police officers outside Parliament House, and underneath in its bowels, and
- unarmed police and security guards patrolling outside parliament, always (24/7) and
- security screening machines, and guards, at every inlet, and
- protective services guards, with video monitors, in the main public gallery, and
- a second set of security screening machines, and guards, to get into question time, and
- security guards to get from the public area of the building to the Members-only area, and
- security guards stationed outside every Committee hearing room, and
- additional guards and police outside the ministerial office area, and
- even more guards and police outside and inside the Prime Minister's officer (within the above already guarded Ministerial area), and
- security guards wandering the public and private corridors, constantly, and
- attendants wandering the corridors, and stationed at key points near all lifts and main corridors...and

as well as massive video camera surveillance so great it could easily identify who went in and out of Senator John Faulkner's office when he was trying to conduct private whistleblower conversations. The video cameras have operators watching them full time when MPs are in the parliament.

The parliament is also built under ground, which helps protect it from aerial bombing.

Australians should note that all protections are in place to stop people entering their parliament: there is no protection in place to stop hot air exiting the chambers and offices of the MPs.

In communications theory, the Australian Parliament is classical one-way, asymmetric system: that is, they preach at you, but you get no change if you want to turn the conversation in the other direction.

– Bill Rowlings, CEO, Civil Liberties Australia

## Cyber security goes on back burner

A cyber security review announced in November 2014 to "assess the risk of cyber attacks to (make) Australia's online systems more resilient to attack" will deliver findings at the end of 2015, six months post deadline.

The expert panel is led by the Prime Minister and Cabinet Office. It includes Business Council of Australia chief executive Jennifer Westacott, Cisco Systems chief security and trust officer John Stewart, Telstra chief information security officer Mike Burgess, and the Australian Strategic Policy Institute's Tobias Feakin.

It meets for the first time in April, according to a panel member. The panel has spent five months working independently and having an "email dialogue" on key issues facing cyber security strategy. <http://tinyurl.com/ndez558>

*Right: Guards at the second scanner, into Question Time.*



## CLA seeks to prevent another Bali 9 situation

At the request of Civil Liberties Australia, Kelvin Thomson (Labor, Wills) will be seeking an update on whether the regulations and guidelines can be changed so that the AFP never tips off Indonesian police so that Australians face firing squads.

We originally achieved some success in 2008, in our submissions to the Joint Standing Committee on Treaties Report No 91 on Extradition and Mutual Assistance in Criminal Matters,

At our request, Thomson is tackling the uphill task of reining in the AFP again:

"I will be seeking an update and briefing through JSCOT in relation to these matters, an update on the current policy on these issues and on the outcome of the review mentioned in response to Recommendation 6. I will keep you posted in relation to the outcome," he wrote to CLA. <http://tinyurl.com/kxxzy96>

## Tasmania to release draft Right To Appeal law

Tasmanian Attorney-General Dr Vanessa Goodwin expects to release the draft of "Right To Appeal" law for the state imminently, the second state after SA to table the law.

In response to an inquiry letter from a constituent who is not a member of CLA, she wrote:

"Thank you for your further letter on 8 February 2015 seeking clarification as to when I intend to bring the Government's draft legislation to provide for a review of a criminal case where there is fresh and compelling evidence or evidence of a tainted conviction to the Tasmanian Parliament.

"I am currently settling the terms of a draft Bill for public consultation. This is a very important issue, and it is important to get it right. That is why the draft Bill will be publicly released as well as sent to all key stakeholders including the Law Society, Tasmanian Bar, Community Legal Centres, the Tasmanian Law Reform Institute, and Civil Liberties Australia for any comments and submissions.

"Once the consultation on the draft Bill is complete, I intend to introduce the finalised Bill into the House of Assembly as soon as possible this year."

## Keeping tabs on Qld Labor meeting promises

Here's what Labor promised when in opposition in Queensland:

## Opposition to scrap 'unworkable' laws (CLArion April 2014)

The Queensland Opposition has vowed to scrap anti-bikie legislation if it is elected to government, saying it will start drafting replacement laws within months.

Opposition Leader Annastacia Palaszczuk said the laws had gone too far. "We will repeal them and we will replace them," she said. "We'll make sure we have laws that target organised crime gangs without attacking innocent people." She said the laws have failed. "These laws are completely unworkable."

Qld anti-bikie laws include:

Extra powers for Crime and Misconduct Commission

Bikie-only prison at Woodford, north of Brisbane

Mandatory sentences of 15 years for serious crimes committed as part of gang activity, on top of the normal penalty

Club office bearers will be sentenced to another 10 years in jail, and parole will only be granted if the offender cooperates with police

Convicted bikies subjected to strict drug tests and searches in prison

No gym facilities or TV access in jail

Phone calls in jail to be monitored, except those relating to legal reps

Inmates' mail opened and censored

Visitor contact restricted to one hour a week

Bikie criminals in other state prisons to be transferred to Woodford

Introducing a licensing regime for tattoo parlours and artists, banning bikie gang members

Motorcycles to be crushed as punishment for certain crimes <http://tinyurl.com/l88bqzw>

## Late-night law creates a wand of absolution

A retrospective law change by the Newman Government in Queensland that helped a major Liberal National Party donor avoid prosecution would have been investigated in NSW, according to the former head of that state's anti-corruption body, David Ipp.

The commissioner of the NSW Independent Commission Against Corruption until he retired in 2013 said it was "odd" that there had been no probe by Queensland authorities into a last-minute change to river quarrying laws that appeared to favour Karreman Quarries, a significant LNP donor.

The ABC revealed in June that Karreman Quarries had been facing prosecution for quarrying deemed illegal by Natural Resources Department officials, who were gearing up to take the company to court.

But in an eleventh-hour amendment that passed through the Parliament unnoticed and without debate, the LNP Government made all of Karreman's activities since 2010 lawful.

The change to the law meant officials were no longer able to prosecute the company. <http://tinyurl.com/lbe5g2h>

## 'I estimate you are guilty'

Commissioner Ian Stewart says Queensland Police regularly estimate drivers' speeds before issuing speeding fines.

He claims the court system will ensure tickets are revoked if police get it wrong....but failed to say how!

Asked if Queensland officers write out tickets based on their estimations, Mr Stewart replied: "Absolutely." He said "estimation" didn't mean officers were simply plucking figures out of the heads.

Rather, they would track a driver they think may be speeding and compare the pace to highly accurate speedometers in police vehicles. <http://tinyurl.com/lwbbmxl>

## D'Ath announces new approach to crime laws

Queensland's Vicious Lawless Association Disestablishment (VLAD) Act – the outgoing Newman Government's anti-bikie legislation – will be reviewed by a 'royal commission'.

Replacement laws will be introduced by the end of 2015, the state's new Attorney-General, Yvette D'Ath (photo), also announced last month.

Ms D'Ath said the government would establish a \$6 million inquiry into organised crime.

It would have the powers of a royal commission and be able to compel witnesses to give evidence.

"The commission of inquiry will operate for six months. It will run in parallel with the task force, which has until December to draft up the new laws as far as amendments to the VLAD laws," Ms D'Ath told ABC Radio. <http://tinyurl.com/p9dhhjz>



## Police need to pull their heads in

NSW Police, after spraying chilli into young people's eyes (including one blind person) at a uni protest, are trying to dictate that you need to have police permission to protest or assemble.

"The NSW police force will not tolerate breaches of the peace or criminal offences being committed by persons who attend unauthorised demonstrations or public assemblies," NSW Police said in a formal statement.

Civil Liberties Australia calls on the NSW Police Minister Stuart Ayres to put the state's police force back in its cage. It is not the role of police in Australia to pre-approve public protest. <http://tinyurl.com/oluhp2v>

## ACT AG urges more funds for legal aid

The ACT government has urged the Commonwealth to commit further funding to already-stretched Legal Aid services in Canberra.

ACT Attorney-General Simon Corbell urged the Commonwealth to boost funding to legal aid during a ceremony to welcome in the 2015 legal year last month.

The federal government said last year it would reduce legal aid over the next four years by \$15m. ACT's Legal Aid Commission will lose about \$400,000 this year. Mr Corbell said legal aid was already struggling to meet demand, and called for the funding cuts to be reversed. <http://tinyurl.com/okybgdy>

## ACT looks set to rev up bikie laws

The ACT government is planning to tighten anti-bikie laws after one shooting in Canberra.

While there have been five shootings in Canberra in February, police say only one was bikie related...but that was enough to tip Attorney-General Simon Corbell's hand. Reports say the

government fears the Comancheros bike gang is trying to infiltrate Canberra, traditional territory of the Rebels.

If police know so much about bikie gangs, why can't they be kept under control by normal policing?

After all, the bikies wear distinctive clothes, ride distinctive vehicles and congregate in distinctive clubhouses. There have been five shootings in Canberra since the beginning of February, the most recent of which occurred in the early hours of Thursday morning last week. <http://tinyurl.com/k8dzqyw>

See CLA Vice-President Tim Vines' article: *Anti-consorting laws make rogues of us all* <http://tinyurl.com/k9konca>

## NT creates new 'permanent' kids care order

The NT government has created a new permanent care option which will transfer a child out of parental care until he or she turns 18.

"A permanent care order – until the child is 18 – allows a carer to make everyday decisions, such as providing approval for a child to attend a school excursion or travel on a family holiday," NT Attorney-General and Minister for Children and Families John Elferink said.

"This transfers parental rights to a third party, like adoption, however unlike adoption a PCO will not change a child's surname, birth certificate, birthrights or entitlements.

"Children on long-term orders under the Care and Protection of Children Act will be eligible: children where reunification with their families is not practical. Children will be asked for consent where it is appropriate: there will be thorough assessment of families that want to be considered for this type of order," he said. – media release 18 Feb 2015.

## ODD SPOT: Indigenous PS %age to double

NT Chief Minister Adam Giles has announced that his first order of business as the new Minister for Indigenous Affairs is to set an Aboriginal employment target for the public service.

"Around 30% of the Territory population is Aboriginal and yet, on coming to government, we found that only 8% of the public service is of Indigenous heritage. This is unacceptable. I want the proportion of Aboriginal public servants to double from 8% to 16% by 2020." CM Giles promised to announce detailed initiatives shortly. There are about 20,000 NT public servants: to meet his target, 1600 non-Indigenous employees will have to lose their jobs in the next five years, while 1600 Indigenous employees are hired to replace them. – media release 17 Feb 2015.

## New bid to improve juvenile detention

Lack of staff training, excessive use of force, and relying on confining detainees are among the problems with the NT's youth detention system, a report revealed last month.

The NT Government commissioned a review after incidents in October 2014, including a violent riot that saw staff at the old youth detention facility fire tear gas at teenagers. Six teenagers tried to escape the Don Dale detention facility in August, arming themselves with glass, barricading doors and smashing windows and light fittings. They forced Don Dale to shut: 32 detainees moved to the old adult prison at Berrimah before an upgrade of the Don Dale centre was completed late in 2014.

The report made 16 recommendations, including training all staff in case management, use of force, dealing with detainees with mental health problems, and cultural awareness. <http://tinyurl.com/k8s97mo>

## ODD SPOT: Pollies cost \$8 a vote, up from \$2

Labor and Liberal parties have combined in Canberra to scrap the \$10,000 limit on donations to ACT political parties and boost public funding from \$2 a vote to \$8 a vote. The ACT Greens' Shane Rattenbury alone voted against the changes, saying Canberra would be "rightly outraged". Donations left politicians at risk of corruption, he said, accusing the major parties of having "both hands out for the cash". The increase in public funding will see about \$1.6m given to parties after the 2016 election, a fourfold increase of the \$400,000 in 2012. <http://tinyurl.com/o49tm4q>

## Australian briefs

### Late lodgement no bar to plea for coronial inquiry into 'hip' hospital:

Four years after the 86yo's death, Lisa Thatcher's family are still seeking justice over a medical error which saw Canberra Hospital doctors replace the wrong hip, then hold the woman in the operating theatre to replace the correct one. She died 10 days later, officially from heart disease. Justice John Burns in the ACT Supreme Court last month allowed the family to amend a legal claim for a coronial hearing, which they were denied originally, then prevented from seeking through the court because their case was lodged four days after a deadline. <http://tinyurl.com/mcohpvj>

**WA ups road surveillance:** The WA government will triple revenue-raising cameras on roads. Fixed cameras will rise from 5 to 30 and red-light cameras from 30 to 90 over five years. Road Safety minister Liza Harvey said the extra cameras would make WA more in line with NSW and Victoria. <http://tinyurl.com/ngmj6gg>

**Human Rights committee reports:** The Parliamentary Joint Committee on Human Rights tabled its *Eighteenth Report of the 44th Parliament* last month. It covers compatibility with human rights of bills introduced from 1 to 4 Dec 2014 and legislative instruments between 31 Oct 2014 and 22 Jan 2015, as well as bills and instruments previously deferred. The next report is due on 3 March – media release from committee.

**Wallaby warned over personal moral stand?** Wallaby David Pocock and his wife Emma had charges – including over David's chaining himself to a digger for 10 hours at the Maules Creek coal mine site – dismissed in Gunnedah court in NSW last month. Magistrate Peter Miszalski said it would be a "disaster" for the national rugby forward to have a conviction recorded. Pocock, 26, is reported to have received an official warning from the Australian Rugby Union after the protest. Civil Liberties Australia asks what right has a sporting body to try to prevent a sportsman from exercising his right to freedom of speech, assembly and protest? <http://tinyurl.com/pxzjou2>

## CLA Report...for March 2015

Report on main February activities:

**Board meeting:** Sunday 22 Feb 2015: Major resolutions

- CLA policy is to not seek or accept government funds
- radio ads for regional centres, and Hobart, to proceed
- management of eAGM proceeding
- two notices of motion resolved by board and movers contacted, with suggestion to write articles

- advice that draft of play on Sue Neill-Fraser finalised
- discussions re WA CLA representation
- decision to increase media releases and breaking stories (note: Hicks story out of US taken up first in Australia by CLA)
- president and CEO to visit Hobart for the wedding of Tasmanian director Richard Griggs and Kate Taylor, plus to visit Sue Neill-Fraser in Risdon Prison and meet with CLA members. Importantly, to meet with Tasmanian Attorney-General's key adviser to press consultation on wording of proposed right to appeal legislation.

NOTE: Unanimous Board vote of sincere thanks to retiring Director and Webmaster Lance Williamson for his eight years of efficient, conscientious and invaluable service to CLA

NOTE: award of AM for CLA members Brian Tennant WA and Ann Symonds NSW.

### Networking meetings

Adam Tomison Director Australian Institute of Criminology, re Better Justice campaign, imminent reorganisation of AIC and likely impact on justice and criminal statistics and analysis in Australia.

Chief Justice ACT Supreme Court Dr Helen Murrell re CLA work and courts redevelopment.

Dr Liz Curran, law lecturer and community legal centre lawyer, re pre-court assistance to keep people out of the justice system, and Better Justice project

Tony Hanlon re fundraising, and current issues in property and rating fairness.

### Public meetings

Vigil for Bali Two: organised by Shane Gill, president of the ACT Bar Association: talked with John Purnell, Doug Hassall, Bill Bush, Justice Hilary Penfold,



Above: ACT Bar Association President Shane Gill, ABC Radio's Louise Maher and CLA's Tim Vines

**Media:** National Media Spokesperson and CLA Vice-President Tim Vines:

- Interview on ABC re execution of Bali 2 (see 'vigil' above)
- Article: *Anti-consorting makes rogues of us all*, Canberra Times: <http://tinyurl.com/p7u79v9> and CLA website: <http://www.cla.asn.au/News/anti-consort-laws-make-rogues-of-us-all/>

## INTERNATIONAL

### Jails are people dumps

Jails across America are vast warehouses of people too poor to post bail or too ill with mental health or drug problems to adequately care for themselves, according to a study issued

last month, "*Incarceration's Front Door: The Misuse of Jails in America*".

The study found most people locked up in local and county jails were there for minor violations, like driving with suspended licences, shoplifting or evading subway fares, and have been jailed for longer periods of time over the past 30 years because they are unable to pay court-imposed costs.

The report, by the Vera Institute of Justice, comes at a time of increased attention to mass incarceration policies that have swelled prison and jail populations around the country. <http://tinyurl.com/l9afee3>

### Obama turns to human rights to fight terrorism

After a three-day White House meeting last month to rally the world behind a renewed attack on terrorism, US President Obama argued that force of arms alone was not enough.

He called on all nations to "put an end to the cycle of hate" by expanding human rights, religious tolerance and peaceful dialogue.

"There is a very profound conceptual disagreement about whether the best way to counter violent extremism is through human rights and civil society or through an iron fist," said Marc Lynch, director of the Institute for Middle East Studies at George Washington University.

The Obama administration wants "to project the human rights side, but you look at the people they're working with and fighting alongside, and there's a lot more to it than that." <http://tinyurl.com/n7hfnr6>

### Abbott govt could learn from Saudi largesse

There are lessons for the Abbott government in Australia in the Saudi government's recent initiatives.

On a turnover of power (King Salman rules, since the death of King Abdullah in January), Saudis are benefiting from \$32 billion largesse the new king is distributing in giant payouts to the Saudi population.

These included grants to professional associations, literary and sports clubs; investments in water and electricity; and bonuses worth two months of salary to all government employees, soldiers, pensioners and students on government stipends at home and abroad. Some private companies followed suit with comparable bonuses for their Saudi employees, putting another few billion dollars into people's pockets.

Some of the government spending will come over several years, but most will hit the Saudi market by the end of March 2015, including the bonuses. About 3m of Saudi Arabia's 5.5m workforce are employed by the government.

And petrol costs about \$0.12c a litre. <http://tinyurl.com/lxnfoji>

### Poland abides by laws over kidnappings

Poland will comply with a court order to pay \$520,000 to two Guantánamo Bay inmates, foreign minister Grzegorz Schetyna said last month, as reparations for the country's role in hosting a CIA black site where men were tortured.

"We have to do it," Schetyna said in an interview on Trójka Polish Radio, "because we are a country that abides (by) laws." He said the money would be paid out within a month, though questions remain surrounding details of the settlements.

In July 2014, the European Court of Human Rights ruled that Poland had violated international law by allowing the CIA to inflict what "amounted to torture" in 2002 at a secret facility in

the forests of north-east Poland. The court found that Poland “enabled the US authorities to subject [the detainees] to torture and ill-treatment on its territory” and was complicit in that “inhuman and degrading treatment”.

The July ruling marked the first time an international court condemned a nation for its part in the CIA’s “high value detainee extraordinary rendition program”, which aviation records and other clues suggest kept black sites in Romania, Afghanistan, Thailand and the British atoll of Diego Garcia in mid-Indian Ocean. The court found it “inconceivable” that the CIA operated its international rendition – kidnapping, CIA says – program without Poland’s knowledge and consent. <http://tinyurl.com/lzduh7c>

## Obama cryptic on data sweeping and retention

“I think the only concern is... our law enforcement is expected to stop every plot. Every attack. Any bomb on a plane. The first time that attack takes place, where it turns out we had a lead and couldn’t follow up on it, the public’s going to demand answers. This is a public conversation that we should be having,” US President Barack Obama said last month in an interview with *Re/Code*.

“I lean probably further in the direction of strong encryption than some do inside law enforcement. But I am sympathetic to law enforcement, because I know the kind of pressure they’re under to keep us safe. And it’s not as black and white as it’s sometimes portrayed.

“Now, in fairness, I think those in favor of air tight encryption also want to be protected from terrorists,” he said.”

Both the FBI and the Justice Department are demanding that companies—like Apple and Google that are beginning to outfit mobile phone devices with encryption by default—should build backdoors to allow law enforcement access. Without a backdoor, the encryption is likely to prevent authorities from physically accessing contents directly from the phones’ hardware, even with a warrant. <http://tinyurl.com/logytcf>

## Canada’s top court forces parliament to decide on assisted dying

Pointing to changed social values, Canada’s Supreme Court has unanimously ruled that doctors may assist suicides for mentally competent adults suffering an incurable disease.

The court decided that an earlier ban was too broad and argued that it wrongly applied to more people than the small group it was meant to protect. The ban had been applied to “vulnerable persons ... [who were] being induced to commit suicide at a time of weakness”.

The court noted that making it a crime to assist another person who was “grievously and irremediably ill” in ending their own life left the sick with only two options: suicide “often by violent or dangerous means”, or suffering until natural death. “The choice is cruel,” the court concluded.

However, the court suspended the ruling for a year to allow politicians a chance to enact new rules surrounding the divisive issue. <http://tinyurl.com/nuzjpdm>

## Go Dutch if you want freedom over death

Almost one in five Dutch doctors would consider helping someone die even if they had no physical problems but were “tired of living”, according to a comprehensive academic studies of such attitudes.

Among almost 1500 GPs, geriatric care doctors and clinical specialists answering a detailed, anonymous survey, 2% said

they had taken part in such euthanasia or assisted suicide without medical grounds for a patient who was suffering, even though this is prohibited under Dutch law.

The paper, published in the *Journal of Medical Ethics*, found that 40% of doctors said it was conceivable they would help someone in the early stages of dementia to die, while 3% had done so. Just over a third said they might also be willing to assist people with a psychiatric disease who wished to end their life.

The Netherlands has one of the world’s more liberal approaches to euthanasia and assisted dying. The practice was in effect decriminalised when doctors were permitted to plead a defence of necessity, arguing that their duty to relieve suffering superseded that to preserve life. <http://tinyurl.com/pp2nk7g>

## Spies illegally retain people’s data

A British court has ruled against the nation’s spy agencies for the first time, saying the mass collection of internet and phone data was illegal until late last year.

The data-sharing program with US agencies (and presumably with Australia) “contravened” privacy and free-speech provisions in the European Convention on Human Rights, according to the Investigatory Powers Tribunal in London. The court said the current rules are valid because of disclosures made by the government in December 2014.

The debate over government agencies’ monitoring of computers, laptops and mobile phones to access personal data has intensified since documents leaked by former National Security Agency contractor Edward Snowden in 2013 exposed the extent of government spying. Those documents led to an international backlash against electronic surveillance.

Civil rights groups hailed the judgment as a blow to state secrecy. The ruling was the first time the 15-year-old specialty court had ruled against one of the nation’s intelligence agencies, including the Government Communications Headquarters, MI5 and MI6. <http://tinyurl.com/lynq3eu>

## Prisoners voting right reaffirmed

Prisoners and former prisoners prevented from voting are not entitled to compensation or their legal costs, the European Court of Human Rights has ruled.

But it has again found that the UK continues to violate prisoners’ rights to participate in elections.

The latest mass claim of more than 1000 prisoners was brought by lawyers for prisoners or ex-prisoners unable to vote in various elections between 2009 and 2011. It gathered all outstanding prisoner voting cases against the UK pending before the court.

The prisoners maintained they were prevented from voting in elections to the European parliament on 4 June 2009, the British parliamentary election of 6 May 2010 and elections to the Scottish parliament, the Welsh assembly and the Northern Irish assembly on 5 May 2011. <http://tinyurl.com/n79sks3>

The decision will re-energise the bid by jailhouse lawyer Arthur Taylor in NZ to restore prisoner voting rights there.

## Spies stole SIM master keys, Snowden claims

British and American spies stole master encryption keys from the largest SIM card manufacturer in the world, which means the Five Eyes group, which includes Australia, can conduct

