

Wilkie moves for new law to give Australia a national Bill of Rights

Andrew Wilkie (Ind, Denison T) has introduced legislation into the Australian Parliament to enshrine a Bill of Rights in Australian law.

The bill is modelled closely on previous legislative attempts to introduce a Bill of Rights, including most recently the Australian Bill of Rights Bill 2001.

“A federal Bill of Rights is necessary to ensure that the Federal and state governments respect human rights and that power-hungry politicians don’t infringe those rights,” Mr Wilkie said.

“Many members of the community agree that we need a Bill of Rights. The Australian Human Rights Commission, the Human Rights Law Centre, the National Aboriginal and Torres Strait Islander Legal Services and the Refugee Council of Australia have all supported a Bill of Rights at some point.

“The Bill of Rights would prevail over any Commonwealth, State or Territory law that infringes on the rights and freedoms that it outlines. It would also allow individuals who feel that their rights have been infringed upon to object to the Human Rights Commission and seek a solution through the courts.

“I call on the government and the opposition to support this bill and bring Australia into line with other countries.” – Wilkie media release, 170814

Wilkie’s national push is a boost to those, led by CLA Tasmanian Director Richard Griggs, seeking to gain commitment from all candidates for the upcoming state election to support a Bill of Rights for Tasmania.

NOTE: Andrew Wilkie is a member of Civil Liberties Australia. Photo shows him speaking at a film screening at ANU in Canberra of ‘Shadow of Doubt’, the video documentary about the extraordinary Sue Neill-Fraser case, an alleged murder which occurred at Sandy Bay, in his Denison electorate.



Australia as a police state: passport confiscated on ASIS say-so

SA Senator Nick Xenophon’s bid for justice for an Australian citizen – who simply wants his passport back – has been rejected by the Senate.

“This really is a very significant scandal in the fact that a citizen of this country has been denied the ability to travel overseas,” Senator Xenophon said.

In virtual jail in Australia for the past four years, the person who wants to travel is Witness K, a former public servant.

The Australian government alleged he was planning to testify in the international court in The Hague that ASIS – the Australian Security Intelligence Service, the nation’s overseas spooks – secretly planted a bug on Cabinet Ministers of Timor Leste in 2004 during negotiations between Australia and the fledging country over the Sunrise gas field in the Timor Sea.

In 2013 ASIO – the nation’s domestic spooks – and federal police raided the Canberra office of Bernard Collaery, the lawyer representing TL. They also confiscated Witness K’s passport at the same time to stop him travelling to the Hague.

Senator Xenophon told the Senate last month: “...the reason for the denial (of passport) related to a dispute between Australia and Timor-Leste which now appears, if not on the verge of resolving, to have an alternative path to dispute resolution. I have asked questions in the estimates process in respect of this. I cannot get satisfactory answers, because ASIS is the responsible body.”

In other words, it was ASIS who decided to seize the passport: and now it is ASIS who refuses to release the passport. As a “competent authority” under the relevant law, simply on ASIS’s say-so Witness K can’t have his passport back, and is “imprisoned” within his own country.

He has no right of appeal against the unilateral decision of ASIS.

ASIO, the actually raiding spooks who took the passport in the first place, apparently have no problem if Witness K (who has never been named publicly) gets it back.

Senator Xenophon moved a motion last month for the Senate to order ASIS to appear before the Foreign Affairs, Defence and Trade committee at Senate Estimates next month (October) to explain itself.

But the Senate wimped it, and refused to call ASIS to account. <http://tinyurl.com/y93mx67x>

'How high?', asks Warner as he pumps and jumps to emulate shoot-em president



Meanwhile, the head of ASIS, spy chief Nick Warner, has been photographed fist pumping with shoot-em-first Philippines leader Rodrigo Duterte.

Warner has been criticised for 'inappropriate' photo with a person whose drug war has left some 5500 people dead on the streets. Duterte has presided over a campaign against drugs in which police have killed thousands of suspected drug users and dealers, mostly urban poor Filipinos. The recent killing of a 17-year-old student has sparked nationwide protest and several government investigations.

LEFT: How high! ASIS boss Warner seems to be asking Philippine President Duterte as their rival each other for fist raising and pumping.

Labor MP Anthony Byrne, who is deputy chair of parliament's joint committee on intelligence and security, tweeted that it was a "completely inappropriate photo for the head of one of our most important intelligence services to be in". CLA comments that it was equally inappropriate for the head of IGIS some years ago to be seen attending a celebratory lunch with the heads of all the spook agencies which IGIS is meant to monitor and inspect (an inappropriateness that Mr Byrne hasn't been able to appreciate yet). In both cases, it's not the gesture, it's their judgement of perceptions in such crucial roles that is called into question.

"Of course Australia's secret intelligence service is called our secret intelligence service for a reason, so preferably the work that ASIS does is below the surface," Foreign Minister Julie Bishop piped in with, mysteriously. <http://tinyurl.com/y7heupms>

ASIO continues hounding, 20 years on, analyst claims

Former mining analyst for SG Warburg, John Wilson, says he is still being hounded by Australia's ASIO and the USA's FBI simply for an investment commentary on the West Papua Grasberg copper and gold mine 20 years ago.

Included in his now two-decade-old research note was mention that the company owning Grasberg, Freeport-McMoRan, was then under investigation by the US State Department after allegations that it was involved in the killing of indigenous protesters at the mine.

Wilson wrote: "...the next thing I knew I had the FBI, and ASIO in Australia, interfering with my life and career. I have had problems with the agencies ever since and have not been able to make any meaningful progress seeking accountability through the established democratic oversight channels—media, legal and oversight agencies—all deeply infiltrated and blocked by ASIO."

Even now, 20 years later, his submission on ASIO has been rejected by an Australian parliament committee investigating whistleblowing, according to Senator Lee Rhiannon (Greens, NSW – photo).

Speaking under privilege in parliament on 170815, she said:

"Mr Wilson's submission argues that ASIO poses a distinct threat to whistleblowers. There is solid evidence for it, and any recommendations by the committee that do not address this threat will leave Australian whistleblowers vulnerable. There is clear and compelling evidence of ASIO interference with whistleblowers in a range of cases, including John Wilson's."

She also read into Hansard what Wilson had written: "...my personal experience (is) the intelligence agencies of the Five Eyes alliance closely protect American



business interests, like Freeport McMoRan's in West Papua, even where those interests involve highly contentious operating practices which would never be tolerated in a First World country or by a free people." <http://tinyurl.com/yc2u9a2e>

And then of course, there's ASIS's bugging of the Timor Leste Cabinet room to benefit Australia's trade negotiations, to the advantage of commercial companies as well.

Rot apparently endemic in Australian Border Force

Respected former NSW police head Ken Moroney is calling on the federal government to restore anti-corruption measures which the Abbott government abolished.

Mr Moroney said the government should revive the Customs Reform Board, an anti-corruption watchdog set up in 2012 after widespread corruption was discovered in what was then the Customs agency.

His call followed the AFP charging a serving Australian Border Force official and a former employee with corruption over an alleged transnational drug and tobacco-smuggling syndicate operating out of Dubai.

The AFP says they abused their positions to bring drugs into the country on behalf of a well-known crime syndicate, which was planning to import 200kg of MDMA and 50 million contraband cigarettes, as well as being involved in money laundering. AFP Assistant Commissioner Neil Gaughan said eight people from the syndicate had been arrested in Sydney and one in Dubai. – original from *The Australian*, 170811

NOTE: CLA has for years argued that Customs whistleblower Alan Kessing, who first identified the corruption problems at Sydney Airport a decade ago, should have been rewarded rather than being charged and convicted and effectively losing his life savings. The Coalition government soon after undertook a \$220m upgrade to airport security. Despite this, and a huge injection of AFP officers on the ground at airports, it appears that rotten cliques inside Customs have successfully transitioned unhindered into ABF.

CLA sub helps to produce likely modern slavery act

A CLA submission and in-person evidence, both by CLA member Felicity Gerry QC of Darwin, have helped convince a parliament committee to recommend Australia introduces a modern slavery act.

Committee chair Chris Crewther (Lib, Dunkley Vic) said the committee was recommending a modern slavery act in Australia, including supply chain reporting requirements and an independent anti-slavery commissioner. The interim report also offers in-principle support for a number of proposed extra elements of a modern slavery act.

Mr Crewther, who is chair of the Foreign Affairs and Aid sub-committee on the concept of a modern slavery act, said the sub-committee welcomed the Australian Government's recent announcement supporting a mandated modern slavery reporting requirement for businesses and organisations operating in Australia, as well as a central repository.

"We have a unique, once-in-a-lifetime opportunity to take the lead on stamping out modern slavery for good, particularly with over 30 million victims in our region," he said. – Crewther media release, 170817

The report says the Walk Free Foundation's *Global Slavery Index 2016* estimates that 45.8 million people are victims of modern slavery. The International Labour Organisation's *2012 Global Estimate of Forced Labour* estimates 20.9 million people are victims of forced labour.

Ms Gerry is a barrister of Darwin and London, and is also a lecturer and leader at Charles Darwin University and the Uni of Western Sydney, among other appointments.

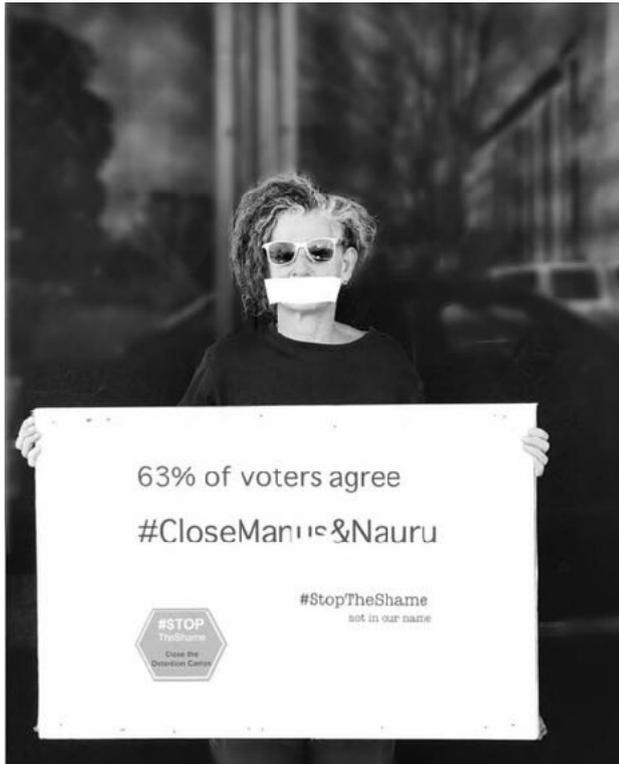
Rights committee wants Treasurer to say whether Australia is going backwards

Federal parliament's Human Rights Committee has pulled up the Treasurer for not explaining how "national partnership" payments to the states and territories are improving – or otherwise – the delivery of services which are the rights of Australians.

As the HRC points out, Australia is committed under international agreements to progressively improving economic, social and cultural (ESC) "human rights, such as the rights to health and education" as well as employment, affordable housing and community services.

"Under international human rights law, Australia has obligations to progressively realise ESC rights using the maximum of resources available, and a corresponding duty to refrain from taking retrogressive measures, or backwards steps, in relation to the realisation of these rights."

In other words, says the HRC, don't just hand out cash: show us how the money is working to improve our access to basic services, or limiting access when the federal government cuts allocations. <http://tinyurl.com/ycw8em7x>



Dutton backflips into freedom of speech

Immigration Minister Peter Dutton has put forward amendments to the 2015 Australian Border Force Act that will effectively strip out rules that threatened detention centre workers – including teachers, lawyers and social workers – with two years in prison if they spoke out about neglect or abuse.

Doctors for Refugees and the Fitzroy Legal Centre brought the constitutional challenge against the laws last year, saying they breached doctor's implied constitutional freedom of political communication.

The provisions now only apply to information that could compromise Australia's security, defence or international relations, interfere with the investigation of offences, or go to sensitive personal and commercial matters.

The government later cut health professionals from the laws but the groups refused to drop the case, arguing doctors could not properly treat detainees if non-health professionals (like teachers, cleaners and cooks) could not report or share information without fear prosecution.

<http://tinyurl.com/ycllbpto>

Letter from a member: 'Waiting'...but why do we treat them this way?

I write to add my voice to concerns about our immigration policy. A friend of mine worked in Nauru for a year, and we were very relieved when he returned home. It is not a safe place to be.

The Government is inefficient and unpredictable. There is no freedom of speech. The local population are highly suspicious or openly hostile towards the refugees. Being such a barren and isolated place, it is the most punishing environment to send civilised people with the intention of starting a new and productive life. It is manifestly unfair to describe these suffering human beings as 'products' in order to deprive people smugglers of their businesses as our Prime Minister did to President Trump.

We attended a play 'The Sound of Waiting' by Mary Anne Butler while we were holidaying in Darwin. It was based on the plight of refugees and their encounter with our authorities on arrival. It was poignant and pertinent. If only we could encourage our politicians to see it.

It seems to me that our politicians are whipping up fear over relatively innocuous aspects of immigration, and they and their counterparts in other Western countries have not dealt effectively with the laws of treason to stop home grown terrorists inflicting damage. Far more bloodshed and fear has been caused by this failure than the way women choose to dress or those who arrive here by boat.

– CLA member, name withheld

Committee tries to rein in hasty and poorly-conceived law

In another potential restraint on government excess, the Human Rights Committee is seriously questioning whether the fast-tracked law passed in July 2017 to stop a 'reportable offender' (shorthand for someone on a state or territory child sex offender list who must report regularly to police) using an Australian passport to travel overseas.

Currently, the Minister for Foreign Affairs MUST not issue a new passport and MUST cancel an existing one simply on the say-so of a 'competent authority' (shorthand for state or territory police). It's an offence with five years jail if someone, who shouldn't, travels overseas.

But there's no way a person can appeal a decision by state police to – effectively – refuse a passport, resulting in mandatory cancellation by the Minister...even though other laws say passport refusal should be appealable in the federal Administrative Appeals Tribunal.

The new law envisages blanket cancellation of the right to travel, rather than making case-by-case assessments.

For example, someone convicted of a minor offence of inappropriately touching a child 30-plus years ago – on the basis of “recovered memory” – and who has committed no offence for more than three decades, should surely be in a different category to someone who has violently sexually assaulted a number of neighbourhood children in 2016.

The HRC suggests the new law appears to infringe the right to a fair hearing, freedom of movement, the right not be punished twice and the right to not be subjected to retroactive harsher penalties, as well as the right to be presumed innocent. Apart from those minor considerations, the parliament got the law right!

<http://tinyurl.com/ycw8em7x>

Kirby plumps for online courts

Former High Court judge Michael Kirby says Australia should introduce online civil courts to make access to justice more affordable.

"In Australia, we will see online solution courts for precisely the same reasons the developments are happening in the UK and Canada and elsewhere – because it's just too costly," Kirby said. "The present system is a Rolls Royce...and we've got to be looking for something a little bit down market, particularly for smaller claims."

Canada last year introduced a fully online civil court to deal with strata apartment disputes and small claims involving less than \$25,000, and the UK is developing a similar system.

The online Canadian Civil Resolution Tribunal allows all submissions to be made electronically and means people do not have to appear in person in court. <http://tinyurl.com/yczucqtw>

Latest FTA agreement is minor improvement, but still major flaws

In the new Singapore Free Trade Agreement, the Investor States Dispute Settlement (ISDS) chapter winds back ISDN provisions that were cornerstones of earlier proposed deals, including the TPP.

The new clauses are an overt admission that the Australian government was either lying or inept in its earlier, TPP-related claims about how innocuous ISDN clauses are, CLA says.

Under the Singapore FTA foreign corporations won't be able to sue governments for millions in compensation for regulation not only on tobacco, but for the PBS, Medicare, therapeutic goods, gene technology regulation, indigenous culture and the decisions of the Foreign Investment Review Board.

But, says AFTINET's Dr Pat Ranald, regulations on the environment or labour rights have not been specifically excluded from legal action by foreign corporations. She said that the general safeguards for other regulation reflect those in the TPP and are inadequate.

Dr Ranald noted that, like the TPP, the amendments expanded the numbers of vulnerable temporary migrant workers and removed labour market testing, which would have assessed whether local workers were available.– media releases, AFTINET, 9 and 18 Aug 2017

CLA notes that Australia has FTAs with all but three of the other 10 countries now involved, and we have already begun separate bilateral negotiations with two of those three, Mexico and Peru.



CLA supports yes vote

Civil Liberties Australia supports marriage equality, and therefore a yes vote in the postal squibscite.

Photo at left shows a pro-equality rally at Nowra, on the NSW mid-south coast, late in August. All present apparently supported marriage equality.

The dog, centre foreground, was there to highlight that all canines were created equal.

WA breakthroughs: new regimes for police complaints, wrongful convictions

WA will get a new Independent Police Complaints Commission, and also a Convictions Review Commission, the Labor Party's state conference decided late in August 2017.

The first is a bid to rein in what some interstate observers have said is a police force with too much power and too little accountability. The second is a national breakthrough, mirroring a body that exists in the UK which has seen hundreds of wrongful convictions overturned.

Details of both new bodies are yet to be worked through, and it may take a year or two for them to come to fruition, but the Labor conference vote may mark a significant turning point in affairs of the WA police and legal systems, Civil Liberties Australia believes. A major push for change came from CLA Director in WA, Margaret Howkins.

At the conference, Premier Mark McGowan announced he would spend \$9.6m to convert a minimum security male prison into the state's first drug and alcohol rehabilitation prison for women.

The Wandoo Reintegration Facility, of 80 beds and currently operated by Serco, would return to public hands when the company's contract finishes in May. "As part of our meth action plan, we promised a dedicated rehabilitation prison for women and we are delivering," he said. <http://tinyurl.com/y6vjs6un>

Dawson talks a good game, here's hoping he plays to high standards

Chris Dawson, former head of the Australian Criminal Intelligence Commission in Canberra, took over as WA Police Commissioner last month.

At the press conference where his appointment was announced, he said: "Western Australia is fortunate to have a great police force. The public should rightfully expect that our police are honest, that they respond quickly to trauma and treat everyone with respect and professionalism.

"We must be relentless in protecting the vulnerable and we must exercise our powers with fairness in serving the community and bringing justice to all.

"Police alone cannot prevent crime and harm, so jointly building and maintaining trust with the community and alliances with our partner agencies will be central to my approach as Commissioner of Police."

CLA hopes he and all his officers lives up to those standards. <http://tinyurl.com/ya7pbvet>

Retiring top cop claims cashless cards will limit sex abuse

Now-former Police Commissioner Karl O'Callaghan, who retired last month after 13 years in the top job, claimed last month that welfare cash was being spent on sexual favours as well as drugs and alcohol in WA's Roebourne and surrounding Aboriginal communities.

"In a town (including surrounding communities) of about 1500 people, a staggering 184 child victims of sexual abuse have been identified," he said, calling for cashless welfare payments into bank accounts.

Under the cashless debit card system, some 80% of payments are quarantined from alcohol purchases.

Police say they have 124 suspects for the crimes and have already charged 36 people with more than 300 offences since launching the operation late last year. <http://tinyurl.com/ybamqpo9>

...but Aboriginal leader says card hasn't worked

However, one of four Aboriginal leaders who supported the government's cashless welfare card trial in WA says he feels "used" by the human services minister and he no longer supports the card.

Lawford Benning, chair of the MG Corporation, regularly met with Minister Alan Tudge ahead of the card's introduction more than a year ago, and was critical to drumming up support for the card in his community.

But he told *Guardian Australia* last month that he was ready to publicly state the card had not addressed issues of alcoholism and violence in his community as he was led to believe.

The card has been trialled in Wyndham and Kununurra since April 2016, and legislation introduced last week by the federal government means those trials will continue indefinitely

Welfare recipients on the card receive 80% of their welfare payments into the card, which cannot be used to withdraw cash or buy alcohol or gambling products. The remaining 20% can be withdrawn as cash. The government claims the card has so far been a success and has reduced crime rates at the trial sites.

But figures provided by WA police to state parliament last month show 277 theft offences in Kununurra in the year to May, up from 195 in the year leading up to the card's introduction. Property offences rose from 805 to 965 offences, and incidents of threatening behaviour and non-aggravated robbery also increased. <http://tinyurl.com/y7urvfzf>

Court ensures police continue to be called to account for stunning misbehaviour

Three WA police – who used stun guns on a couple during an arrest and were found to have engaged in appalling conduct – have lost their request for a review of a decision that they must lodge \$90,000 security against costs if their appeal against a \$1.1m damages award is to proceed.

Two judges of the Court of Appeal last month made the final ruling that the police would have to lodge the security amount. Earlier, the police union had declined to provide the security funding for the three officers. Robert Cunningham and Catherine Atoms were outside Fremantle's Esplanade Hotel in the early hours of November 2008 when they went to the aid of others...but police claimed the couple were causing a disturbance and used stun guns on them during a scuffle.

The associate professor of law and Ms Atoms sued the state and the three officers involved, Peter Clark, Simon Traynor and Glenn Caldwell, and were awarded \$1.1m in damages.

The 2015 trial judge found the WA police officers were liable for battery, misfeasance in public office, false imprisonment and malicious prosecution. She also found the conduct caused the couple to suffer post-traumatic stress disorder and a back injury to Ms Atoms.

The officers challenged the decision, but were ordered by Justice Robert Mitchell recently to pay \$90,000 security on a court costs bill – already estimated to have reached at least \$900,000 – by 23 August or the appeal would be dismissed.

It was that ruling that was finalised by the decision of the two judges. As the three officers did not pay the security amount, their appeal is formally dismissed. <http://tinyurl.com/ydyx8uk7>

The couple are suing the State of WA for the damages money, as it was always highly unlikely the police officers could pay personally. The State/Crown had washed its hands of the three police officers after earlier the Crown lawyers arguing in the first instance that the police had behaved impeccably, within their permitted behaviour as police officers!

There is model litigant principle – under which the Crown is supposed to act with propriety in all legal matters – which appears to be an extremely rubbery concept when state and federal governments are involved in litigation, CLA observes. Note: Mr Cunningham and Ms Atoms are CLA members.

First cannabis licence issued

The first licence to manufacture and supply medical cannabis in WA has been approved.

AusCann, a company chaired by former WA Federal Liberal MP Dr Mal Washer (photo), has been granted a manufacturing licence by the Office of Drug Control, allowing it to make cannabinoid medical products.

In May 2017 the company was given approval for a secure outdoor cultivation facility in WA, with the intention of having its first locally grown product ready in 2018. Until then, the company said, it would import medical cannabis from Chile in partnership with Canopy Growth Corporation, one of Canada's biggest medicinal cannabis companies. <http://tinyurl.com/y8fro3g2> Note: Dr Washer is a member of CLA.



There are four companies in Australia licensed to turn raw cannabis into a usable product.

Time fully served, but still not 'free'

Released prisoners in WA are now subject to their own special law, a Post Sentence Supervision Order. A PSSO is an order by the Prisoners Review Board which means released prisoners continue on new community supervision obligations for two years once their jail term or parole period ends.

"A PSSO is not part of the punishment for the offence for which the prisoner has just completed a prison sentence," says the government website, but prisoners claim that is double-speak, as they are effectively under surveillance after serving their time and having not committed any relevant offence.

Prisoners subject to the Orwellian new regime range from those who committed murder down to some serious dangerous driving charges and lighting fires. PSSOs results from amendments to the *Sentence Administration Act 2003* (WA) effective on 1 July 2017. <http://tinyurl.com/y9evqrnt>

Support high for euthanasia law

A late-August poll, ahead of a vote in October 2017 in the NSW Parliament, shows about 73% of voters support a new law for the right of terminally-ill people to get help to end their lives.

The Essential Media poll of more than 1000 people Australia-wide (error +/-3%) indicated 70% of Coalition supporters - the party in power in NSW – also support the idea. Some 15% of voters overall are opposed, and 12% undecided.

Under the bill a patient must be 25, likely to die within 12 months, and have the decision signed off by two medical practitioners. The patient must also be assessed by an independent psychiatrist or psychologist.

"I think it's a real unknown," said Liberal MP Kevin Conolly, a Catholic who opposes the bill on the grounds that euthanasia could be open to abuse.

Of course, CLA says, on a logical basis Mr Conolly would also oppose Catholic education, because children are not only open to abuse in that system, but it is proven that boys and girls have been regularly abused for decades by Catholic priests and brothers.

The euthanasia proposal has even more public support than the right for same-sex couples to marry, and the support has been at the same high levels for decades. <http://tinyurl.com/ycht9km2> When will MPs who claim to represent the majority opinion of constituents act to implement assisted-dying laws, CLA asks?

Specialised reporting for Indigenous offenders to be trialled

The ACT will soon trial specialised sentencing reports for Aboriginal and Torres Strait Islander offenders in a bid to reduce incarceration rates and increase rehabilitation prospects.

The move is based on Canada's Gladue system, a type of detailed pre-sentence report used in sentencing Indigenous offenders.

In Canada, special caseworkers prepare the reports and recommend an appropriate sentence after taking into account information about the offender's background, including interactions with child protection, physical or sexual abuse, developmental or health issues, and history of substance abuse.

Queensland has a process for reports for Aboriginal and Torres Strait Islanders in their Murri Courts which are completed by an Aboriginal community report writer. But the system is not as comprehensive or detailed as the sort of reports planned in the ACT. <http://tinyurl.com/yavfrra7>

Heavy curbs in place for revenge porn

It is now a crime to share an intimate photo without consent in the ACT.

People who publish or threaten to publish revenge porn face a \$45,000 fine or three years jail. The penalty becomes \$75,000 or five years if the victim is under 16. But teenager sexting, provided it's with consent, is not caught by the new law.

Courts can now order people take down or delete the intimate image. Failing to comply can cost \$30,000 or two years in jail. <http://tinyurl.com/y9z64gj7>

ODD SPOT: AFP polices privacy...when it suits its errant officers

ACT Policing is a part of the Australian Federal Police: one officer misused the AFP database, helped his mate get a job with the AFP, looked up information for his criminal friends and hunted for an apartment with his official email over 13 years...but he may still be employed by the AFP.

AFP officers face two years jail for accessing information from the Police Real-Time Management Information System (PROMIS) not in line with their official duties. Between 2004 and 2014, the officer accessed case files on PROMIS despite not being involved in those cases.

Despite investigators determining the officer had abused his access to PROMIS, they were unable to prove he benefited from the use. However, the final report from 2017 concluded the officer should be dismissed from ACT Policing. <http://tinyurl.com/y7mvdny> – report by Finbar O'Mallon.

Has he been sacked? The AFP won't say. Why not? The officer's privacy, the AFP claims!

Crash! Bang! Prang! Deliberative democracy comes to the capital

Canberra's first citizens' jury will explore how to improve the ACT's Compulsory Third Party insurance. Using citizens' juries, or deliberative democracy, is a commitment to the Greens by the Labor party to secure support for Labor to govern after the 2016 territory election.

Some of the ACT's 285,000 drivers who have a prang are not covered by CTP. Even if covered, it can take two years or more to get your full payout...but Canberrans still fork out some of the highest premiums in the nation, Chief Minister Andrew Barr said in his media release announcing the new form of consultation. The complexities of CTP are ideal for deliberations of a citizens' jury, he believes, explaining that "if you hit a kangaroo you can't claim under CTP for injuries because no-one was at fault". Does that comment make this new deliberation a kangaroo court?

The government will invite a representative 50 Canberrans to understand the scheme and trade-offs. Experts, industry stakeholders and the wider community will advise them.

The jury will first identify priorities for a CTP scheme that best balances the interests of all road users. The jury's priorities will then go to a stakeholder reference group made up of legal representatives, healthcare providers, consumers and ACT government officials. The reference group will develop workable models for consideration. The jury will then reassemble to assess which model best meets its priorities.

Anyone can have their say on CTP by visiting: www.yoursay.act.gov.au/ctp

– Media release, Chief Minister Andrew Barr 170822

...but stand by for a barney

The move has alarmed the legal profession in the ACT, with President of the ACT Law Society, Sarah Avery, and the President of the ACT Bar Association, Ken Archer, immediately issuing their own release. "The ACT government has previously unsuccessfully attempted to limit the compensation payable to injured people. It appears that the ACT government remains committed to destroying the rights of injured motorists. They appear to favour an approach that arbitrarily pushes injured motorists into the social welfare system," the Avery-Archer axis opined.

The legal profession is alarmed that an outcome of "deliberative democracy" might be further curtailment of the damages work in court which comprises the bread and butter of many law firms and barristers. <http://tinyurl.com/y8xo3p4f>

NT seeks to solve youth bail dilemma

The NT government is advertising for management services to accommodate young people from the age of 10 to 17 released on bail, as an alternative to remand in detention.

The program will be part of a through-care support system for young people leaving detention, who are subject to continuing bail conditions after they leave detention.

Bail accommodation and services will be provided from Yirra House in Darwin, which is undergoing refurbishments. In Alice Springs, an existing youth facility will be repurposed and will accommodate staff and be manned 24 hours a day. – media release Minister for Territory Families, Dale Wakefield, 170810

Also last month, Minister Wakefield introduced a Youth Justice Legislation Amendment Bill to Parliament, aiming to separate youth justice from the adult system. recognising that it cannot be a 'one-size-fits-all'.

The Bill will amend the *Youth Justice Act*, the *Bail Act*, the *Correctional Services Act*, and other applicable legislation, and will move the relevant powers and functions into the one *Youth Justice Act*.

Minister Wakefield said the Bill marks the start of an extensive law reform process that will see the Labor Government legislate for a contemporary youth justice system next year. - media release, 170823

Top end ICAC gets some teeth

The NT's Attorney-General Natasha Fyles (photo) says the territory's new anti-corruption commission, ICAC, will be powerful enough to self-refer and to investigate corruption at any level, with retrospective powers.

The NT ICAC will be able to:

- inspect financial records of banks and other financial institutions without a warrant;
- require attendance at a location, require people to answer questions, and to produce documents or other things;



- enter and search public premises without a warrant;
- enter and search private premises if a warrant is granted;
- seize and retain evidence located during searches; and
- issue directions to public bodies to do or refrain from doing something to avoid obstructing an investigation, or to protect a whistleblower.

It will also work to prevent corruption by educating individuals, organisations and public bodies on proper process, particularly on strong new whistleblower protections, Fyles says.

ICAC is not meant to replace existing investigation bodies such as the ombudsman, police, or specialist bodies such as the children's commissioner or the anti-discrimination commission. – media release, Minister, 170824

Crime up in Tassie: do more police mean more crime?

Serious crime increased more than 10% across Tasmania in the past year, partly as a result of a jump in murders and organised crime, according to the Tasmania Police annual corporate performance report.

The 2016-17 version shows total crime up 9.4%, with serious crime up 10.6%. There were nine murders.

Assistant Commissioner Glenn Frame said crime statistics fluctuated, and the recent rises followed decreases – a 10.4% drop in total crime in 2015-16, with serious crime down 3.3% in the same year.

Police “solved” just four out of 10 cases (42.2%), the report revealed. The equivalent rate for serious crime was 84.2%, and they claimed a 100% clearance rate for murder. But police statistics usually count when people are charged, not when they are convicted, so that caution is needed with these figures.

Ingeniously, Police Minister Rene Hidding said part of the reason for the rise in crime numbers was that more police officers were on the streets detecting crime. He said police numbers were being restored to pre-2010 levels, and would rise to 1233 by early in 2018. Would you believe, that's just before an election is due, Civil Liberties Australia observes.

“More police will inevitably mean more crime being detected and able to be reported and acted upon,” Mr Hidding said. <http://tinyurl.com/y8dgsbpq>

CLA comments that police do not usually “detect crime” when “on the streets”. On-the-spot arrests are very rare, so that Mr Hiddings' inventive comment does not explain why more police mean more crime.

Australian briefs

Confidential test results divulged: A PathWest employee divulged confidential medical test results as part of a love triangle: she was found guilty of “misconduct” only, and apparently remains employed by the reputationally-challenged laboratory. The forensic science health facility continues under investigation by the Public Sector Commission. In April, the government revealed a senior forensic scientist had been sacked, and widespread allegations emerged that DNA material may have been mishandled – or even mal-handled – in serious criminal cases. PathWest's response to the love triangle misconduct is reportedly to give all staff refresher training in ethics. <http://tinyurl.com/yd5tjpxk>

New fine service launched: Moonee Valley Legal Service in Melbourne has launched a website designed to help recipients of the more than five million fines issued in Victoria each year understand their legal options. FineFixer – <https://finefixer.org.au/> – asks users a series of questions about their fines, before presenting information about their options. The website covers many types of fines including parking, toll roads, speeding and failure to vote. <http://tinyurl.com/y8uvezce>

Prayer anachronistic, says party: Tasmania's Greens want the Lord's Prayer scrapped from the start of daily proceedings in State Parliament, saying it is anachronistic and out of place where church and state are constitutionally separated. Instead, they favour a daily non-denominational affirmation and a recognition of Aboriginal Tasmanians. <http://tinyurl.com/y9zupjj7>

Mini-TPP still on simmer: Senior trade negotiators from 11 countries met in Sydney late last month to discuss a version of the Trans Pacific Partnership agreement without the USA. July talks in Japan were shrouded in secrecy, with no public statement. Despite agreements to proceed, countries still disagree about what will be included in the text. Negotiators have agreed to meet again in Australia in September,

aiming to report options for decision at a further Ministerial Meeting on 10-11 November in Vietnam. The TPP originally involved Australia, Brunei, Canada, Chile, Japan, Malaysia, Mexico, New Zealand, Peru, Singapore, the USA and Vietnam — covering around 40% of the global economy, but an incoming President Trump pulled the plug on US participation. CLA believes aspects of it, including the proposed Investor State Dispute Settlement (ISDS) provisions, are anti-liberties and rights for people, national courts and nation states. <http://tinyurl.com/yaqvoycn>

Australia ignores same-sex divorce rights: The UN's human rights committee has ruled that Australian laws stopping same-sex couples who married overseas from getting divorced violate international human rights obligations. The committee ruled an Australian woman, Dr Fiona Kumari Campbell, has been denied equal protection of the law because Australia does not allow her to end her legal, Canadian same-sex marriage. Article 26 of the international covenant on civil and political rights says all people are equal before the law and are entitled to the equal protection of the law. <http://tinyurl.com/ybvjawl3>

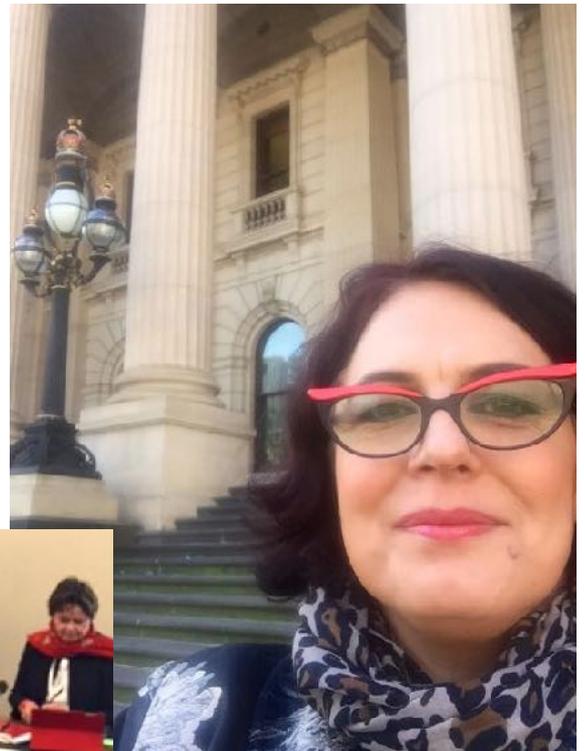
Jail fail: Perth's maximum security prison, Casuarina, has the most acute levels of crowding for any male prison in WA, the state's custodial inspector Neil Morgan has reported. The prison is operating at 190% of design capacity. It does not rehabilitate long-term inmates and is "stretched at almost every point" with both infrastructure and resourcing failing to meet expectations, including for prisoner health and support, Morgan reported. <http://tinyurl.com/ycewgd2>

CLA report – main activities for Aug 2017

Submissions:

CLA member and barrister Felicity Gerry QC gave evidence at Victoria's Parliament House to a federal committee inquiring into the need for a modern slavery act in Australia. She was speaking to a CLA submission of which she was lead author. Photos right: Ms Gerry outside the Victorian Parliament and, inset, the committee in session.

'In relation to the Commonwealth and the states, obviously you have got a whole patchwork of criminal law that is different wherever you go and creates textbooks as large as you like.' – Ms Gerry, appearing for CLA before the committee.



Board meeting: 20 August 2017

We welcomed new Directors Margaret Howkins (WA) and Sam Tierney (ACT, Treasurer). The meeting process was aided by a telephone communication system donated by Director Frank Cassidy to assist clarity with our Hobart Directors Richard Griggs and Rajan Venkataraman. Margaret Howkins came in by Skype from Perth.

A major paper on marketing/members strategy, was deferred to the next board meeting so that its author, Director Mark Jarratt, could speak to it. A paper 'What We Do' (revised short guide to CLA) also deferred. CLA is initiating a project aimed at reducing the rate of police arresting Aboriginal juveniles: we are suggesting groups seek grants and produce communication materials. Letters have been sent to Prof Greg Reinhardt, executive director of the Australian Institute of Judicial Administration, and the AIJA President Justice Robert Mazza, to elicit their support to fund an education project, with a possible trial in ACT, for police to more adroitly exercise discretion NOT to arrest Aboriginal juveniles but consider alternatives.

A paper by the CEO on rates of wrongful convictions is another work in progress, with the draft selectively circulated before its likely official launch at a miscarriages of justice conference in Adelaide in November.

Federal meetings during the month (usually President and CEO attending, unless noted)

- Tim Hammond WA MHR re CLA activities
- Senator Sue Lines (WA) re CLA activities
- Matt Keogh WA MHR with Tim Vines and Jyoti Haikerwai re genes issues
- Clarke Jones ANU re programs for indigenous prisoners
- Andrew Wilkie MP briefing by CEO on upcoming developments in Sue Neill-Fraser case
- Samuel Hansen with Bill Rowlings and Tim Vines, re possible CLA internship project in early 2018.

President sent congratulatory letters to NT Members of the Legislative Assembly who brought in RU 487 access for termination of pregnancies: Minister Natasha Fyles, Deputy Opposition leader Lia Finnochiaro, Independent members Kezia Purick and Robyn Lambley.

Recent Law Internships ANU

- Jyoti Haikerwal, supervised by Tim Vines, essay on genes issues, article for website, completed.
- Kelly Chan on citizenship, supervised by Dr Emma Larking of RegNet ANU, under way.
- Nivedita Shankar withdrew from her proposed internship.



Bill of Rights pushed in Launceston

LEFT: One of CLA's Tas Directors, Rajan Venkataraman (at right) was a panellist at a 'Bill of Rights for Tasmania' rally in Launceston recently.

He is pictured with former state anti-discrimination commission Robin Banks (left) and Kristen Desmond of the Tas Disability Education Reform Lobby. – photo courtesy Tamar Valley Peace Festival.

International monitoring and actions:

DFAT: Dialogue on Human Rights with North Vietnam: Austin Ngo (webmaster) consulted. President Dr Kristine Klugman represented CLA with Kelly Chan, internship law student from ANU; Director Jennifer Ashton represented retired UN employees;

DFAT Laos-Australia HR dialogue, CLA represented by Jennifer Ashton; and

DFAT HR dialogue Australia-Iran (with spirited exchanges), also represented by Jennifer Ashton.

Prison watch:

Sue Neill-Fraser has now been in Risdon Prison more than eight years for a murder CLA believes she did not commit. She will have a chance, firstly before a single judge, to lodge a case for a re-appeal of her conviction from 30 October. If successful, there will be a full appeal hearing before a three-judge panel, most likely in the first quarter of 2018. As has been their custom since 2009, Tasmanian Police are leaking stories to Melbourne and Hobart media so the police/Crown point of view gets undue emphasis in public.

Director Frank Cassidy will in future oversee ACT Legislative Assembly and Canberra activities. Treasurer and senior lawyer Sam Tierney will oversee ACT media contacts, working closely with national media spokesperson and VP, Tim Vines.

Tim Vines, Rajan Venkataraman and Sam Coten (Perth) to review CLA on Facebook, with Sam Tierney to look at Google ads reference key words to raise CLA profile

WA report – Director Margaret Howkins:

Letters to Michelle Roberts (Police Minister), Mal Wauchope (Pub. Sect. Comm.) and 6PR Radio station requesting CLA presence in selection process for next WA Police Commissioner. To Neil Morgan (Insp. of Custodial Servs), Adam Tomison (Dir. Gen. AG's Dept), Fran Logan (Min. for Corrective Serv.) advising them of the ACT's newly simplified 'Charter of Rights' (adapted from Bimberi detention centre) for possible adoption inside Banksia Hill youth detention facility.

Letters to 18 senior public servants made redundant in WA. CLA is inviting them to become members. Proposal to Minister for Corrections Fran Logan that people be formally assessed on education and mental health levels on admission to detention, to gain information towards implementing rehabilitation programs. New member Sam Coten is helping with media matters, and considering youth spokesperson role for CLA. CLA member and author Estelle Blackburn gave a public talk at UWA on her book, *Broken Lives*, and on the new wrongful conviction table being developed by CLA.

WA Director Margaret Howkins and member Rika Asaoka joined the Centre For Asylum Seekers, Refugees And Detainees (CARAD) in Perth last month for an inspirational documentary, 'Cast from the Storm', which examines how fragile members of Australian society – refugee children – can learn to face traumatic pasts by harnessing the power of drama. <http://www.castfromthestorm.com/partners/>



CLA VP Tim Vines (photo, at right) briefed MHR for Burt WA, Matt Keogh, at Parliament House Canberra last month on the latest gene issues. Also attending the meeting was CLA's most recent ANU Law intern, Jyoti Haikerwal (left) who had just submitted a major essay on the dilemmas around genes and the need to consider a new law for Australia. Tim supervised her 5000-word essay, and involvement with CLA. You can read an article she wrote based on the essay – 'Let's protect our right to health' – at: <http://www.cla.asn.au/News/lets-protect-right-health/>

New slogan for CLA coined by Tim Vines VP: *CLA: perverting the course of injustice* ©

INTERNATIONAL

Trio of judges subverts men's 'triple cross'

India's Supreme Court has declared unconstitutional the right of men to instantly divorce their wives. Muslim men have been able to dissolve their marriage by the "triple talaq" – simply saying the word "divorce" three times.

A 3-2 majority of the bench declared last month that triple talaq was "not integral to religious practice and violates constitutional morality". Campaigners hailed the decision a huge victory for India's 90 million Muslim women. <http://tinyurl.com/y9b68hgc>

...but the court's judges also decided:

The Indian Supreme Court has upheld a decision to annul the marriage of a 24-year-old woman in Kerala and force her to live back at her parents' house because she married a Muslim man.

The woman, Akhila Ashokan, known as Hadiya, converted to Islam from Hinduism while studying medicine in Tamil Nadu. In 2016, she met Shafin Jahan, a Muslim, and they married in December. Her angry father went to the Kerala high court demanding that Hadiya be returned to his custody.

In May, the court nullified the wedding and forcibly sent Hadiya back to her parental home despite her express wish not to return.

The controversial judgment said Hadiya was "weak and vulnerable, capable of being exploited in many ways" and that "her marriage being the most important decision in her life, can also be taken only with the active involvement of her parents".

Last month, the Indian Supreme court ruled that India's National Investigation Agency must assess whether Hadiya converted freely to Islam or was part of a "love jihad" – a phrase used by some Hindu fringe groups to allege that Muslim men are forcing Hindu women into marriage. <http://tinyurl.com/yb5tsy9s>

Chinese crooks scam \$560m in about seven months

Indonesia police have nabbed 148 Chinese nationals who allegedly netted around \$560 million in half a year by tricking their victims into paying to make legal cases go away.

Jakarta police spokesman Argo Yuwono said the tip-off came first from China's police department. Raids took place in Jakarta, Surabaya and the islands of Batam and Bali. "The perpetrators are Chinese, victims are Chinese. It just happens they operate from Indonesia," Yuwono said.

The syndicate first tracked down information on wealthy Chinese officials or businessmen with legal problems. They were then contacted and told by the suspects they were from the attorney general's office or the police and could "negotiate to stop the case" for payment.

"The information we got from China is that they have been in operation since the start of the year, and their profit has reached \$560 million," Yuwono said. The suspects entered Indonesia on tourist visas and will probably be deported after police complete their investigations, he said. <http://tinyurl.com/yd2ank4n>

Don't even think about doing anything wrong!

ICE – Immigration and Customs Enforcement, part of Homeland Security in the USA, is in the market for a tool that it can use to predict the potential criminality of people who come into the country.

Specifically, ICE wants software that "automates, centralizes, and streamlines the manual vetting process" and can also "make determinations via automation if the data retrieved is actionable."

In plain terms, ICE wants a system that can analyse data in government databases to flag potential visitors to the US who might be up to no good. <http://tinyurl.com/yd46g9a5>

ODD SPOT: Two jurisdictions drop cases over planted and false evidence

Baltimore has dropped dozens of cases after reviewing a video that appears to show a police officer planting evidence while two other officers look on. More than 100 criminal cases that would have relied on testimony from the same three officers are under review, with 41 dropped or to be dropped. In April, the state of Massachusetts threw out more than 20,000 drug cases because a state chemist had admitted to years of falsifying drug test results. <http://tinyurl.com/ybn894pf> <http://tinyurl.com/mh7bls5>

Unions come under political pressure

Trade unionists are apparently suffering under a new wave of oppression in the former USSR states.

In July 2017, a Kazakhstan court convicted the chairwoman of the Confederation of Independent Trade Unions (KNPRK) Larisa Kharkova. to four years of restriction on freedom of movement and disqualification from elected leadership functions in the unions for five years.

Earlier, the vice-chairman of the KNPRK, Nurbek Kushakbaev, and the leader of the union at the Oil Construction Company plant, Amin Eleussinov, were sentenced to prison terms.

Belarus is also reportedly engaged in cracking down on trade unions. <http://tinyurl.com/yaep53vn>

UK prisons in crisis, says the chief of the governors

The president of the Prison Governors Association has said prisons in England and Wales are in crisis due to a "perverse" government overhaul and a "toxic mix" of pressures.

In an open letter published as riot officers were called to a prison for a second day, Andrea Albutt launched a scathing attack on the Ministry of Justice, saying the PGA had been left "devastated at the complete decline of our service" and that the recent increase in indiscipline among prisoners was of grave concern.

Data released by the MoJ showed there were 26,643 assaults in prisons in the year to March 2017, including a record 7159 attacks on staff, equating to 20 a day. <http://tinyurl.com/y7swv9b9>

Top judge wants to be told what to do

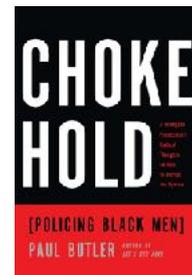
The UK government must provide clarity on whether it wants the nation's courts to take into account rulings of the European Court of Justice after Brexit, one of Britain's most senior judges has said.

Judges have been told they will no longer be forced to do so, but can if they think it appropriate. But President of the Supreme Court, Lord Neuberger, called on the government to state its position explicitly.

“If [the government] doesn’t express clearly what the judges should do about decisions of the ECJ after Brexit, or indeed any other topic after Brexit, then the judges will simply have to do their best. But to blame the judges for making the law when parliament has failed to do so would be unfair,” he told the *BBC*. He said the instructions judges would be expected to follow post-Brexit should be spelled out in statute. <http://tinyurl.com/ya9tcfe6>

Prison...is a failure. We need...other ways, says author

“The prison experiment has been a failure. We need to start being creative about other ways to do what we think prison does. What we hope prison does is to keep us safe and make people accountable for the harm they’ve caused. But those of us who have experience working in the system know that prison doesn’t do either one of those well.” – Paul Butler, author of the new book ‘Chokehold: Policing Black Men’ (in America) <http://tinyurl.com/yceajazc>



‘Real people’ don’t want secure IT: Minister

UK Home Secretary Amber Rudd has argued that "real people" do not want secure end-to-end encryption on messaging platforms and are more concerned with usability and features than unbreakable security. Rudd made her case in a newspaper article, published ahead of a meeting last month with technology companies in San Francisco, where she told tech giants that their services are being misused by terrorists. And she proposed that the companies provide “back-door” entry to everyone’s private emails for governments, police and spook agencies to peruse at their pleasure. <http://tinyurl.com/yd6qz5sv>
A note to the minister, from CLA: Dear Amber: We, the citizens, want privacy: it’s a right, a basic civil liberty, perhaps one of the last we citizens will have. We don’t want you or anyone being able to access our private emails. If you, the police or the spooks want to pry into criminals’ emails, get a warrant from a judge and/or charge the people with an alleged crime first.

ODD SPOT: US greatest in world...for prisoners

The USA is home to 5% of the world’s population, yet has 25% of the world’s prisoners. The grim reality of American justice is that there are 2.3m people behind bars, 5m on parole or probation, 20m with felony convictions and more than 70m with a criminal record. – Marc Morjé Howard, director of the Prisons and Justice Initiative at Georgetown University, calling for parole of once-violent prisoners. <http://tinyurl.com/ya2zzhuw>

New Senate bill would ramp up surveillance...beyond the US border

Senate Republicans are proposing a new border security bill to dramatically increase surveillance used against immigrants and, in some cases, American citizens traveling to and from the USA.

The Building America's Trust Act, authored by Senator John Cornyn (R-Texas), aims for a "long-term border security and interior enforcement strategy," according to its summary.

"This is a surveillance bill in pretty weak disguise. And it won't be limited to immigrants," Alvaro Bedoya, a law professor at Georgetown University in Washington DC, told *Ars Technica*.

"It would pave the way for more face scans of American citizens at airports. It would aggressively deploy drones at the 'border,' but [it] doesn't mention that the Department of Homeland Security interprets its authority to operate at the 'border' to extend to any area within 100 miles of the actual legal border." <http://tinyurl.com/y8wgsbrl>

International briefs

Women lose out in PNG: International and internal bodies are calling for Papua New Guinea’s political leaders, governments and voters to commit to real change to progress female participation in politics – no women were elected to Parliament in the recent national poll. For the first time since 1992, there are no women in the 111-member parliament, despite more female candidates being nominated than ever before (167 of 3332 were female). PNG is one of only five countries that have no female MPs (alongside Yemen, Qatar, Micronesia, Vanuatu). The global average is 23% female. <http://tinyurl.com/ybmn9ktd>

Singapore to elect president based on race: The next Singapore presidential election, slightly delayed until September 2017, is reserved for candidates from the Malay community. Prime Minister Lee Hsien Loong said: "If a qualified Malay candidate steps up to run, Singapore will have a Malay president again... this would be our first after more than 46 years, since our first president Encik Yusof Ishak." The unique Singaporean racial approach is meant to ensure that minority presidents are elected from time to time. An election is reserved for a particular racial group if no one from that group has been president for five continuous terms. Candidates running in these reserved elections must meet the same criteria as those running in open elections. <http://tinyurl.com/jxrcbyl>

Sentences increased after victims/families complain: A record number of criminals in the UK had their sentences increased last year after victims and their families complained that they had been treated too leniently. Arsonists, sex offenders and two men found guilty of child neglect were among those to be sent to prison after initially being handed a community sentence, with a total of 141 criminals given a tougher punishment in 2016. In 2015, the courts agreed to increase the original sentence for 102 offenders. The increased sentences were made as part of an Unduly Lenient Sentence procedure, under which the public can ask the attorney general to toughen the sentence of someone prosecuted for a serious crime. <http://tinyurl.com/y9qqme6>

Google becomes big lobby spender: Google spent a record \$7.5m lobbying in Washington DC in the past three months, making it likely to become the top corporate lobbying spender in the US. Last year it ranked number two, behind Comcast. Given the increased antitrust scrutiny that is coming from the Democrats' new "Better Deal" policy platform, Donald Trump's random tweets attacking fellow tech giant Amazon for its connection to the Washington Post, and his former adviser Steve Bannon's recent comments that Google and Facebook should be regulated as utilities, it is likely Google will only increase its lobbying expenditure in the next few months. <http://tinyurl.com/y8grxa2x>

Payout arrives without filing a case: A man asking "What for?" while his hands are above his head and his back is facing police is not a good enough reason to let loose an electric dart into him, so that he stiffens, collapses, falls back and hits his head on the pavement. Darsean Kelley got a \$138,000 settlement from the city of Aurora, Colorado, without even having to file a lawsuit, after police body camera footage showed a police officer stunning him in the back. He was arrested for disorderly conduct, or failure to obey a lawful order, after being stunned. The charge was dropped, but not before he spent three days in jail, unable to post a bond. <http://tinyurl.com/yc3jpsl>

What other places are debating...

South Africa's Parliament is debating the 2017 Copyright Amendment Bill which is aimed at aligning the country's laws with the digital age. <http://tinyurl.com/y9hr9ty3>

In USA, Illinois has a case running which may stop Facebook collecting and using biometric data. Five other states may also protect consumers from use of facial recognition. <http://tinyurl.com/ybdj7cyw>

Ko Tee abducted by masked figures speaking Thai: A Thai activist who operated a community radio network affiliated with Thailand's opposition "red shirt" movement has been abducted in Laos by Thai-speaking thugs. Witnesses said Wuthipong Kachathamakul, also known as Ko Tee, and his wife and a friend were confronted at his house in Vientiane by 10 figures wearing black hoods, hit with stun guns and had their wrists tied with plastic handcuffs and their mouths gagged. He was driven away in a vehicle and has not been since the incident on 29 July. <http://tinyurl.com/ybfdgd6l>

Gel will tell a tale on you: An invisible, traceable gel that stays on skin and clothes for five years will be sprayed on anyone trying to break into a Co-operative cash machine as part of a UK hi-tech initiative to combat ATM crime. The technology is being installed at about 2500 cash machines at Co-op food stores across the UK, after a pilot scheme in 2016 resulted in a more than 90% reduction in ATM crime. "Invisible to the naked eye, the gel glows neon yellow under UV light and is "difficult for criminals to remove," is the manufacturer's claim. <http://tinyurl.com/ybmnk4wf>

Unions ‘go freelance’ for new relevance: A trade union in the UK plans to sign up more than 100,000 self-employed workers within the next five years to overhaul rights for surging numbers of freelancers, and tackle plunging union membership. With self-employed workers unlikely to take industrial action, the new platform is steering clear of the traditional role of a trade union. Instead, the main focus is late payments, one of the most pressing issue for freelancers and small businesses, with ambitions to eventually offer “bread funds” for holiday and sick pay as well as mortgage guarantees. The project is the brainchild of the Community trade union and IndyCube, a cooperative which provides low-cost desk space in more than 30 locations, mostly in Wales, with its first London location opening last month in Walthamstow. <http://tinyurl.com/y7scgqzk>

‘Trash left in limbo’: Refugee Hamed Shamshiripour , a 31-year-old Iranian, was found dead at a school in East Lorengau on Manus Island last month, allegedly a suicide, though some refugees believe he was murdered after earlier clashes with local PNG citizens. *Fairfax Media* reported it had seen a photo which appeared to show injuries to his face and head. One refugee, Abdul Aziz Adam, described what he was experiencing as Australia prepares to close down the Manus camp: “I feel like trash left in limbo,” he said. <http://tinyurl.com/y7cc4jds>

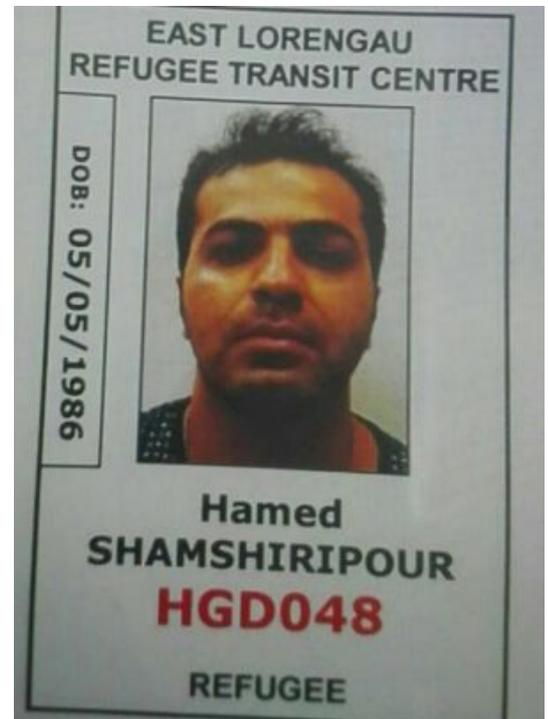
New head of state: Samoa’s new head of state, appointed by parliament last month for five years, is Tuimalealiifano Vaaletoa Sualauvi II. The retiring head of state, Tui Atua Tupua Tamasese Efi, served for 10 years. <http://tinyurl.com/y8n6s6z6>

Country slides down press freedom index: The UN’s special rapporteur on freedom of expression, David Kaye, has accused Japan of eroding media freedoms and stifling public debate on issues such as the Fukushima nuclear meltdown and the country’s actions during the second world war. In a report to the UN Human Rights Council, Mr Kaye said he had identified “significant worrying signals” about Japan’s record on freedom of expression. Reporters Without Borders in 2017 ranked Japan 72nd in its global press freedom index, lowest among G7 countries. In 2010 Japan was placed 11th. <http://tinyurl.com/y7ezwrm7>

Credit where credit is due...to porn sites: The UK will officially implement an age-checking system on porn sites in 2018. People visiting porn sites will have to verify their ages using credit card information. Companies which do not comply by April 2018 may be blocked by internet service providers, pay a fine, or being denied access to payment websites like PayPal. The British Board of Film Classifications will run the scheme, and will be able to force ISPs to block content it deems inappropriate or obscene, even for adult viewers. The age verification system will leave people more vulnerable because companies will have data about who is using the sites, critics say. <http://tinyurl.com/y9lfowwq>

Same-sex couples face harsh world: Of 74 countries and territories worldwide which continue to criminalise same-sex relationships, there are 45 in which sexual relationships between women are outlawed. In eight countries homosexuality can result in a death penalty, and dozens more in which homosexual acts can result in a prison sentence, according to an annual report by the International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA). <http://tinyurl.com/yd654ut8>

Former leader to negotiate for TL: Xanana Gusmao, whose party lost the July 2017 national election, will continue to lead Timor Leste’s sensitive negotiations over maritime boundaries with Australia. He continues to insist that gas from the undeveloped Greater Sunrise field in the Timor Sea be piped across a 3000-metre seabed chasm, known as the Timor Trench, to Timor Leste, and that a maritime resources boundary between Australia and East Timor be shifted to put the \$50-billion field entirely under East Timor’s jurisdiction. Despite losing power formally, former president and prime minister Gusmao is expected to remain the country’s key behind-the-scenes power-broker. <http://tinyurl.com/y7qtrmgg>



DATES

8-9 Sept, Sydney: 40th anniversary of the Federal Court – considering the court's contribution to the development of Australian law. Venue, Law Courts Building, Queens Square. Details: <https://law.anu.edu.au/news-and-events>

11-29 Sept, Geneva: UN Human Rights Council meeting. <http://www.ohchr.org/EN/Pages/Home.aspx>

17-21 Sept, Cairns: 2017 International Women & Law Enforcement Conference. Details: 1800 807 730 or info@destinationcairns.com.au



13 Sept, Hobart: Would Andrew Inglis Clark support a Tasmanian Human Rights Act? Talk by Prof Henry Reynolds, Parl House Hobart, 6-7pm. Free event, limited seating available. RSVP required at <http://bit.ly/2vGO5is> This is a Tas Human Rights Act Campaign event, organised by lead petitioner, CLA Tasmanian Director, Richard Griggs. Clark (photo) was an engineer-barrister-politician-Supreme Court judge, main author of the Australian Constitution and the man behind the Hare-Clark voting system used in Tasmania and the ACT.

23 Sept, NZ: Election

27 Sept, Perth: 2017 John Toohey Oration, by Greg McIntyre, addressing fundamental rights and freedoms which form part of the universal norms of a democratic society and are protected by the Rule of Law. University Club auditorium, 6-7.30pm. Details: <http://tinyurl.com/yarv82r6>

27 Sept, Parramatta: Religion and Human Rights in Modern Australia: Friends Foes or Ships in the Night? Speaker: Australian Human Rights Commissioner, Mr Edward Santow, Western Sydney Uni Parramatta South Campus, Building EB.2.06, 5:30 for 6:00pm start. RSVP Details and rego: <http://tinyurl.com/ydyk8uv8>

8-13 Oct, Sydney: International Bar Association conference: 8 -13 October 2017 www.ibanet.org/Conferences/Sydney2017.aspx

12 Oct, Canberra: Young People and the Future of Work (annual Weeks Lecture in labour law), by Rosemary Owens of U. Adelaide, at ANU, Finkel Lecture Theatre, 5.30-6.30pm. Details: <http://tinyurl.com/yacpykfs>

24 Oct-4 Nov, Hobart: 'An Inconvenient Woman', the play about the Sue Neill-Fraser case, Pop-Up Theatre No 9, Evans Street. Info: <http://tinyurl.com/jpmkkkp> .

26 Oct, Adelaide: 9th Southgate Oration, Julian Burnside on refugee harm, 12.30-1.30pm , Health Services lecture theatre 1.01, Bedford Park. Info: moira.mathieson@flinders.edu.au

26 Oct, Brisbane: Australian Academy of Law public lecture: 'Trends in legal education' Prof Sarah Derrington, Academic Dean and Head of School, TC Beirne School of Law, U. Queensland. Free, register by 20 Oct 2017.

1 - 3 Nov, Melbourne: 50 years of naming institutional racism: realising racial equity or intensifying injustices? 9am-7.30pm, Deakin University Downtown, 727 Collins St, Melbourne. Chair, organisers: Prof. Yin Paradies yin.paradies@deakin.edu.au

8-10 Nov, Melbourne: Migration Inst of Australia national conference 2017. Sofitel. Info: <http://tinyurl.com/y7xv5bcd>
24-26 Nov, Adelaide:

30 Nov - 3 Dec, Montreal, Canada: 8th International Conference on Human Rights Education: Bridging Our Diversities. Details: <http://tinyurl.com/kvpzq2v> NOTE: 9th of series to be held in Sydney in 2018.

5-8 December, Canberra: Acknowledging the past, imagining the future. Conference celebrating 50 years of criminology in Australia and New Zealand. Venue: QT Canberra. Details: <http://www.anzsoc2017.com.au/home.html>

11-13 Dec, Adelaide: Illicit Networks, Policing Flows: learn where and how the crime industry is going here and worldwide, Flinders U, 182 City Sq, Adelaide. Organisers: Centre for Crime Policy & Research at Flinders, with Canada's Social Sciences and Humanities Research Council, and Royal Military College. <http://tinyurl.com/ya6984ax>

2018:

Late 2018 (Timing/venue TBC): 9th International Conference on Human Rights Education. Contact: Dr Sev Ozdowski AM, Coordinator, International Human Rights conference series:, President, Australian Council for Human Rights Education. Email; S.Ozdowski@westernsydney.edu.au

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: [Secretary\(at\)cla.asn.au](mailto:Secretary(at)cla.asn.au)

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