

## Australian citizenship to exist at whim of a Minister?

If the Abbott government makes Australian citizenship the gift of a Minister, as it proposed by some members of the Coalition, the issue is certain to end up in the High Court.

One of the problems with Australian citizenship is that it is nowhere clearly defined.

There is no full explanation of what rights and responsibilities attach to Australian citizenship, or what responsibilities the Australian government has to Australian citizens, in Australia and when overseas.

All these matters will have to be fleshed out in the High Court if the government doesn't move to clarify citizenship at the same time of limiting it due to terror fears.

At time of writing the fine detail of the Abbott government proposal was to be coalesced through an online consultation — see below. Detail was sketchy, but it is likely Australian citizens with dual nationality will lose their Australian rights simply by the signature of a Minister.

Whether Australians with only Australian citizenship will be stripped of it by the Abbott government is still being fiercely debated inside the cabinet and government. To make an Australian citizen stateless would be clearly against international law.

The government wants to target Australians who have gone overseas to fight for or against "terrorist" groups. The problem is which group is "terrorist" changes over time. Equally, what happens to children of such targeted people is proving the most contentious issue of all.

*Photo: On 20 March 2015, the chair of the Social Policy and Legal Affairs Committee of the House of Representatives, George Christensen (Nats, Dawson Qld), convened a citizenship half-day roundtable in Canberra which involved academic and other experts, but no proposal for any firm action resulted. Prof Kim Rubinstein of ANU, a CLA member, is in the foreground.*



## Have your say on Australian citizenship

The federal government has created a website around the debate on whether or not Australian citizenship should be revoked. The website is at: <http://www.immi.gov.au/pub-res/Pages/discussion-papers/citizenship-right-responsibility.aspx#>

You can submit your views by 30 June 2015 to:

Online: [https://dibpau.qualtrics.com/SE/?SID=SV\\_2oBvNXepUW2JF77](https://dibpau.qualtrics.com/SE/?SID=SV_2oBvNXepUW2JF77)

Email: [CitizenshipPaper2015@immi.gov.au](mailto:CitizenshipPaper2015@immi.gov.au)

Post: Citizenship Policy, Dept of Immigration and Border Protection, PO Box 25, Belconnen, ACT 2616

## Hear Bernard Collaery speak about George Brandis' ASIO raids:



If you are in Canberra, book early to attend the Civil Liberties Australia-sponsored address by Bernard Collaery: *National security, legal professional privilege and bar rules*. Collaery will discuss the ASIO raid on his Canberra office over alleged espionage against East Timor by Australia of ET Cabinet meetings and deliberations over \$40 billion worth of oil reserves. The International Court of Justice has

ordered AG George Brandis to seal seized documents taken in the raid, and to not raid Collaery's legal practice again.

EVENT: 5.30-6.30pm Thurs 11 June 2015, Law Theatre (Bldg 5) ANU. RSVP? Click here: [online](#)

Presented by Civil Liberties Australia, the Law Society of the ACT, ACT Bar Association and ANU College of Law.

## Parke moves to reintroduce liberties and rights principles to Parliament

Melissa Parke, the MP for Fremantle, has launched two initiatives in the federal parliament in the past month, both firmly in keeping with liberties and rights principles.

In one, she gained cross-bench support for a motion in the House of Representatives for the government to back up its rhetoric on the death penalty with international action. In the other, she launched a cross-bench working party to campaign against the Trans Pacific Partnership (TPP) agreement.

In her death penalty motion Ms Parke, who is a member of CLA, called on the government to:

- (a) strengthen its efforts to advocate for an end to the death penalty wherever it still occurs; and
- (b) ensure that Australia's international cooperation is structured to avoid to the extent possible, the potential that such cooperation could lead to a person receiving the death penalty.

In other words, she wants the Australian Federal Police's guidelines changed so they can never again 'shop' Australian citizens as they did in relation to the Bali 9.

In her speech, she said: "The death penalty says that society is no better than the brutal response of 'an eye for an eye'. It says there is no such thing as redemption or rehabilitation. It says that our justice systems are infallible. All these statements are wrong—and so the death penalty is wrong."

In supporting the Parke motion, the 'father of the House', Liberal Philip Ruddock, made favourable mention of an initiative launched by Civil Liberties Australia, Amnesty and others.

"(Ms Parke) ... referred to the recent statement by organisations such as Amnesty, Human Rights Watch, the Human Rights Law Centre, Reprieve, Australians Detained Abroad, Civil Liberties Australia, Uniting Justice and the New South Wales Council for Civil Liberties. In their recommendations, there are suggestions as to the way in which government here in Australia can take a very much more proactive role — and I hope the Minister for Foreign Affairs had an opportunity to examine the suggestions, which are very full and complete, about the way in which we can replicate arrangements in the United Kingdom for taking a diplomatic lead on this issue."<http://tinyurl.com/l6okpjb>

## 'TPP is a tsunami of regulatory control for the benefit of multinationals'

In a speech to the inaugural meeting of the Cross-Party Working Group on the TPP, MP Melissa Parke described the TPP as "a tsunami" which was hard to pin down "because of the secrecy around the negotiations and ...drafting".

"In truth, the TPP is primarily about control of the regulatory framework of countries for the benefit of multinational corporations," she said.



Photo: Melissa Parke, Peter Whish-Wilson and Nick Xenophon at the meeting

You can read her speech in full on the Civil Liberties Australia website: <http://www.cla.asn.au/News/whos-afraid-of-the-tpp/>

Ms Parke was joined at the inaugural meeting by co-convenors of the group, Senator Peter Whish-Wilson of the Greens (Tas) and Independent Senator Nick Xenophon (SA). Also present were a number of other MPs from the major parties. CLA members who attended included Pauline Westwood, Ann Darbyshire, Jennifer Ashton, CEO Bill Rowlings and President Dr Kristine Klugman.

## Border forces clamp down on refugee news

The Department of Immigration and Border Protection has been granted access to metadata at the same time as penalties for whistleblowing for border protection staff have been greatly increased.

The moves mean there will now be little chance of reporters and asylum seeker advocates getting behind the government's information control wall around Australia's immigration detention centres.

Leaks to journalists and activists were a key driver of the Senate inquiry into regional processing at Nauru, which has uncovered further allegations of abuse, neglect and despair.

But Myriam Robin of *Crikey* online journal wrote that activists believe the refugee news will be even more restricted in future. <http://tinyurl.com/qbl6v6p>

## Budget does the jiggery-pokery-spookery

If there are lies, damn lies and statistics, what do we call a Budget that strays into the realm of financial fantasy...where money unsaved can be re-allocated as new expenditure?

The question posed itself in last month's federal Budget when two security agencies were allocated \$7.6 million and \$0.7 million respectively despite no money changing hands.

In the words of the Treasurer: *"The Government will provide an additional \$7.6 million over four years from 2015-16 to the*

*Office of National Assessments (ONA) and an additional \$0.7 million over four years to the Office of the Inspector-General of Intelligence and Security (OIGIS) by exempting the agencies from the Efficiency Dividend."*

Exempting them from the Efficiency Dividend? If that isn't the neatest, cheapest and easiest way of allocating scarce funds, I haven't seen a better one.

– by Frank Cassidy, CLA Board member  
and Group Editor, *PS News*

<http://www.psnews.com.au/aps/PSsssstpsn456.html>

## 'Terror Supremo' to coordinate over-spend

Ex-diplomat Greg Moriarty is Australia's first National Counter-Terrorism Coordinator (NCTC).

Australia's 'Terror Supremo' will run a counter-terror office inside the Dept of Prime Minister and Cabinet.

The government has not explained where and when coordination of Australian security and spook agencies has broken down, or how Mr Moriarty will improve it, and be measured on his work.

"(H)e will have authority across agencies to ensure that all of the agencies are pulling together when it comes to this vital national security challenge," Prime Minister Tony Abbott said. The quote suggests that the agencies have not been "pulling together" in the past, Civil Liberties Australia says.

The Abbott government has allocated an extra \$1.3bn (billion) to terror matters over the past two budgets. This amount is additional to the massive over-spending on terror-related issues for the past 14 years, since the 11 September aircraft attacks on the USA in 2001, which has become entrenched in police, military and spook agency budgets.

Nothing illustrates the extent of the over-spend more than having armed police on the floor of the House of Representatives and the Senate, hidden behind one-way glass...unless it is a special \$108m, 2.6m steel fence around one quarter of the parliament building, inside which Prime Minister Abbott vies to be the most cosseted and protected world leader. <http://tinyurl.com/l6lxwcz>

It is ironic that the man who paints himself in public as the Great Protector of Australia is in fact the Great Protected. <http://tinyurl.com/nyrqgzv>

## Tribunals merge under Kerr

The key Commonwealth merits review tribunals merge into one body from 1 July 2015.

Under the Tribunals Amalgamation Bill passed by Parliament, the Social Security Appeals Tribunal (SSAT) and the Migration Review Tribunal-Refugee Review Tribunal (MRT-RRT) will join the Administrative Appeals Tribunal (AAT).

Applicants can come to the merged tribunal to challenge government decisions in areas such as tax; visa applications; social security benefits; workers compensation; disability support; freedom of information requests; and veterans' entitlements.

The new AAT will be headed by its President, Justice Duncan Kerr. <http://tinyurl.com/lwg438q>

## Justice Minister boasts: more drugs are coming into Australia than ever before

The Australian Crime Commission (ACC) Illicit Drug Data Report 2013-14 found that agencies seized a record 27 tonnes of illicit drugs in 93,000 seizures and made more than 110,000 arrests during the year.

"That's more than 255 seizures and 300 arrests each day directly related to illicit drugs offences," the Minister for Justice, Michael Keenan said. <http://tinyurl.com/nyovz85>

Politicians and police always promote the huge increase in drug seizures each year...but analysts say that bigger busts just mean more supply of drugs into Australia, as a NSW Bureau of Crime Statistics and Research (BOCSAR) study, released on 27 Nov 2014, shows:

"Large-scale seizures of cocaine, heroin and amphetamine-type substances (ATS) do not result in any reduction in overdoses on these drugs or on arrests for use and possession of these drugs.

"This finding emerged from the most comprehensive assessments of drug law enforcement ever undertaken in Australia. BOCSAR examined seizures, supplier arrests, emergency department admissions and use/possession arrests between July 2001 and June 2011.

"In fact increases in the quantities of ATS, cocaine and heroin drugs seized by law enforcement authorities appear to be signals of increased rather than reduced supply," BOCSAR said. <http://tinyurl.com/mf6tdvq> For a sensible article on ice, see: <http://tinyurl.com/mhjraey>

So, when a Minister announces a record haul, he or she is boasting more drugs are getting into Oz.

### **ODD SPOT: Definition of stupidity...**

If a 'Bali 9' situation arose again, the Australian Federal Police officers are likely to take exactly the same decisions and actions, AFP heavies told a media conference last month. The AFP denied they bore any responsibility whatsoever for the execution in April of two Australians in Indonesia over drug smuggling – media conference, 4 May 2015.

### **Bali 9: why no promotion for 'right' man?**

People have missed what should be the abiding question surrounding the AFP's decision to pass information to Indonesian police a decade ago that led to the execution by firing squad of two members of the Bali 9 in 2015.

Michael Phelan, the man who made the fateful decision, is now Deputy Commissioner of the Australian Federal Police. The real question is why the police officer who refused to pass on the information — and was therefore excused from being involved in the case on moral grounds — is not Deputy Commissioner.

Apparently, the AFP rewards and promotes officers for dubious decisions. Where is The Man Who Got It Right...that officer with the better judgement, now? Why is he not a senior executive of the AFP? Or has he been edged out because he failed to run with the herd?

### **Pilgrim rules for Grubb over Telstra**

Australian Privacy Commissioner Tim Pilgrim ruled last month that metadata is personal, ordering Telstra to hand over information it holds on a journalist, Ben Grubb.

*Fairfax* journalist Grubb said: "This is a landmark decision. There's never been a ruling like this before." Telstra said it would appeal the decision. The telecommunications company said the decision "would require us to go well beyond the lawful assistance we provide to law enforcement agencies [and the] government's data retention regime".

Commissioner Pilgrim revealed that half the major companies he had recently examined failed to comply with rules and guidelines regarding privacy policies. <http://tinyurl.com/kwp3yuv>

### **Seeing the light on TPP as sacrilegious perfidy**

The Holy See has delivered a withering criticism of the Trans Pacific Partnership agreement.

His Excellency Archbishop Silvano M. Tomasi, Apostolic Nuncio, Permanent Observer of the Holy See to the UN and Other International Organizations in Geneva, at the 9th Session of the Ministerial Conference of the World Trade Organization, said:

While a minority is experiencing exponential growth in wealth, the gap is widening to separate the vast majority from the prosperity enjoyed by those happy few. This imbalance is the result of ideologies that defend the absolute autonomy of the marketplace and of financial speculation. Consequently, there is an outright rejection of the right of States, charged with vigilance for the common good, to exercise any form of control. A new tyranny is thus born, invisible and often virtual, which unilaterally and relentlessly imposes its own laws and rules. An even worse development is that such policies are sometimes locked in through trade rules negotiated at the WTO or in bilateral or regional free trade agreements. <http://tinyurl.com/neqgpnf>

### **Heffernan vows to block US beef imports under TPP**

Liberal Senator Bill Heffernan that he will fight and defeat any attempt to allow fresh US beef to be imported to Australia under the Trans-Pacific Partnership.

Senator Heffernan told a Senate estimates committee hearing that he had seen Edward Snowden-style documents suggesting the US wanted to sell beef products to Australia in return for the Australian sugar industry gaining access to the American market.

"I am aware that some people in our government are philosophically aligned to that [position] even if politically they're finding it a bit difficult," he told Department of [Agriculture](#) officials last month.

"I don't give a rats who they are; they're going to cop it.

"The TPP arrangements were originally that 'if you want us [the US] to take your [Australian] sugar you've got to take some of our beef'. Now that's in there, written." <http://tinyurl.com/ko5xzkn>

### **Times they are a changin'...**

When same-sex marriages became legal (with thanks to *NY Times*):

- 2001 The Netherlands
  - 2003 Belgium
  - 2005 Canada and Spain
  - 2006 South Africa
  - 2009 Norway and Sweden
  - 2010 Argentina, Iceland and Portugal
  - 2012 Denmark
  - 2013 Brazil, England and Wales, France, New Zealand and Uruguay
  - 2014 Luxembourg and Scotland
  - 2016 Ireland
  - 2017 (law becomes effective) Finland
- SS marriage is also legal in 37 American states  
...but not in Australia.

## Seminal Keogh case back to court...next year

Henry Keogh, 59, who spent 19 years in jail after being wrongfully convicted of murdering his fiancée, is to face a retrial in 2016 in the Supreme Court of South Australia.

Keogh's conviction was quashed in December 2014: the SA Court of Criminal Appeal (CCA) ruled original forensic evidence presented to the trial jury was plain wrong. Forensic experts are now telling the courts that it was likely his fiancée, Anna Jane Cheney, died a natural death in 1994 after a fall in the bath.

The SA Director of Public Prosecutions, Adam Kimber – who has decided to re-prosecute the case in the face of the latest 'natural death' forensic evidence – said a trial date had been set for early March 2016, but the case would be back in court this month (June) for another directions hearing. Keogh has chosen to be tried by judge alone. <http://tinyurl.com/ozan4n8>

There is much more riding on this case than just the fate of Keogh, including why a state-commissioned 2004 expert forensic report was not released to defence lawyers at the time. Then-State Solicitor-General (now Chief Justice) Chris Kourakis, and former SA Attorney-General, now-Speaker of the House of Assembly, Michael Atkinson, had it within their powers to release the report while in their earlier official positions, but it lay unrevealed for nine years, until 2013. A simple test on blood, recommended to the Crown in the 2004 report, was never carried out by the State.

Immediately Keogh appealed (under a newly-passed 'Right To Appeal' law) and the 2004 report's experts findings became available, he was able to get a new day in court, his appeal was upheld, and he was freed from jail. The result of the long-delayed blood test was crucial in the CCA ruling to free him.

Also at issue is possible compensation for Keogh, potentially up to \$10m, if he chooses to seek compensation from the state for nearly 20 years of wrongful jailing, and possibly even malicious prosecution if the current Crown re-trial of him fails.

There are many legal experts who think the treatment Keogh has received from the State of SA over 20 years falls below accepted standards of legal competence and does not meet mandated international standards to which Australia is committed. If that becomes proven, there could be interesting ramifications federally in a novel twist to international conventions never pursued in Australia.

As the first case to be decided under the new SA 'Right To Appeal' law, the Keogh case has major significance. Tasmania is planning to 'mirror' the SA legislation, and has a draft law to that effect ready to be debated.

## Lawyers call for review of DPP decisions

Prosecutors must be courageous and stop pursuing cases that are doomed to fail rather than adding to trial logjam and defendants' expense, South Australian lawyers said last month.

Top barristers took part in an *Advertiser* survey to co-incide with Law Week, supporting the SA Law Society's radical call that prosecutorial decisions be reviewed by an independent body.

"Their comments highlight simmering tensions, between the Office of the Director of Public Prosecutions and defence counsel, over the handling of criminal cases," the *Advertiser* said.

Lawyers said the ODPP's poor attitude and erroneous decision-making delayed cases, unnecessarily consumed court time and inflated legal costs for defendants. The survey's findings prompted Law Society of SA president

Rocco Perrotta (photo) to call for creation of an external body to review prosecutorial decision-making.

## SA lawyers say DPP must be held accountable for its decisions, not pursue cases doomed to failure

KEN MCGREGOR AND SEAN FEWSTER THE ADVERTISER MAY 11, 2015 11:33PM

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Law Society of South Australia President, Rocco Perrotta.

• Justice under the microscope: SA's top legal minds take on the tough questions

**PROSECUTORS must be courageous and stop pursuing cases that are doomed to fail rather than adding to trial logjam and defendants' expense, lawyers say.**

Top barristers have taken part in an *Advertiser* survey to co-incide with Law Week, supporting the

"Wrong decisions to commence or continue with a prosecution, or the wrong choice of charges, causes considerable problems in the legal system," he said. "It may sound radical, but external review of prosecutorial decision-making is long overdue." <http://tinyurl.com/omca7y2>

## Justice under microscope

It takes an average 31.1 weeks for a case to be finalised in SA's higher courts, compared to the national average of 28.8 weeks.

It takes 13.7 weeks for a case to be finalised in the Magistrates Court, compared to 5.1 weeks nationally, and 18.2% of all criminal cases are withdrawn, compared to 7.9% nationally. Between 2012-13 and 2013-2014 the state's average daily prison population grew by 10%, from 2177 prisoners to 2409 prisoners. <http://tinyurl.com/pyb92l9>

## Let's investigate the Top End of Town

The pervasiveness of Australian Rules football networking throughout the Melbourne business establishment is coming to light in hearings about alleged corruption in Victorian government departments and agencies over many years, involving many millions of dollars.

While Civil Liberties Australia makes no comment on the matters currently being investigated by the Independent Broad-based Anti-corruption Commission (IBAC), the hearings are revealing how intertwined are memberships of footy clubs, MCG corporate boxes, government boards and the business and associated establishment organisations.

It is surprising there has never been a robust inquiry in Victoria into the personal and professional linkages involving government contracts and positions on state boards and authorities, cross-referenced to who is mates with whom in the Aussie Rules football world. One researcher on an inexpensive contract for just three months could easily diagram many links and apparent networks, just from desk-based research, which might bear further investigation.

It is always surprising to Civil Liberties Australia that the vast resources of software, surveillance and police/spook personnel are virtually never deployed against the 'Big End of Town'. Almost invariably, the state's investigative arms are deployed mostly against bikies, left-leaning organisations and 'radicals' who think outside the square, in academia and elsewhere.

CLA has long argued that more damage, financial and social, is done to the Australian community and fabric by uptown boards than by downtown crooks. Somehow though, the overwhelming concentration of investigative resources is devoted to rooting out the foot-soldiers rather than collaring the generals.

The same dilemma arises in the drug trade, where police are good at grabbing Mr Littles while Mr Bigs get away with murder, literally sometimes. It's possible more drugs are consumed in boardrooms than in bikie clubs...but when did you last hear of a boardroom being raided?

A relatively new government in Victoria has the opportunity to soothe its investigators on to the top end of Collins Street, rather than the bottom end of Flinders.

– <http://tinyurl.com/p2xhypo> and <http://tinyurl.com/pptaqjo> refer

### Letter to editor: Dank day in sport...

With respect to the CLA comment on 'Dank Guilty over Drugs Players Didn't Take' (CLArion 1 May 2015), I recognise your objections to possibly flawed decisions of the anti-doping tribunal and standards of certainty. But there are still some obvious questions which you didn't address. While I believe the Essendon players are innocent of any wrongdoing, they were given something and we still don't know for sure what it was and how often it was used. Do we know that this substance or substances were safe in both the short and long term? Were the players fully informed about what they were being treated with and any possible adverse side effects? If not, is that not a matter of public concern? – *David Roth*, CLA member. NOTE: The World Anti-Doping Authority (WADA) is now on the case - Ed.

### **Old reports, revisited...**

In its 2004\* report, 'As a Last Resort', the Australian Human Rights and Equal Opportunity Commission concluded that:



*'...children in immigration detention suffered from anxiety, distress, bed-wetting, suicidal ideation and self-destructive behaviour, including attempted and actual self-harm.*

*The methods used by children to self-harm included hunger-strikes, attempted hanging, slashing, swallowing shampoo or detergents, and lip-sewing. Some children were also diagnosed with specific*

*psychiatric illnesses, such as depression or post traumatic stress disorder.'*

Note: 2004 is correct.

The then-HREOC boss, Dr Sev Ozdowski (photo), was also pilloried (like Prof Gillian Triggs, for her 2014 'Forgotten Children' report), and not given a job by Prime Minister John Howard's government at the end of his term. Happily, he is mentoring the university students of western Sydney, is acknowledged as an adjunct professor by the University of Sydney in the area of Peace and Conflict Studies, and is a valued member of Civil Liberties Australia.

### **ODD SPOT: We're developing new apps...**

Civil Liberties Australia is thinking of developing a new app, called App-athy, for non-members. They can get it for their e-phone or x-tablet or home computer.

Pay us \$100, and members of CLA – instead of them – for the next 10 years will do all the worrying that a citizen should be doing about ensuring our country remains the nation of the fair go, where people's civil liberties are protected from governments and bureaucrats, human rights of the poorest are protected, and freedom isn't blighted by black-armoured riot police with hidden faces and their faceless spook mates who can invade your computer and your home secretly... which current laws allow.

Once a month we'll report to them on how many new laws the government has introduced that would really worry them if they took any notice.

We're working on another app, called Ignor-Bliss, where non-members can pay us \$1000 for life, and we DON'T tell them once a month about all the nasty new laws and rules the government is introducing.

### **Sick Aborigine dies in custody**

Aboriginal elders are calling on the NT Government to rescind its paperless arrest laws following the death in custody of an Indigenous man.

NT Police said the 59-year-old Indigenous man died in the Darwin watch-house last month three hours after being picked up on suspicion of alcohol-related offences. He was put in the lock-up under NT laws brought in six months ago which allow the police to hold people suspected of minor summary offences, for behaviour including being disorderly, making too much noise or swearing, for four hours without charge.

The laws aim to cut the time officers spend on paperwork away from their work patrolling the streets.

ABC Radio was told the man was from Alice Springs, and had gone to Darwin for medical treatment. The NT coroner is investigating. <http://tinyurl.com/mwr73h2>

### **Youth to get new bracelets**

The NT Government is introducing bracelet monitoring for young offenders, even when on bail: soon the spatial monitoring will have an alcohol monitoring enhancement.

Minister for Correctional Services John Elferink said an amendment to bail law would allow tracking young offenders' movements when released from prison or on bail. Currently youths can only be bailed with electronic monitoring from the Supreme Court.

"The technology sends electronic signals to a manned control room, and is able to detect whether a person is in breach of any curfew or 'no go' areas. We are also now looking to progress the use of the technology even further, with electronic alcohol monitoring devices to be trialled this year," he said. \$1m has been allocated to the program. – media release, 4 May 2015.

### **Police try for pro-forma jailing of accused**

Police are increasingly relying on pre-written forms instead of showing up in magistrates' courts to argue against the release of accused criminals, the *Canberra Times* reported last month.

ACT barristers are criticising the "justice by rote" as an "unacceptable cheapening" of the value of liberty.

ACT magistrates have also criticised the pro forma approach, telling prosecutors that they give untested claims made in the documents little weight, potentially weakening efforts to prevent an alleged offender's release.

The recent reliance on the forms is changing a long-standing practice of police physically showing up to court for opposed bail hearings, Christopher Knaus wrote.

Director of Public Prosecutions Jon White says the forms are appropriate to use in many cases, excluding family violence and other serious matters. Use of forms aims to reduce the time that police sit waiting in ACT courts to give evidence, often taking many hours out of their day, sometimes on the back of lengthy overnight shifts, according to prosecutors and police. <http://tinyurl.com/lcozec9>

## Jail overcrowding – 'prison officers unsafe'

Overcrowding at Queensland's two privately-run prisons is risking officer safety, a union says.

Arthur Gorrie Correctional Centre, southwest of Brisbane and run by the GEO Group Australia, holds 1041 prisoners. It was built for 890. The Southern Queensland Correctional Centre, in the Lockyer Valley and run by Serco, holds 380 prisoners, 80 more than it was built to accommodate.

"They've done that by doubling up people in rooms, which in itself causes a stack of problems – it builds up tensions," according to Michael Clifford, an official of the United Voice union. Assaults were up 47% across all Queensland jails, he said. <http://tinyurl.com/kzs2ntm>

## \$1000 limit set on donation disclosure

Queensland political parties must declare all donations over \$1000 after the Labor Government scrapped its LNP predecessor's initiatives.

The previous Newman government changed the limit in November 2013 to more than \$12,000. The law passed last month makes the new limit retrospective to 2013. <http://tinyurl.com/prrcbmz>

## NSW criminals do it tougher... especially Aboriginal juveniles

NSW criminals receive a tougher sentences for many offences than do their Queensland and Victoria counterparts, according to a report by the Judicial Commission of NSW.

The study compared district and local court sentencing between the three eastern states in five categories — sexual assault, child sexual assault, dangerous/culpable driving causing death, robbery and break and enter/burglary. NSW, Queensland and Victoria have very similar maximum penalties for these offences, but in all five categories NSW had the highest rate of full-time imprisonment.

The rate of imprisonment for sexual assault of a child under 10 years was 89% in NSW, compared to 76.1% in Victoria and 70% in Queensland.

NSW courts imposed longer sentences on average than Victoria and Queensland for child sexual assault, robbery, and break and enter/burglary offences. <http://tinyurl.com/ncn8qv3>

The number of Aboriginal juveniles placed in custody increased by 34.2% between September 2014 and March 2015. That's compared to an increase of only 14.4% for non-Indigenous juveniles.

Aboriginal youth are now 44 times more likely to be locked up than non-Indigenous counterparts in NSW. <http://tinyurl.com/omokquc>

## Australian briefs

**Top cop demoted:** NT Police Commander downgraded to Superintendent: <http://tinyurl.com/qc7t8by>

**Hearing voices?** There's a new anti-bigotry entity on the block, apparently to counter an anti-Muslim political party which plans to launch later in 2015. Voices Against Bigotry is at: <http://www.voicesagainstbigotry.org/>

**Nauru turns its face to the wall:** The Nauru government blocked Facebook last month under the guise of a crackdown on online pornography, an opposition MP claims. Mathew Batsiua told the ABC's *Pacific Beat* that the government's real intention was to prevent criticism and free speech in "an act of dictatorship". Facebook is also banned in China, North Korea and Iran. Refugees held on the island can no longer gain access to Facebook every third day, as they could previously. <http://tinyurl.com/k76nyd8>

**Armed, and dangerous:** The NT police are getting some seriously-heavy killing machines as part of a new \$1.7m Budget spend. Their 35 Remington R5 M4 rifles will stop a herd of charging rhino, whereas the eight Sig Sauer 716, semi-auto, 7.62mm marksman rifles are more likely to be used by snipers during sieges. To ease the load on patrolling police backs, 835 new load-bearing vests will keep tummy weight up, and back pain down, so the manufacturers say. — media release, Police Minister, 7 May 2015

**Fewer guns, not more:** A Nationals state politician in NSW wants police to carry guns in court. Australia is trending towards America more every day, but politicians should think before they introduce the US gun culture into Australian institutions, Civil Liberties Australia says. <http://tinyurl.com/l3tm79j>

**Police force of interest:** Assistant WA Police Commissioner Gary Budge is heading an 'all sorts' team to review the cold case murder of boot-scooting Supreme Court registrar, Corryn Rayney, in August 2007. Her husband, barrister Lloyd Rayney, was acquitted at trial and at appeal of her murder. Detectives on the 'new' case will be drawn from police forces around Australia. Police Commissioner Karl O'Callaghan says the review will re-investigate the crime, not of the actions of police and forensic investigators. Pity, because CLA remembers how the WA Police publicly declared Mr Rayney a 'person of interest' — the only person of interest — without evidence as to his guilt. The case was also noted for the mysterious appearance, never explained, of a seed pod in a body bag. <http://tinyurl.com/ltgwzm4>

**Calculated snub:** The Superannuated Commonwealth Officers' Association recently put in a FOI to the Australian Bureau of Statistics to find out how "technical improvements" had affected how the CPI was calculated. Four documents came back, 60 pages, of which 27 had been completely redacted (i.e. blacked out). — from the Vintage Reds April meeting report

**Grass to be greener on Norfolk:** Cannabis producer AusCann has been granted a license to grow medicinal cannabis on Norfolk Island and export it to Canada — though

Norfolk Island administrator Gary Hardgrave still has the power to stop the project going ahead. The company hopes eventually to export medicinal cannabis to mainland Australia, with legislation due to come before federal parliament soon. Medicinal marijuana is still illegal in Australia, but many argue that has to change given the growing anecdotal and scientific evidence of its medicinal benefits. <http://tinyurl.com/k86nw7e>

## CLA report -- key activities for May 2015

**Board meeting:** 17 May 2015: welcomed new Director Rajan Venkataraman (photo) by teleconference; Tasmanian Director Richard Griggs participated and reported by Skype.



eAGM results, re-election of board

- i. President vote: Kris Klugman confirmed
- ii. Vice-Presidents: Tim Vines, Noor Blumer
- iii. Secretary/CEO: Bill Rowlings
- iv. Treasurer: Phil Schubert
- v. Public Officer: Bill Rowlings continuation confirmed

Noted: Rajan will focus on submissions by CLA and other interactions with Federal Parliament

Better Justice campaign report: President written to all AsG and Ombudsmen

Positions of web master, WA representative discussed

### Other business

- Sue Neill-Fraser play recently workshopped in Sydney. Plan to run in Tasmania in November; letter from SNF received with general description of "a day in jail".
- CLA agreed to work with Amnesty International in a joint approach to government on the death penalty.
- CLA, Law Society, Bar Association and ANU Law School co-presenting talk by Bernard Collaery. on national security, legal professional privilege and East Timor: 11 June at ANU, 5.30pm.
- Writing of history of civil liberties continues.

### Networking meetings

Visit to CLA member John Wood re current issues Jarrah Robbins (Greens ACT) and Tom Warne-Smith re exclusion zones around abortion clinics

### Forums

DFAT NGO roundtable on Australia's reporting under the Convention on the Elimination of All Forms of Racial Discrimination (CERD) and International Convention on Economic Social and Cultural Rights (ICESCR) 8 May 2015: report of CLA representative on web site. President represented CLA and spoke to submission written by Rajan Venkataraman

Launch of Cross Party Working Group on the Trans Pacific Partnership (TPP) agreement at Parliament House: hosted by CLA member Melissa Parke MP, Senator Peter Whish-Wilson, and Senator Nick Xenophon. Speakers included Dr Pat Randal (AFTINET) and Matt Levey (Choice). See Ms Parke's paper on the CLA website: <http://www.cla.asn.au/News/whos-afraid-of-the-tpp/>

### Lectures

Prof George Williams on Legal Assault on Australian Democracy: ACT Law Society Annual Blackburn Lecture: see this excellent important paper on the CLA website. <http://www.cla.asn.au/News/legal-assault-on-australian-democracy/>

### Tasmania - Richard Griggs:

Director Tasmania Richard Griggs spoke against proposed new laws to allow faith-based schools to refuse enrolment to children of a different religion: <http://tinyurl.com/kfarrpz> and <http://tinyurl.com/nsr2gl9> and met with all 15 members of the Tasmanian Upper House in a joint briefing to discuss CLA's concerns with the proposed law.



*Photo: Terry Polglase, Tasmanian President – Australian Education Union; parent Deirdre Murray and daughter Ella; Richard Griggs, Tasmanian Director of CLA;*

### Media - Tim Vines and Bill Rowlings:

Call for Australia to campaign to end death penalty worldwide (CLA, jointly with seven other groups):

- 'Human rights groups' steps for government', AAP (via SBS)
- '[Australia should push for global end to death penalty](#)', Guardian Australia
- '[Human rights groups' steps for government](#)', Daily Mail Australia (via AAP)
- Human rights groups' steps for government, Sky News Australia (via AAP)
- 'Australia should adopt new strategy to end death penalty abroad, says HRW' - Eurasia review
- 'Australia urged to adopt new strategy to end death penalty abroad' - Jakarta Post
- Federal Parliament: Debate on death penalty 150526: <http://tinyurl.com/l6okpjb> (see Ruddock)
- The Death Penalty - Interviews with Uni of Queensland student and *TheWire* (Radio Adelaide)

### Articles - Tim Vines:

Abortion Clinic Access Zones – publication for CLA website  
Gene Patents and TPP – article for ACT "Legal Tweaks"

### Presentations -Tim Vines:

Vaccination and anti-vaxers – presentation to Year 1 Medicine students, ANU

## INTERNATIONAL

### PNG may abandon death penalty...again

Papua New Guinea's Prime Minister Peter O'Neill says the death penalty is "under review" after the outcry over the execution of foreign drug convicts in Indonesia.

PNG revived the principle of capital punishment two years ago to reduce rampant crime, prompted in part by the live burning of a 20-year-old woman for sorcery.

The country's National Executive Council approved three modes of execution – hanging, lethal injection and firing squad – but none of the 12 convicts on death row have been killed, due to a lack of infrastructure. <http://tinyurl.com/kra8wqj>

There has been no state execution in PNG since 1954, when Australia ran the country.

## Canadian Khadr free after 13 years

Omar Khadr, 28, has been released from prison (photo, by Nate Whiling) after an Alberta Court of Appeal rejected a last-ditch Canadian government attempt to keep the former Guantanamo Bay prisoner behind bars.



Justice Myra Bielby ruled the government failed to prove that allowing Khadr out now would cause “irreparable harm” to Canada’s international treaty obligations.

It will be Canadian citizen Khadr’s first taste of freedom in almost 13 years, since his capture as a wounded 15-year-old in Afghanistan in July 2002. A lower court judge had granted Khadr bail last month while he appeals his war crimes conviction in the USA.

The Canadian government had argued that releasing Khadr would undermine the treaty under which the US returned him to Canada to serve out his eight-year sentence in 2012. Khadr was found guilty basically of fighting against American soldiers in Afghanistan... which is what locals do in wars: why his age never counted in his favour is one of the ongoing mysteries of the two decades long injustice whose name is Guantanamo, Civil Liberties Australia says.

## UN expert says TPP threatens human rights

The UN has come out publicly to say that secretive trade agreements such as the Trans-Pacific Partnership (TPP) undermine human rights around the world, because of the secretive, corporate-dominated process, and due to provisions that arise out of the opaque negotiations.

Independent UN expert on the promotion of a democratic and equitable international order, Alfred de Zayas, said that the secrecy surrounding trade negotiations is a threat to human rights because it disenfranchises and excludes the public from “the right and opportunity to take part in the conduct of public affairs.” He urges human rights impact assessments be undertaken immediately as part of the negotiation process, and goes on to say that fast tracking these deals to approval has a detrimental impact on a democratic, equitable world order.

He particularly singles out trade agreements’ investor-state dispute settlement (ISDS) provisions. <http://tinyurl.com/jwvph6c>

## Belgians want to stop Facebook tracking

The Belgian Privacy Protection Commission (BPPC) is urging internet users to instal software to stop Facebook tracking them – whether or not they have a Facebook account.

An exasperated BPPC – which is working cooperatively with its Dutch, French, German and Spanish equivalent agencies – says Facebook is trampling on European privacy laws by tracking people online without their consent.

“Facebook tramples on European and Belgian privacy laws”, the BPPC said in releasing a report on changes that Facebook introduced in January to its privacy regime. The BPPPC said Facebook had refused to recognise Belgian and other EU national jurisdictions, and maintained that it was subject only to the law in Ireland, where its European headquarters is based.

While the BPPC is powerless at present to fine Facebook, a new EU data law expected to be in place later in 2015 will allow for fines of up to 5% of annual sales. The new law will permit a crackdown on rogue e-companies – who think they are above national rules and tax systems. – from Reuters and Wired reports, see: <http://tinyurl.com/ljsjfdzs>

## China introduces lifelong case responsibility for judges...including miscarriages

China’s Supreme People’s Court (SPC) has recently announced 84 reform measures, divided into three categories. “In improving judicial justice and credibility, 48 reforms include litigation reform to prioritise trials, letting judges assume lifelong responsibility for cases they handle and holding them accountable for any miscarriages of justice, as well as improving (the) jury and public supervisor system,” the SPC said.

“Reform will be carried out to foster a strong team of legal personnel, including improving the professional threshold and encouraging exchanges between legal practitioners and researchers.

“Reforms already initiated should achieve “greater progress within this year,” including setting up cross-regional courts and procuratorate, as well as circuit courts.

“Other reforms to start by the end of 2015 include setting up a system to record and report officials’ meddling in legal activities, and litigation reform.” <http://tinyurl.com/lv34vyj>

## Chief Justice investigating court officials over man wrongly executed

“We deeply reproach ourselves for letting wrongful convictions happen. Courts of all levels should learn a serious lesson from these cases,” said China’s Chief Justice, Zhou Qiang, in delivering the work report of the Supreme People’s Court (SPC) to the national legislature.

The SPC will improve the mechanism to effectively prevent and correct wrongful convictions, he said.

In 2014, courts nationwide re-heard 1317 cases and corrected a number, according to Zhou’s report.

One high-profile wrongful conviction was a rape-murder case in 1996 by an Inner Mongolian court, in which an 18-year-old man named Huugjilt was convicted and executed... 18 years later, in December 2014, he was acquitted of the crimes.

The higher court of Inner Mongolia is investigating those responsible for Huugjilt’s case and will hold them accountable, CJ Zhou said. <http://tinyurl.com/n75p8km>

## Spooks listen/watch your every word

Most people don’t realise that the words they speak are not so private any more, *The Intercept* says.

Top-secret documents from the archive of former NSA contractor Edward Snowden show the USA’s National Security Agency can now automatically recognise the content within phone calls by creating rough transcripts and phonetic representations that can be easily searched and stored.

The documents show NSA analysts celebrating the development of what they called “Google for Voice” nearly a decade ago.

Though perfect transcription of natural conversation apparently remains the intelligence community’s “holy grail,” the Snowden documents describe extensive use of keyword searching as well as computer programs designed to analyse

and extract the content of voice conversations, and even use sophisticated algorithms to flag conversations of interest.

<http://tinyurl.com/no7kr63>

Whatever the NSA can do can also be done for Australia, or in Australia, under the 'Five Eyes' secret squirrel security arrangements between the US, UK, NZ, Canada and Australia, Civil Liberties Australia understands.

## **Snowden proved right: bulk metadata collection 'un-Patriotic'**

The National Security Agency's bulk telephone metadata collection program exposed by Edward Snowden is not authorised by the Patriot Act, a federal US appeals court ruled last month.

The US Circuit Court of Appeals for the Second Circuit said the snooping program "exceeds the scope of what Congress has authorised." The Bush and Obama administrations have cited the Patriot Act, adopted a month after the 2001 terror attacks, as the legal basis authorising spying since 2007.

The lengthy ruling comes as the section of the Patriot Act in question expires at month's end, and lawmakers are set to renew it outright or with a few limitations on the metadata collection program, David Cravats wrote for *arstechnica*.

The court noted that the Patriot Act gives the US government wide powers to acquire all types of private records on Americans as long as they are "relevant" to an investigation. But the government is going too far when it acquires, via subpoena, the metadata of every telephone call made to and from the USA, the court said. <http://tinyurl.com/pspehfz>

## **NZ about to launch miscarriages of justice project**

The Michael October and Teina Pora cases in NZ over the past few years have revealed systemic failures in the NZ justice system, organisers of a new project say,

On 13 June, they will launch the NZ Public Interest Project "to counter problems ignored by successive governments" at U. Canterbury in Christchurch. NZPIP, in conjunction with the uni, will investigate and pursue miscarriages as well as other cases "in the interests of justice and the public good".

For further information, contact convenor Dr Anna Sandiford (photo) at email: [sandiford@theforensicgroup.co.nz](mailto:sandiford@theforensicgroup.co.nz)



## **US Congress, now un-Patriotic, plumps for Freedom instead**

Nearly two years after the US government's collection of telephone calls became public following the Edward Snowden leaks, the US House of Representatives has passed, by a vote of 338-88, the USA Freedom Act, a bill that would end the government's phone surveillance database.

The data will still be available for government searches, but it will lie with the individual phone companies. The bill was opposed by 47 Republicans and 41 Democrats, most of whom said the proposal didn't go far enough to protect civil liberties. <http://tinyurl.com/m5m84c5>

## **Heavenly cartoonists ask: did we die in vain?**

The French lower house has overwhelmingly (438 to 86) approved sweeping new surveillance powers in the wake of the terrorist attacks in Paris in January that killed 17 people at the satirical magazine *Charlie Hebdo* and a kosher grocery store.

The new law will also allow intelligence agencies to tap phones and emails without seeking permission from a judge, Angelique Chrysafis reported in *The Guardian*.

Protesters for civil liberties groups launched a last-ditch campaign under the banner "24 hours before 1984" in reference to George Orwell's dystopian novel about life under an all-knowing dictatorship.

Intelligence services will have the right to place cameras and recording devices in private homes and instal so-called keylogger devices that record every key stroke on a targeted computer in real time. The authorities will be able to keep recordings for a month and metadata for five years.

The bill allows intelligence services to vacuum up metadata, which would then be subject to analysis for potentially suspicious behaviour. At first anonymous, intelligence agents could follow up with a request to an independent panel for deeper surveillance that could yield the identity of users.

President François Hollande has taken the rare step of promising to refer the law to the constitutional council, the country's highest authority on the constitution, to ensure its principles are lawful.

The law will now be examined by the senate. <http://tinyurl.com/lbr53wb>

## **Gove to scrap Britain's Human Rights Act?**

Britain's new Justice Secretary, Michael Gove, is likely to try to scrap the UK Human Rights Act and pull Britain out of the European Convention on Human Rights (ECHR).

Gove, who supports capital punishment, will implement human rights reforms that had been blocked in the previous British coalition government by the Liberal Democrats.

The Tory manifesto promised to scrap the Human Rights Act, and it is expected to be included in the Queen's speech in late-May.

The plan is to replace the Human Rights Act by a British bill of rights, which would mean that the European Court of Human Rights would no longer be binding over the UK's supreme court. The ECHR would also no longer be able to order a change to UK law although British citizens would still be entitled to appeal to the Strasbourg-based court. <http://tinyurl.com/p4zaxqr>

The new shadow Lord Chancellor, Lord Falconer, has predicted that the Lords will throw out any attempt to replace the Human Rights Act. <http://tinyurl.com/nytcw58>

## **Netherlands imposes part-ban on burka**

The Netherlands has approved a partial ban on wearing the burka, a face-covering Islamic veil, in schools, hospitals and on public transport.

"Face-covering clothing will in future not be accepted in education and healthcare institutions, government buildings and on public transport," the government said last month

The ban does not apply to wearing the burka on the street, but only "in specific situations where it is essential for people to be seen" or for security reasons, PM Mark Rutte said after the cabinet meeting.

People flouting the ban can be fined up to \$570. State broadcaster NOS said that between 100 and 500 women in the Netherlands wear the burka, most of them only occasionally. <http://tinyurl.com/n3lutqa>

## Man pardoned over mistaken photo ID...after 29 years in jail

US State of Virginia governor Terry McAuliffe has pardoned Michael Kenneth McAlister, 58, after he spent nearly three decades in prison for a crime officials now say he did not commit.

He was a 29-year-old carpenter living with his mother when identified in a photo array, and later in court, by a woman assaulted in the laundry of an apartment complex in Richmond, Virginia in February 1986.

The 22-year-old woman was able to pull up the plaid-shirted attacker's stocking mask and get a look at his lower face. A detective investigating the attempted rape and kidnapping case asked McAlister to wear a plaid shirt, took his photograph and included it in a photo line-up shown to the woman.

McAlister was convicted, but the original prosecutor and lead police detective soon had doubts. It turned out another man, Norman Bruce Derr, was a suspect in a series of Richmond laundry rapes.

Derr, a serial rapist who bore an uncanny resemblance to McAlister, recently confessed to the 1986 attempted rape and kidnapping. <http://tinyurl.com/meml2r2>



*Derr is on the left, McAlister on the right, in these photos taken in 1986. McAlister served nearly 30 years in jail because he closely resembled Derr...and a police officer dressed him in a plaid shirt for a 'line-up' photograph.*

– Photo credits: Mid-Atlantic Innocence Project and Miller & Chevalier

## Democratic debate bypassed in the UK

The UK government has quietly passed new laws that exempt its spy agency, GCHQ, as well as police and other intelligence officers from prosecution for hacking into computers and mobile phones.

While major or controversial legislative changes usually go through normal parliamentary process (democratic debate) before being passed into law, an amendment to the Computer Misuse Act was snuck in under the radar as secondary legislation. According to Privacy International, "It appears no regulators, commissioners responsible for overseeing the intelligence agencies, the Information Commissioner's Office, industry, NGOs or the public were notified or consulted about the proposed legislative changes... There was no public debate."

Privacy International also suggests that the change to the law was in direct response to a complaint.

On 6 June 2014, just a few weeks after a major complaint was filed about the government spooks' hacking practices, the UK government introduced the new legislation which allows spooks and police to hack into people's private communications without criminal liability. The bill passed into law on 3 March 2015, and it went into effect on 3 May. <http://tinyurl.com/jwra8c2>

The Queen's speech – outlining the legislative plans of the newly-elected Tory government – indicated that spook laws would be beefed up even further now the party ruled in its own right.

## International briefs

**Spy boss jailed:** Former head of Colombia's intelligence service, Maria del Pilar Hurtado, 51, was sentenced to 14 years jail last month for spying on opposition lawmakers, judges and journalists in a huge scandal marring the government of ex-president Alvaro Uribe. She headed the now-defunct Administrative Security Department intelligence service from 2007 to 2008, shut down following the scandal and replaced with a new intelligence entity. Hurtado received political asylum in Panama in 2010, but the Panamanian government revoked it in 2014. She surrendered to authorities in January 2015, hours after Interpol released an international order for her arrest. <http://tinyurl.com/neoeavq>

### Trade agreement skews health safety regulations:

European Union moves to regulate hormone-damaging chemicals linked to cancer and male infertility were shelved following pressure from US trade officials over the Transatlantic Trade and Investment Partnership (TTIP) free trade deal, newly released documents show. Draft EU criteria could have banned 31 pesticides containing endocrine disrupting chemicals (EDCs). But these were dumped amid fears of a trade backlash stoked by an aggressive US lobby push, access to information documents obtained by Pesticides Action Network (PAN) Europe show. <http://tinyurl.com/mojhzcu>

### Police heavy munitions to be restrained:

US president Barack Obama is banning the use of heavy-duty military equipment by police departments. For more than a decade the Pentagon has given surplus military equipment to law enforcement bodies. But the president's task force on 21st-century policing has recommended that tracked armoured vehicles, bayonets, grenade launchers and ammunition of .50-calibre or higher should no longer be shared. <http://tinyurl.com/lqy27yk>

### Euthanasia requests up:

In Belgium, where euthanasia was legalised in 2002, large-scale repeat surveys have monitored evolution of medical end-of-life practices since 1998, with surveys conducted in 2001 and 2007 and the latest in 2013. The rate of euthanasia increased significantly between 2007 and 2013, from 1.9 to 4.6% of deaths. The overall increase relates to increases in both the number of requests (from 3.5 to 6.0% of deaths) and the proportion of requests granted (from 56.3 to 76.8% of requests made) – as reported in the *Lancet Oncology*, originally from the *New England Journal of Medicine*: <http://tinyurl.com/ol73f35>

**Smoke bans spread to Beijing:** China's capital Beijing is introducing a new smoke-free law, with smoking indoors, at work places and on public transport banned from today (1 June 2015). No ads are allowed in mass media, public spaces, billboards or outdoor areas. All forms of tobacco promotion and title sponsorship are also banned. Businesses flouting the law will be fined about \$2000, with repeat offenders liable to have their licenses revoked. China's finance ministry has recently upped tax on smokes, but the price of a pack of a cheap brand rises to only about \$1.10, extremely low by western prices. China has about 300m smokers. It is claimed 1m die a year from smoking-related diseases, mostly lung cancer. <http://tinyurl.com/kx4aax2>

**Same-sex marriage – 38% jump in approval in just 20 years:** In 1996, 25% of Americans supported marriage equality, and now polls find that 63% favour it. "If only Americans could change their views on, say, the wisdom of arming everyone; the utility of foreign wars; or the efficacy of the death penalty; as quickly as they altered their attitude towards same-sex relationships," Fitch (see above) says.

**More gaiety up north:** The Church of Scotland general assembly voted 309 to 182 last month to allow ordaining ministers in same-sex civil partnerships. South of the border, the Church of England bans gay clergy from marrying their partners but some bishops have started to question the policy: it does allow clergy to enter civil partnerships as long as they remain celibate. <http://tinyurl.com/mcl8hq4>

**High Court plea for euthanasia right:** Knowing she could be helped to die would be a great comfort in her final days of life, says NZ lawyer Lecretia Seales (photo), a 42-year-old policy adviser at the NZ Law Commission. She is fighting for her right to die: Justice David Collins of the NZ High Court has reserved his decision on her application. She wants a GP, who has agreed to end her life, to be able to do so without suffering the consequences of NZ's current ban on euthanasia. Seales was diagnosed with a brain tumour four years ago, and is paralysed on the left side. <http://tinyurl.com/qgobhu2>



**Russia bans 'undesirable' NGOs:** Under a new law signed by president Vladimir Putin last month, Russian prosecutors will be able to target foreign groups whose "undesirable activities" are deemed to threaten "state security" or the "basic values of the Russian state". Such groups and their publications risk being banned in Russia, having their bank accounts blocked and violators face fines or prison terms of up to six years. <http://tinyurl.com/lmo3w7y>

**Drones on trial in Germany:** A German court in Cologne is hearing a case against the government brought by relatives of victims of a US drone attack in Yemen in a groundbreaking action that has the potential to interrupt the American strikes. The case involves three Yemenis whose relatives were killed in the attack in August 2012. Their lawyers say the German government shares responsibility for the death of civilians because the US military base of Ramstein, which allegedly played a key role in the attack, is on German soil. The government rejects the claim. <http://tinyurl.com/lsw5xqu>

*Photo: Some US 'drones' are mini-aircraft, more than 8m long and costing \$4m each.*



**US judges jump to the sound of cash registers:** In US states – where 100 million cases are filed each year compared to 400,000 in federal courts – elected judges are increasingly for sale, according to a new study in Mother Jones magazine. <http://tinyurl.com/lmkgyqe> In one case, a mere \$4 million investment in the election of a successful Illinois Supreme Court candidate led to a gratifying reversal of a \$1.19 billion judgment against State Farm Insurance, and in Texas and Alabama, Republicans have apparently succeeded in bulk purchases of the supreme courts. – Fitch, *Justinian* blog's American man, reports.

## DATES

**June, England:** 800th anniversary of Magna Carta.

**4 June, Brisbane:** Health Law: Emerging infectious diseases and the law, Prof Belinda Bennett, Qld Uni of Technology, Banco Court, 415 George St, 5-6.30pm. <http://tinyurl.com/nqgmclx>

**11 June Brisbane:** Associate Professor Warren Swain on Lord Mansfield (1705-1793), Thursday 11 June 2015, 5.15pm for 5.30pm, Banco Court, QE II Courts, 415 George St, Brisbane, Queensland. RSVP by 4 June 2015 [events@sclqld.org.au](mailto:events@sclqld.org.au)

**13 June, Christchurch NZ:** Launch of NZPIP, the NZ Public Interest Project to analyse systemic failings in the NZ justice system. 5.45pm for 6pm The Undercroft, U. Canterbury. Contact [info@nzpip.nz](mailto:info@nzpip.nz) for more info.

**3-5 July, Washington DC USA:** Australian Bar Association conference. Trends in American Justice: Impacts for Australia (see 7-10 July also). Contact: [avaconfrence@nswbar.asn.au](mailto:avaconfrence@nswbar.asn.au)

**5-9 July, Perth:** 15th International Symposium of the World Society of Victimology, Perth Convention Centre. Details: <http://tinyurl.com/nu4aogr>

**20-26 June, Bali, Indonesia:** 15th biennial conference Criminal Lawyers Assn of the NT: 'Curing Injustice'. Details: [www.clant.org.au](http://www.clant.org.au) Eve Ash speaks on 'Justice Hunters: Strategy for Change'.

**7-10 July Boston Mass. USA:** Australian Bar Association conference. Survival of the Fittest: Challenges for Advocates in the 21st Century. (See 3-5 July also). Contact: [avaconfrence@nswbar.asn.au](mailto:avaconfrence@nswbar.asn.au)

**20-23 July, Adelaide:** Evidence Law and Forensic Science, 5th intl conference (first outside Beijing, China), U. Adelaide City Campus, Ligertwood and Napier Bldgs, Further info: <http://law.adelaide.edu.au/icelfs/>

**23-24 July, Melbourne:** Constitutional Law Conference 2015, Uni Melbourne Law School. Info: [law-cccs@unimelb.edu.au](mailto:law-cccs@unimelb.edu.au) or 03-8344 1011

**2-6 Aug, Coimbra, Portugal:** 21st annual World Assn for Medical Law conference, covering ageing and health law, IT and health, migrations, islamic bioethics. Details: <http://wafml.memberlodge.org/page-1638556>

**6 Aug, Brisbane:** Criminal Law: The limits of 'Mr Big' techniques and covert interviewing. Prof Simon Bronitt, U. Qld. <http://tinyurl.com/nqgmclx>

**13 Aug, Brisbane:** Annual Sir Harry Gibbs law lecture. By Justice Hugh Fraser. Details: <http://tinyurl.com/kqev32m>

**13 Aug, Canberra:** Annual Kirby lecture on international law: Prof Gerry Simpson (photo) of U. Melbourne. Details: <http://tinyurl.com/q8zeq3n>



**31 Aug - 3 Sept, Sydney:** CLA member Barbara Etter APM (photo, former Asst Commissioner WA Police and *oro bono* legal adviser to Risdon Prison's wrongly-convicted murderer, Sue Neill-Fraser), will be keynote speaker at *Making History – Shaping the Future*, the 9th Australasian Women and Policing Conference,

Luna Park Sydney from 31st August - 3 September 2015. Details and to register: <http://tinyurl.com/mcz6sny>

**8 Sept, Melbourne:** 'Laws and Societies in Global Contexts: Contemporary Approaches', at U. Melb. Law School, Lecture by Eve Darian-Smith of U. California. Inquiries: Vesna Stefanovski, [vesnas@unimelb.edu.au](mailto:vesnas@unimelb.edu.au) or (03) 8344 6589

**29 Sept, Brisbane:** Qld Supreme Court oration. Speaker TBA. 5.30pm Banco Court, QEII courts. Details: <http://tinyurl.com/kfnclah>

**14-15 Oct, Sydney:** Drug Trends Conference 'Trends and Solutions' Customs House, Sydney, organised by the National Drug & Alcohol Research Centre, UNSW. Details: <http://ndarc.med.unsw.edu.au/news/2015-drug-trends-conference-and-dpmp-symposium>

**9-10-11 Nov, Sydney:** *Law via the Internet 2015* conference 10-11 Nov at UNSW, preceded by annual meeting of the Free Access to Law Movement on 9 Nov at UTS. Call for papers: <http://www.lvi2015.org/callforpapers/> Register interest at: [registration@austlii.edu.au](mailto:registration@austlii.edu.au)

**25-26 Nov, Canterbury NZ:** Pacific Regional Security Symposium: Re-thinking Regional Security: Research and Policy Nexus. Three broad themes for the conference are hard security, human security and environmental security. More info: Email: [Kirsty.ameriks@canterbury.ac.nz](mailto:Kirsty.ameriks@canterbury.ac.nz)

**25-27 Nov Adelaide:** 28th A&NZ Society of Criminology, Flinders U. Details – [willem.delint@flinders.edu.au](mailto:willem.delint@flinders.edu.au)

## 2016

18-23 Sept, Auckland NZ: 23rd Intntl Symposium on Forensic Sciences. Details: [www.anzfss2016.org](http://www.anzfss2016.org)

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CLArion is the monthly e-newsletter of Civil Liberties Australia A04043, Box 7438 FISHER ACT 2611 Australia.

Responsibility for election comment in CLArion is taken by CLA's Public Officer, Bill Rowlings, of Fisher, ACT. Please feel free to report or pass on items in CLArion, crediting CLA and/ or the original source. We welcome contributions for the next issue: please send to: [mailto:secretary\[at\]cla.asn.au](mailto:secretary[at]cla.asn.au)

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