

## What now for Australia?

With a Coalition government returned, some core civil liberties, human rights and transparency issues and problems continue. For example, how is Australia to fairly resolve these ongoing problems:

### Some 1000 men in ‘forever’ detention on Manus and Nauru, because they claim refugee status?

The issue is still under the control of former Immigration Minister, now Prime Minister, Scott Morrison, and continuing Home Affairs Minister Peter Dutton. Expect no compassion, but pragmatism may force the government to find a better solution than the current impasse.

### Fixing Australia’s legal systems, all nine of them (federal, each state and each territory)? The major problem(s) in four jurisdictions are highlighted in a separate article, below.

Nationally, “justice” is notionally under the control of Attorney-General Christian Porter (photo), Australia’s First Law Officer, who has done nothing in this general space. He is now Leader of the House AND Minister for Industrial Relations on top of his AG duties. The IR responsibility suggests there will be extensive anti-union laws and prosecutions during this parliament, and there seems little chance of common sense prevailing by the government abandoning the Witness K/Bernard Collaery prosecution over the ASIO/ASIS bugging of the Timor Leste Cabinet during oil/gas negotiations. Mr Porter will have no time for justice reform.



### “Australian citizenship” is completely undefined (it could be defined, if we had a Bill of Rights!)

What does our citizenship mean, in terms of both responsibilities and entitlements, for both the citizen and the state? Without definition, the Australian government can abandon someone like whistleblower and journalist Julian Assange to the quasi-legal manoeuvring of Sweden and the USA and the vindictive magistracy of the UK. Surely Australia has a greater responsibility than just providing the minimum ‘consular assistance’?

### Parliament is where MPS are rewarded for breaking the rules

MPs who milked the system for personal cash/benefits or singularly odd travel arrangements have now been rewarded: three at least were promoted in the recent ministerial appointments.

Why would such practices stop when two MPs have had new Ministries bestowed on them after many dubious exploits in very recent history (Stuart Robert and Sussan Ley)?

The new Indigenous Affairs Minister Ken Wyatt continues to be under a cloud over alleged bullying of staff in his office, as well as for the extraordinary travel expenses of one staff member. Now that he’s a Minister with national and international responsibilities, his travel expenses may go through the roof.

Please read the Wikipedia and allied entries of this trio, and make your own judgements about whether they have shown the type of responsibility expected of someone who is an Australian Minister. If CLA members can’t access Wikipedia, email the Secretary and we’ll post you the relevant information.

Stuart Robert: [https://en.wikipedia.org/wiki/Stuart\\_Robert](https://en.wikipedia.org/wiki/Stuart_Robert) and <http://tinyurl.com/ydy5o2kq>

Sussan Ley: <http://tinyurl.com/y54xknlx> and <http://tinyurl.com/y2fdzcnm>

Ken Wyatt: <http://tinyurl.com/y6emog6h>

## Legal systems are breaking down

In **Victoria**, there’s the Lawyer X Royal Commission where convictions of major criminals over the past 20 years are in doubt because police abused how they used informants. Questions arising demonstrate that parts of the police force were probably, literally, out of control. Other police forces around Australia are nervous about the asking of similar questions in their bailiwick.

In **Tasmania** the Sue Neill-Fraser case continues as a festering sore. There will be no proper resolution of Crown mishandling of the case until the government appoints an independent inquiry, which will probably need to be run under interstate experts.

In **South Australia**, the past behaviour of the now-Chief Justice is under a serious legal cloud. When SA Solicitor General, he failed to disclose a report to a convicted person (Henry Keogh) who was trying to mount an appeal. Later, virtually the moment the said report was revealed to his defence team, Keogh was

on his way out of jail...but it was 10 years later. Keogh has received \$2.6m compensation for being jailed wrongly for 19 years. Another 400 convictions in SA are suspect because of a “forensic scientist” for SA who presided for 30 years when not certificated for the job.

As well, an Aboriginal man continues in prison 35 years after being convicted because he won't admit guilt. Eligible for parole about 15 years ago, his is one of the cases handled by the forensic scientist, whose competence has been called into question by the Supreme Court of SA, the High Court of Australia and the Medical Board of SA.

In **Western Australia**, where police investigating police – and finding no wrongdoing – reaches farcical levels, there are regular (every five years or so) miscarriages of justice in major murder cases which result in large amounts of compensation paid out after someone has spent years wrongly in jail. It has been 15 years since there was a (Kennedy) Royal Commission into policing in the WA.

We'll explore the problems in other states and territories in future CLArions.

## **ODD SPOT: Climate more of a threat than terrorism: poll**

Climate change for the first time heads a list of potential threats in the Lowy Institute poll which has been running since 2006, of more serious concern than international terrorism. The poll was conducted between March 12 and 15, both over the phone and online. It drew the results from a nationally representative sample of 2130 Australian adults and had a margin of error of about 2%. This year 61% of voters said climate change was so serious and pressing we should address it now, even if it was expensive. That is a 25% point jump since 2012. <http://tinyurl.com/y2gg9l5c>

## **Is the baton of evil being passed on?**

The US Trump Administration last month ordered American firms to stop selling components and software to Huawei, and the Commerce Department added Huawei to companies deemed a national security risk.

The US claims Huawei is a security risk because of the Chinese company's increasingly dominant position in supplying core telephone and data communications equipment for national systems. Effectively, it could do anything with the voices and data passing through its core, central devices if it retained external control.

The new US move is a fascinating commentary on the USA itself: for the past 70 years, US suppliers have held exactly similar dominant positions in the same tech space now being usurped by Huawei. And US companies (Microsoft, Intel, Google, Facebook, Apple, etc) could today exercise control over most of the world's personal and business data – last month, Google effectively cut off Huawei from the Android OS.

By claiming Huawei is now a security risk, the USA seems to be admitting that, during its period of commercial dominance, governments and western spy agencies were spying on other nations.

Australia and other smaller countries are at grave risk when one nation can turn off access to international and local day-to-day communications with a simple note from the top imposing sanctions, a la the Google edict, without any proof or legislative oversight.

## **First Australian state permits assisted dying from this month**

Victoria becomes the first Australian jurisdiction where people can die with dignity, from 19 June 2019.

There are strong moves to introduce similar laws in all states. The two territories are barred from enacting voluntary assisted dying (VAD) laws because they have lesser rights than citizens of the states.

Here's a rundown:

**Victoria:** VAD law to operate from 19 June 2019. CLA made a submission. Victorian Dying With Dignity campaign led by CLA member Lesley Vick, with help from CLA member Fiona Patten MLC (photo).

**Tasmania:** Another attempt at legislation in 2019. CLA will make a submission.

**Queensland:** Submissions closed 15 April for an Inquiry into VAD, aged care and palliative care. Report by 30 Nov 2019. CLA has made a submission.

**WA:** Inquiry completed and very supportive (report is My Life. My Choice August 2018). Former WA Governor, the barrister Malcolm McCusker, is leading a panel of experts drafting a new VAD law. Labor MPs will have a conscience vote. Bill expected in parliament in Aug/Sept 2019. CLA made a submission.



**SA and NSW:** Moves are afoot to reintroduce Bills into parliaments.

### History:

Tasmania, New South Wales and South Australia have debated and failed to pass similar legislation in 2013, 2017 and 2017, respectively.

ACT and NT are barred from legislating, by the Euthanasia Laws Act 1997 (Cth), which removes the power of the parliament of each territory to legalise euthanasia. The Euthanasia Laws Bill 1996 was introduced to the Australian Parliament by Liberal Party backbencher Kevin Andrews as a private member's bill after the NT had passed a law to enable VAD in 1997. The Andrews law effectively made Territorians second class Australians, with lesser rights over how they choose to live, and die.

Then-Senator David Leyonhjelm introduced the Restoring Territory Rights (Assisted Suicide Legislation) Bill 2015 into the federal parliament in late 2018, but the bill was rejected by the Senate by 36 votes to 34.

ACT: The Select Committee on End of Life Choices established by the ACT's Legislative Assembly released its report in March 2019. No action is likely until federal ban is overturned.

### Pod to nod off in, for good, doubles as a coffin

Meanwhile Australian right-to-choose-death campaigner Philip Nitschke has unveiled a new death device that doubles as a post-death coffin. The unit works by flooding its sealed pod with nitrogen, which is unregulated and easy to obtain legally. As the oxygen level inside rapidly drops, users will feel slightly tipsy, before quickly falling into unconsciousness, and death follows within minutes, Nitschke claims. <http://tinyurl.com/y6maqmha>



### We are repeating an item we ran in the June 2011 issue of CLArion:

#### Assange receives courage medal

WikiLeaks founder Julian Assange has been given a human rights medal for what has been described as "exceptional courage in pursuit of human rights".

The Sydney Peace Foundation has praised Mr Assange and WikiLeaks, saying they have brought about a watershed in journalism, freedom of information and potentially in politics.

In its 14-year history, only three other people have won the foundation's gold medal for courage in the pursuit of human rights – the Dalai Lama, Nelson Mandela and Japanese Buddhist leader Daisaku Ikeda.

Mr Assange, who is fighting extradition from Britain to Sweden over alleged sex crimes, was praised for "challenging centuries-old practices of government secrecy and by championing people's right to know".

Foundation director Stuart Rees says the award was also motivated by the cowardice of the Australian Government.

### How accurate are official 'costs of crime' estimates?

This is the current (published Oct 2018) cost of crime figure, from the government's expert research agency on crime, the Australian Institute of Criminology (AIC), part of the Australian Crime and Intelligence Commission (ACIC, which used to be the ACC, without "Intelligence").

*"This report estimates the cost of serious and organised crime in Australia in 2016–17 to be between \$23.8b and \$47.4b."*

– Estimating the costs of serious and organised crime in Australia 2016–17, Russell G Smith.  
ISSN: 2206-7930, AIC. Published: 10/10/2018. <http://tinyurl.com/y58zud43>

When the "experts" produce an estimate with a 100% range on a topic like this, you can be absolutely certain the figures are ropey.

CLA believes the crime research and police bodies produce and promulgate such figures to scare people and politicians, so that more taxpayer money can be wasted on creating more laws to help them “fix the crime problem” and on employing more police officers to “fight crime”.

But let’s, for a moment, accept their claimed figures as accurate:

In July 2012 (rpt, 2012), the Australian Crime Commission “conservatively” estimated that “serious organised crime costs Australia between \$10-15 billion every year”. Helpfully, they listed what is included in the calculations: “This cost comprises loss of business and taxation revenues, expenditure on law enforcement and regulatory efforts, and social and community impacts of crime”.

– ACC fact sheet, 3 July 2012.

So, in five years, from July 2012 to July 2017, the cost of organised crime in Australia has either roughly doubled, or nearly quadrupled, from about \$12.5 billion to \$23.8 billion or \$47.4 billion.

On the basis of this proven inability to contain crime, every police commissioner and every head of every crime agency in Australia should be sacked for incompetence immediately, CLA believes.

Instead of preventing or reducing crime, they have demonstrably created the climate for it to grow...or else allowed their expenditure on staffing and regulatory efforts to balloon uncontrollably to a very large negative effect.

The current crop of police and crime supremos ARE the problem: they must be sacked, logic suggests.

Where can we find a performance-oriented PM or Premier who will demand the cost of crime goes down before giving police and security bosses any increase in funding or staff in future?

Based on official research findings by the AIC over the past five years, the more funding and resources police have received, the worse they have performed, That’s no way to run a police force or crime agency.

### **ODD SPOT: Defending the incalculable**

The Department of Defence has been so incompetent for the past two years that it can’t count the number of people it employs. This was revealed in Senate estimates after a question by Senator Wong (Labor, SA). In response, Defence associate secretary Rebecca Skinner disclosed there were 379 contractors working in the Defence ship program. Asked the number for other parts of Defence, she replied: “I don’t have it for anything else”. Imagine if Australia had to go to war in a hurry – Defence would be unable to calculate how many people it could deploy. Senate estimates hearings comprise ongoing farces when no-one holds departments to account for ignorant, deflective or defective answers, CLA says. <http://tinyurl.com/y3bw9rjc>

### **Australian lawyers are world leaders in bullying and sexual harassment**

Sexual harassment is "alarmingly commonplace" in the legal profession, according to a landmark survey of 7000 lawyers in more than 100 countries.

Australia has among the highest reported rates of legal bullying and harassment in the world.

Almost 30% of Australian lawyers who completed the International Bar Association (IBA) survey reported that they had been sexually harassed in the workplace, compared with 21.8% in the UK and 32.6% in the USA. The global average was 22%.

More than 60% of Australian respondents had been bullied at work, compared with 51% in the UK, 50.3% in the USA and 43% globally

Women lawyers in Australia reported higher rates of harassment and bullying than their male peers, at 47% (compared with 13% of men) and 73% (50% of men) respectively.

The IBA found 57% of bullying cases and 75% of sexual harassment cases worldwide were not reported. <http://tinyurl.com/yxcnvnqm>

### **‘National conversation’ launched**

The Australian Human Rights Commission has launched a “national conversation” about human rights, according to its president, Prof Rosalind Croucher (photo).

The national conversation asks: What makes an effective system of human rights protection for 21st century Australia?

By the end of 2019, she says, the ARHC intends to:



- recommend an agenda for federal law reform to protect human rights and freedoms fully;
- recommend priorities for reforming federal discrimination law to make it more effective, comprehensive and fairer in its protection, and simpler to understand;
- articulate key actions that all governments must take to adequately protect the human rights and freedoms of all Australians; and
- identify how to build community understanding and partnerships, and options to invest in and build capacity, to realise human rights and freedoms, and options.

The national conversation on human rights will include:

- a national summit
- public events and consultations
- a report to the Attorney-General and federal parliament on actions needed
- a report to the UN Human Rights Council as part of Australia's 3rd universal periodic review (in 2020).

The AHRC is defining 'human rights' as all human rights obligations recognised in international law, not limited to those rights currently reflected in Australian law.

## Been there, done that, and all we got was a committee...

Cynical old hands at this form of administrative hoodwinking – see above, for details of the latest “consultation” on human rights – will recall that Australia held a national consultation on whether or not we should have a bill of rights a decade ago, in 2009. <http://tinyurl.com/y3uzpdgw>

Father Frank Brennan and panel held copious, well- and enthusiastically-attended meetings throughout Australia, and unanimously recommended Australia should have a statutory bill of rights.

But the then Attorney-General Robert McClelland, under direction from PM Kevin Rudd's Labor Cabinet, squibbed it, and we got a 'national framework for human rights' instead, as well as a new parliamentary committee on human rights.

*Photo right: The 2009 committee comprised, from rear Father Frank Brennan as chairperson, Mick Palmer, Mary Kostakidis and Tammy Williams.*



The parliamentary committee is a tiger cub that's toothless. It has no enforcement or veto power whatsoever, and produces bland recommendations which can be totally ignored by Ministers and the houses of parliament when they vote. (They usually are).

And the “national framework” was abandoned by an incoming Coalition government.

No bill of rights will get up in Australia unless a strong political personality, necessarily a Prime Minister or Attorney-General, pro-actively supports the principle that a fairer go for all Australians should be guaranteed in law.

In the meantime, despite CLA's cynicism, holding “national consultations” is the only mechanism available to keep rights and civil liberties in the public conversation in Australia. (CLA Director Jennifer Ashton is preparing our submission to the latest consultation).

In the USA, UK, Canada, New Zealand, the EU and many other countries, you don't need frequent “national consultations”. The citizens of those entities have the day-to-day protection of bills of rights.

## ODD SPOT: Inferiority breeds jingoistic aggression

'The constant need to be aggressive about one's national identity, to vociferously reaffirm it, usually indicates a sense of inferiority towards other nations. Being able to regard oneself as an Australian, being able to contribute to Australia, does not depend on outward symbols.' (Malcolm Fraser, Australian of the Year speech, 23 January 1976)

## **Cowdroy gets ACTIC gig after Higgins rejected**

Former Federal Court judge Dennis Cowdroy is the ACT's new integrity commissioner.

But ACTIC will start work four months late, probably on 1 November 2019, because the Liberal opposition rejected the original government nominee, former Supreme Court judge Terry Higgins.

Cowdroy was a Federal Court judge between 2006 and 2014 and also served as an additional judge of the ACT's Supreme Court. He was a Land and Environment Court judge, held commissions as Judge-Advocate of the Australian Defence Force and as a presidential member of the Australian Administrative Appeals Tribunal, and is a chair of the Australian Electoral Commission.

The rejected Higgins was inaugural ACT Labor branch president in the 1970s and represented Gough Whitlam when he faced criminal charges over the Loans Affair. He quit Labor in 1990 ahead of his appointment to the bench.

Some aspects of ACTIC will start from 1 July. The delay to November will allow Cowdroy time to hire a chief executive and staff. <http://tinyurl.com/y4uaxpu6>

## **State launches campaign to combat sharing of intimate images**

A new social media push warns of the legal consequences of sharing intimate images without consent.

Attorney-General Yvette D'Ath said the campaign will raise awareness about the new 'revenge porn' laws introduced by the Qld government in 2019.

"The aim is to educate Queenslanders about new laws targeting the non-consensual sharing, and the threat of sharing, intimate images," she said. "This is about starting a conversation and holding people accountable for their actions."

Mrs D'Ath said the campaign featured short animations and sharable warnings about the legal dangers of sharing intimate images without consent. It also includes advice for people who may be affected by this form of abuse. "People need to know that engaging in this behaviour may not only be in breach of the new Queensland laws, but a raft of other State and Federal laws, including laws prohibiting child exploitation material," she said.

The campaign points out that under the new laws, consent must be given freely and voluntarily, by a person with the cognitive capacity to give the consent. Under the Criminal Code, people aged 16 and under are not considered capable of giving consent.

While often referred to as 'revenge porn', sharing an intimate image without consent can involve a broad range of behaviour not always motivated by revenge. It is cyberbullying that can be motivated by control, intimidation, sexual gratification, monetary gain and social status building. It can also be a form of domestic violence used to exercise power over another person.

"Anyone convicted of distributing or threatening to distribute intimate images or prohibited visual recordings of a person without their consent now faces up to three years in jail. Furthermore, anyone threatening to distribute an image can be charged, whether or not the image actually exists," Mrs D'Ath said. – media release, Qld AG, 12 May 2019

## **Treston calls for keeping children out of watch houses**

Bar Association of Queensland President Rebecca Treston has urged stronger proactive measures to keep children out of adult watch houses.

She said the association was concerned at practices revealed by an *ABC Four Corners* team that indicated more than 50 Queensland children were detained in watch houses on any given day.

The Bar Association is aware of numbers of young people being held in watch houses for an average of 10 days and, in some cases, for up to five weeks. "They are being held with adult prisoners in locations that often have no natural light, no proper exercise facilities, no teaching capacity, minimal access for families and little or no privacy," she said.

"These children are on remand – they have not been convicted of any offence, and they are being held in surrounds that are not suitable for children.

"They then suffer from a marked decline in their mental health. The practice places unacceptable stress on the officers of the Queensland Police Service who staff the watch houses, have little or no training in accommodating children and are better deployed elsewhere." <http://tinyurl.com/y5xywz5c>

Queensland Law Society President Bill Potts said it was simply appalling that so many children, as young as 10, were being warehoused in adult watch house cells alongside seriously dangerous adult criminals, including sex offenders.

## **National sex register back on agenda with Dutton reappointment**

Victoria's Minister for Police Lisa Neville – like many other ministers around Australia – was not well pleased when federal Home Affairs Minister Peter Dutton suddenly produced the idea of a national sex offenders register during the silly (media) season, in mid-January, this year.

The federal government went on to allocate money in a one-liner in the May Budget to the proposal...with no detail whatsoever. The “consultation” promised by Dutton in January was a furphy: it didn't happen.

All that occurred was lip-service request for input from civil liberties and human rights groups, and a very belated notification of the “thought bubble” to state and territory ministers. CLA countered this Home Affairs impropriety by sending our submission to all State and Territory AGs and Justice Ministers: our input was generally very well received.

Victoria's Minister Neville (photo) makes this quite clear in her response to a letter from CLA:

“The Victorian Government was disappointed that it was not consulted prior to the announcement of the proposal and I have written to Minister Dutton requesting further consultation on the complex issues involved with the proposal and any alternative policy responses.

“The Victorian Government will continued to be guided by Victoria Police on what, if any, further reforms may be required to ensure we are doing all we can to keep the community, and especially our children, safe.



## **Forensic lab buys shiny new baubles when people problems have been its issue**

At mid-May 2019, there are 800,000 people on the national DNA database, 200,000 of them in WA.

These figures were revealed in a puff piece article on a new, you-beaut laboratory for PathWest, the in-house forensic science laboratory of the WA government and police. <http://tinyurl.com/yy37fxa5>

We no longer expect balanced reporting in Australia, but you would have thought that any coverage of Path West might have included that a senior scientist was dismissed for fraudulent handing of police DNA samples just two years ago!

Officially he engaged in unethical conduct and breached protocols. In lay terms, he produced DNA results that suited police claims.

No amount of new technology will overcome such behaviour, so CLA hopes that PathWest has concentrated more on correcting its people issues than buying new pipettes. Here's the story, from 31 March 2017:

CONVICTIONS in some of WA's highest-profile murder cases may be thrown into doubt following the sacking of one of the State's leading DNA scientists who was found to have breached testing protocols over six years.

Laurance Webb was a senior forensic biologist with the State-run pathology centre PathWest and worked on dozens of major cases including the unsuccessful prosecution of Lloyd Rayney in 2012.

As well as conducting laboratory tests, he regularly appeared in court as an expert DNA witness for the prosecution in cases that resulted in guilty verdicts. (NB: 27 major cases are “potentially problematic”).

Problems with Mr Webb's work at PathWest were first identified in late 2014 and resulted in him taking extended leave in January 2015 while an investigation was conducted. That investigation found that allegations of unethical conduct and a failure to follow established protocols were substantiated and led to him being dismissed in August last year. <http://tinyurl.com/y4cpan2t>

CLA notes that PathWest apparently covered up the problem with Mr Webb from late 2014 to August 2016. ...and then did not announce the senior scientist's dismissal until March 2017.

PathWest has a considerable way to go to regain public trust. No forensic laboratory should be closely aligned with the police and under state government control. As in South Australia and Tasmania, such closeness is a recipe for legal disaster, CLA says.

We would also like to know what's happened to the 27 “problematic” cases. Not a word on them so far.

## **Selling police data admitted, sentencing due**

A former WA Police employee, Rebekah Rose Tilbury, 32, has pleaded guilty to receiving thousands of dollars in exchange for releasing information from police computer systems.

She will be sentenced in the WA District Court in July.

In April she pleaded guilty in a magistrate's court to acting corruptly at the WA Police Assistance Centre in Midland, and to counts of unlawful use of a computer and unauthorised disclosure of information.

Tilbury was charged after a WAPOL Internal Affairs investigation, when it was alleged that between August 2017 and January 2019 she received more than \$16,000 after disclosing information from police computer systems. <http://tinyurl.com/yymuob3m>

## **Prisoner's cancer goes un-reviewed after scan**

A prisoner diagnosed with terminal cancer while in jail died amid "lamentable failures" by prison officials in relation to his treatment, a coroner found last month.

Michael Sfyris was serving time over a wild brawl when he complained of abdominal pain, coughing and wheezing in July 2015. Royal Adelaide Hospital conducted a CT scan of his abdomen, pelvis and chest a month later, but coroner Mark Johns said the results were not reviewed for another two and a half months.

Sfyris continued to have health problems into 2016 and another scan then revealed his cancer to be stage four, incurable and terminal. The 50-year-old former bikie declined active treatment while still in jail until he collapsed in March 2016 and agreed to be transferred to hospital where chemotherapy drugs were prescribed. However, he died in April that year.

Mr Johns said the delay in reviewing the prisoner's first scans and the handling of his case was a "disgraceful state of affairs. It reflects incompetence in the management of patient records on the one hand and mismanagement of the prisoner on the other," the coroner said. <http://tinyurl.com/y5mfnzly>

## **Speaker uses casting vote to reject mandatory sentencing**

The Tasmanian Speaker, Sue Hickey, last month used her casting vote to reject a government bill on mandatory sentencing.

The government wanted mandatory sentencing for serious child sexual assaults.

Ms Hickey said it would have been easier for her to support the legislation, which she conceded was a "popular choice", but she said "it is braver and truer to my own conscience to not support this bill in its current form". However she later voted to permit mandatory sentencing for assaults on off-duty police.

The Hodgman Liberal government was trying to re-pass the election promise, sex assaults bill after legislation was voted down by the Legislative Council in 2017.

In April, Ms Hickey consistently voted against the government to pass new legislation to make gender optional on birth certificates.

A year ago Hickey – a former Lord Mayor of Hobart – blindsided the government, did a personal deal with Labor and the Greens, and became the tipping point in a parliament where power is evenly split.

Since then, true to her word, she has voted independently on major bills. <http://tinyurl.com/y5uvkn6u>

The Liberal choice for Speaker, Rene Hidding, who had served for more than 20 years, resigned from parliament in February 2019 to fight an historic sexual assault change, which he vehemently denies.

## **Don't strip search kids, report says**

Tasmania's children's commissioner Leanne McLean told the state government last month in a formal report that strip searches of children and young people in custody should only be used as a last resort. Justice department figures show 218 minors were strip searched in prison custody in 2018. More than 203 children and youths underwent unclothed searches at Ashley Youth Detention Centre between 1 June and 30 November. Guards found no contraband.

McLean recommended new technology such as body scanners, and called for a register to record all searches of minors held in custody and clearer regulations outlining how searches are to be conducted to ensure dignity and self-respect is maintained.

"There is a large amount of evidence that strip searching can cause harm," she said. "If you have been abused or have been traumatised and you are then subjected to a strip search, that can re-traumatise." Her advice followed the recent prison strip search of an 11-year-old boy subjected to a mock arrest in a bid to curb his behaviour. <http://tinyurl.com/y4ynfmrl>

## Territory opts for facial recognition

The NT government has committed to implementing the "national facial biometric matching capability solution", a national initiative aimed at reducing crime and boosting national security and border protection. Territory agencies will be able to use the data in areas including road safety, identity crime, organised crime and counter terrorism. The NT budget 2019 on 7 May 2019 provided \$0.38 million to improve biometric matching capability in the Territory, increasing to \$0.5 million ongoing from 2020-21.

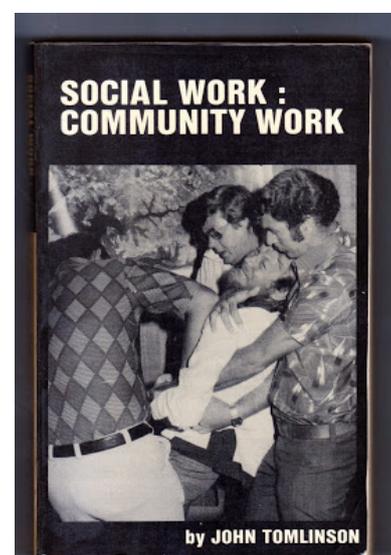
The budget also committed:

- an extra \$10m for police, fire and emergency services
- \$26.4 million in 2019 to implement a \$45 million project to provide a reliable information and communications technology (ICT) system to support policing activity across the Territory.

Budget papers pointed out that the crime, social and economic harm that alcohol causes in the Territory remains the biggest social issue and costs the Territory almost \$1.4 billion a year.

## Australian briefs

**Two NT foundational civil liberties people die:** John Tomlinson died on 6 April 2019. He was part of the small group who formed the NT Council for Civil Liberties, which included current CLA member, Rob Wesley-Smith. Tomlinson wrote a book which included a photo of him "assisting police with their inquiries" – in the photo (right), Tomlinson in white shirt is surrounded by three plain(?)-clothed police.. For the catastrophic story of how the original NTCCCL was born, see <https://www.cla.asn.au/News/history-of-civil-liberties-in-australia/> (Northern Territory). Barrister John Waters, whose vivid description of the first founding meeting leads off the NT history, also died the same weekend. Obit: <http://tinyurl.com/yxjzvwol>



**'No religion mandates abusing other people':** Dr Andre Oboler, CEO of the Online Hate Prevention Institute, comments on the Israel Folau case: "The argument this is about religious freedom is spurious. Whatever one's religious belief's, there is no religious obligation to abuse others. What there is likely to be, in this case, is a contractual obligation to uphold the code's published values. It's great to see sporting codes and other having such positive values and applying them to online activity." Note: Dr Oboler is a member of CLA. <http://tinyurl.com/y32w9ur2>

**Police impose fraudulent charge, magistrate says:** Tasmania Police charge defendants \$53.90 to see the evidence of their criminal and traffic offences in what a senior magistrate has described as a fraud. The police prosecution service was obliged by law to provide the information free, deputy chief magistrate Michael Daly told a defendant in his court last month. "You are entitled, entitled, without payment of any fee, to the evidence in these charges. That's the law. The reality is somewhat different," he said. <http://tinyurl.com/y5artmpr>

**New Disability Discrimination Commissioner:** Dr Ben Gauntlett has been appointed Australia's Disability Discrimination Commissioner. Recently he worked as a barrister in Western Australia and Victoria with a broad ranging practice. He has also been an associate to judge Kenneth Hayne at the High Court, counsel assisting the Solicitor-General and a law lecturer in Australia and the UK. Dr Gauntlett is a quadriplegic from a schoolboy rugby union accident aged 16 in Perth: he has experience of living and working with a disability and accessing care in Australia, the UK and the USA.



**Police prodded into domestic violence action:** Tasmania Police updated its website to help partners of police officers make domestic violence complaints just days after it was revealed the force could have better handled years-old allegations made against one of the state's top cops. Emails released under Right to Information laws show TasPol updated the family violence section about a week after the *Mercury* revealed the former wife of a senior policeman complained to the Integrity Commission about the force's handling of allegations about her former partner. <http://tinyurl.com/yxrbmkyo>

**Sniper sues:** The chief sniper during the Lindt Cafe siege in Sydney's CBD is suing NSW Police for the managerial non-decisions which allegedly cause him ongoing mental anguish. Snipers were not activated: the lives of cafe manager Tori Johnson and barrister Katrina Dawson could have been saved, he claims. Officer Sierra 3-1 alleges in writing that he has suffered psychological trauma from the siege on 15 December 2014 in which 17 people were taken hostage. The NSW District Court action is set for hearing in 2020. <http://tinyurl.com/yxl28585>

**House inspections take eight weeks:** With home detention becoming an option in Tasmanian sentencing three months ago, it has been taking eight weeks for authorities to assess a house as suitable for home detention, Supreme Court judge Stephen Estcourt revealed last month. He said that, at 1 May, there were 56 Tasmanian criminals awaiting a home detention assessment. The courts made the first order on 19 March 19: nine home detention orders were made in the first six weeks of the new system. <http://tinyurl.com/yxql8yz7>

**The passion generated by wigs?** Members of the ACT Bar are involved in a survey about whether the wearing of wigs in the ACT Supreme Court should be retained in criminal matters, and as to the wearing of robes by solicitors and solicitor advocates when appearing in the Supreme Court. "This is a subject that excites passionate views," the ACT Bar Bulletin notes in its May issue.

**Police boost their pockets:** According to figures obtained exclusively by *SBS News* under the Government Information (Public Access) Act, NSW police generated \$12,896,828 in revenue over the first seven months of 2018/19 under the user pays scheme, which allows off-duty police officers to be hired out to private events such as music festivals, sporting events and parades to provide additional security services at the organisers' cost. In the 2017/18 and 2016/17 financial years, NSW police received \$21,486,215 and \$16,722,564 respectively, and assuming the same amount of dollars per month continues, the NSW Police Force could stand to make more than \$22 million this year by providing additional security to events. Off-duty police can make more pocket money by volunteering to fulfil the contracts. As many events cannot proceed without security guarantees, the police are effectively running a monopoly business, CLA says.

**Morris to head local court:** Judge Elizabeth Morris will become Chief Judge of the Northern Territory Local Court in October 2019. The court's current Deputy CJ will take over from CJ Dr John Lowndes when he retires on 4 October. Judge Morris moved to the Territory in 1990 and has been a Local Court Judge since 2010. Before that she was executive director of Racing, Gaming and Licencing, Deputy CEO of the Department of Justice, Deputy Coroner and chair of the NT Legal Aid Commission.



## ODD SPOT:

### Verifying virtuality could heat up the planet?

Did you know that Bitcoin, the cryptocurrency, could by itself push global temperatures up 2 degrees C by 2034? So says a *Forbes* article which explains that vast amounts of computer power needed to verify Bitcoin comes at a huge cost to the environment. "...verification takes an enormous amount of energy and as Bitcoin gets more broadly adopted, the energy demands increase perilously. The current analysis suggests mining data for profit could be more destructive to the planet than mining the planet itself for profit." <http://tinyurl.com/y3oum89h> – SH

David Wallace-Wells in “The Uninhabitable Earth. A Story of the Future” Alan Lane/Penguin, 2019, puts the Bitcoin story more succinctly: “Five years ago, hardly anyone outside the darkest corners of the internet had even heard of Bitcoin; today mining it consumes more electricity than is generated by all the world’s solar panels combined, which means that in just a few years we’ve assembled, out of distrust of one another and the nations behind ‘fiat currencies’, a program to wipe out the gains of several long, hard generations of green energy innovation. It did not have to be that way. And a simple change to the algorithm could eliminate that Bitcoin footprint entirely.”

“The crypto currency now produces as much CO2 each year as a million transatlantic flights.”

## **Members’ (and other) contributions**

### **349,999 other babies to be celebrated as well**

Re: ‘Meghan and Harry over the moon’ (6 May 2019, Canberra Times). About 353,000 babies were born on 6 May, and I am sure we wish all of them well. As a community who have, hopefully, outgrown fairytales, why is this particular birth of any specific interest to us? Peter Downie, CLA member, Banks ACT, sent from Berlin Germany.

### **‘Powerful influence on politics and media’**

The withdrawal by Melissa Parke\* as ALP candidate for Curtin for criticising Israel’s more than 50-year occupation of the West Bank reflects poorly on her party and politics more generally in Australia. She is a victim of having spoken the truth in Australia whose major political parties support Israel’s regime, which she has likened to the South African system of apartheid. According to former South Africans, now Israeli citizens, this is a fair comparison. Israel’s unjust treatment of Palestinians is documented in John Lyons’ book, ‘Balcony over Jerusalem : a Middle East memoir’. Lyons also details the powerful influence on Australian politics and media by Australian supporters of Israel.

Ms Parke, a former lawyer for the UN Relief and Works Agency for Palestine Refugees in Gaza, is well qualified to speak on the worsening situation in Israel, but her party, including Bill Shorten, does not want to hear or change its policy. Instead, Australia, regardless of who wins the May 18 election, will effectively continue its support for daily intimidation against Palestinians, who have no vote, and the expansion of illegal West Bank settlements. Under Israel’s Prime Minister, Benjamin Netanyahu, a Palestinian state has been made all but impossible. His recent re-election, with its threat to annex West Bank land, should greatly alarm all who desire peace in Israel.

Meanwhile, the voices of people, such as Melissa Parke, who understand the reality of daily life for Palestinians, with or without support of their political parties, must be heeded lest the current Israeli practices ultimately lead to even greater violence. – Graham Downie, O’Connor ACT.

(NB: Melissa Parke is a member of CLA; Graham Downie is a retired *Canberra Times* journalist, who forged an extraordinary daily newspaper career considering he has always been – physically – blind).

### **More, not less pre-polling**

Suggestions that parliament should legislate to reduce the weeks available to vote pre-poll is a typical miscalculation by politicians. Because so many people now prefer to vote pre-poll (proven by their voting with their feet early in the recent campaign), the period for pre-poll voting should be increased, not decreased. Most people are fed up with the concocted nonsense that passes for ‘campaigning’ by both major parties, and just want to get the unpleasantness over with. This is a sad reflection on the way campaigns are conducted, considering the blood, sweat and tears which have been shed to gain the right to vote. – Dr Kristine Klugman OAM, President of CLA, Fisher ACT <http://tinyurl.com/y37n28x6>

### **Pricey fiddling**

The cost of inaction over climate change is plain to see. Britain has just been coal free for 7 days, expects to be coal free for 6 weeks this northern summer, and will be totally coal free by 2025. Other countries are making real efforts to deal with climate change. In the meantime Australia, a la Nero, fiddles whilst the world burns. According to Dr Karl Mallon from the Climate Council, the cost of inaction on climate change is estimated to be over 4 trillion dollars. Dr Mallon states that one in every 19 properties will become uninsurable and/or the insurance premiums will be unaffordable. Insurance companies are already repricing risk. – Jon Jovanovic, Lenah Valley Tas.

## CLA report – main activities for May 2019

### Setting investigation principles

Some CLA members in WA got together late in May to refine the ‘Principle of Independent Investigation’ that they are devising as part of a national project for greater bureaucratic accountability. The photo shows Christina Marruffo, CLA’s WA Director Margaret Howkins, Warren Lance and Kathryn Harris collaborating on editorial revisions. The project will have most relevance initially to creating standards for internal investigations in police forces, but will later be expanded throughout the bureaucracy, starting in WA, CLA hopes. – Pic: Anthony Howkins Jnr



The CLA Board met on 19 May 2019 for the first time after the 2019 AGM, and so Directors elected a Board under the CLA constitution rules. The elected CLA Board is:

**President:** Dr Kristine Klugman

**V-P (Media):** Tim Vines (who is also National Media Spokesperson)

**V-P (Submissions/Government):** Rajan Venkataraman

**Treasurer:** Sam Tierney

**Secretary/CEO:** Bill Rowlings

and elected Auditor: Phil Schubert

The Board passed a formal vote of thanks to Mark Jarratt who retired from the Board before the AGM.

**Attracting student membership:** Director Elly McLean (2nd Year Law ANU) and VP Tim Vines provided a detailed paper on possibilities of attracting more student involvement from ANU in particular, but universities and colleges generally. There was lengthy discussion on the matter, plus the implications it generated: VP Vines outlined plans for working with keen student members, expanding reach into Halls of Residence High Table addresses, Debating Society sponsorship, crypto parties, etc. Pres and CEO outlined the practical 16-year history of repeated failures to engage students en masse, with only three students becoming closely involved (all of whom became Board Members: Anthony Williamson, Tim Vines, and Elly McLean). Pres and CEO believed CLA should concentrate on a very small number of students, and on attracting one from each Law year at each uni targeted. Decided: VP Vines to continue his approach with EMcL, including students Aaron Bronitt at ANU and Sam Coten at Murdoch U in WA to demonstrate by practical example what is possible.

**ACNC:** The “students” issue generated further discussion on whether or not to formally register with the Australian Charities and Not-for-profits Commission (ACNC) so as to access free Google software. The pros and cons were explored at length. It was decided to further investigate intricacies of registration/annual reporting before deciding, with any change from “state” registration likely to occur at CLA’s end of financial year on 31 Dec.

**Tasmania report:** The President congratulated Richard Griggs for standing for election for the Tasmanian Upper House. He reported the State’s revised Protestors Bill (after its first emanation was rejected by the High Court) was an improvement but still had many issues that needed combating, and would occupy CLA efforts in the state over the next six months. The new law extends protest law into boycott legislation. In the State Parliament, there was an unusual combination of opportunities: the newly-elected Upper House member Meg Webb supports Voluntary Assisted Dying, which is likely to become law in Tasmania in next 12 months. The Speaker, Sue Hickey, is a very independent-minded Liberal, who has voted against her party to pass laws, including against some mandatory sentencing aspects, and transgender/birth certificate measures.

**WA report:** Director Margaret Howkins provided a detailed paper which noted that the main current task is developing a set of principles to guide all police forces as to why the current practice of police-investigating-police should be abandoned. Note: She will make the point that such a change would be of benefit to police themselves as they claim unfair treatment under internal discipline/super/health issues.

**Interaction report:** Jennifer Ashton is preparing a 2019 submission to the new Australian Human Rights Commission inquiry, based on CLA's 2009 submission, with covering update page. Due in July, the CLA submission will be completed early so it can be circulated early to other entities. There are new dialogue meetings upcoming about Vietnam and Laos, and we are preparing for the 2020 formal Australian report to the UN's Human Rights Council's three-yearly country review.

**Database/website:** CEO Bill Rowlings reported that a complete update of the CLA database and membership system had been achieved in the past month, after six months' preparation. He explained that members renewing should have far less hassle. Internally, it is an opportunity to streamline processes even further, possibly by appointing a database-competent membership manager. The Board congratulated CLA member and database/web contractor Lance Williamson, of Gaffer Designs, for proposing and accomplishing the cost-effective upgrade.

**Sue Neill-Fraser situation:** A discussion around timing and strategies highlighted that CLA should campaign in future jurisdictions (ACT, Qld, WA) for any new Right To Appeal laws to include a time limit for lodging an appeal (say 30 days) after the first, one-judge decision has been made. **Censorship of television programs:** Undercurrent on Ch7, and 60 Minutes Meaghan Vass interview on Ch 9 have still not been shown on public broadcast in Tasmania. CLA will formally ask Tas Ch 7 and the Tas Ch 9 why they did not have not run the programs.

### **Meetings**

Barrister and CLA member Jack Pappas re SNF case and 'remembered' sexual offences

Ruth Graham Hobart CLA member on Tasmanian issues

Training session on new membership database, led by web master Lance Williams: Bill Rowlings, Sam Tierney, Kris Klugman

Former senior ADF officer, Ray Funnell, re CLA's war powers campaign

**Election 2019:** There were no riots and no bloodshed in the streets as a result of the outcome. For that we should be grateful...

**VALE:** Helen Booth Wiles MBBS, FRACP, DCh. 22 February 1923 – 1 May 2019. First paediatrician to practice in Canberra, dedicated her professional career to children, specialised in the care of newborns and was instrumental in establishing proper neonatal care for the Canberra community and its hospitals. Helen was actively interested in the human rights of refugees, equality of women and civil liberties in general. She was one of CLA's earliest members.



## **INTERNATIONAL**

### **NZ media voluntarily censors murder trial**

Five large NZ media outlets have agreed to limit reporting of the trial of the man accused of the Christchurch mosque massacre to prevent wider spreading of his white supremacist beliefs.

On 15 March the Australian, Brenton Tarrant, killed 50 people in two Christchurch mosques. He faces 50 murder counts and 39 counts of attempted murder when he next appears in court on 14 June.

A copy of the agreement, signed by the heads of RNZ, TVNZ, Mediaworks, NZME and Stuff, says they fear the accused could use his trial "as a platform to amplify white supremacist and/or terrorist views or ideology", and preventative action needed to be taken to limit his audience and exposure. <http://tinyurl.com/y26cuvfh>

### **Doctors jailed for claim about war and health**

Eleven members of the Turkish Medical Association have been jailed for speaking out against a Turkish military offensive in the Kurdish enclave of Afrin in northern Syria.

The TMA issued a statement saying "war is a man-made public health problem" on 24 Jan 2018. Turkish President Recep Tayyip Erdoğan said that the group was a "gang of unthinking slaves".

At an Ankara criminal court last month, the TMA members were jailed for 20 months for "inciting hatred and hostility"; one member received an extra 19 months for "terrorist propaganda" over social media postings,

the TMA said. The organisation has 83,000 doctor members, 80% of doctors in Turkey. Five of the 11 jailed are on the TMA's central council.

Since a failed military coup in 2016, thousands of professionals, including health-care workers, lawyers, and teachers have been sacked or arrested and more than 77,000 jailed pending trial, on charges of supporting the alleged coup backers and terrorism.

## Private prisons 47% more violent

Private prisons in England and Wales are more violent than public jails, according to data analysis that raises questions over the British government's plans to pursue its prisons-for-profit model.

In 96 publicly run adult jails in the year to September 2018, there was an average population of 64,905, with 21,420 assaults – or 330 per 1000 prisoners. But in 14 privately managed adult prisons, there was an average of 15,930 prisoners and 7737 assaults – or 486 per 1000 prisoners.

That suggests private prisons are 47% more violent in terms of assaults than public prisons, the *Guardian (UK)* reports.

Despite this statistic, the Ministry of Justice (MOJ) plans to build more prisons for private operation. Two sites – Glen Parva in Leicestershire and Wellingborough in Northamptonshire – are to be privately run. Work on Wellingborough, to hold nearly 1700 inmates, is scheduled to start June 2019.

The private sector's running of jails is controversial. In April 2019, the government permanently stripped G4S of its contract to run Birmingham jail, after an inspectorate found the jail to be violent and drug-ridden.

Currently G4S, Serco and Sodexo run private prisons in England and Wales. They say they run the jails with prisoners convicted of the most serious offences. By contrast, the public prisons include lower security and 'open' prisons, the private companies say.

The Ministry of Justice claims to be spending large amounts in recent years, with the results not yet reflected in the figures. MOJ says it has spent an extra \$130m to improve safety and security, and has recruited more than 4700 more prison officers since late 2016, when the government announced an annual increase of \$186m in the prisons budget. <http://tinyurl.com/y4law4ld>

## Privatising parole a disaster:

The supervision of all offenders in the community is to be undertaken by the state in a major re-nationalisation of the probation sector in Britain, just five years after a Tory minister, Chris Grayling (photo), introduced a widely derided program of privatisation while justice secretary.

Under his disastrous shake-up in 2014, the probation sector was separated into a public sector organisation managing high-risk criminals and 21 private companies responsible for the supervision of 150,000 low- to medium-risk offenders.

After years of damning criticism from MPs, inspectorates and former probation officers, the current justice secretary, David Gauke, has decided to bring all offender management under the National Probation Service by April 2021. <http://tinyurl.com/y5dh2jvz>



## How does Australia compare?

The federated nature of Australia means there is no similar national reporting of how private jails, run in and by the states, are faring comparatively re violence.

There are national figures in Australia for prisoners in jails, but not national figures comparing private prisons with public prisons.

It is difficult to get a handle on who runs the private prisons, juvenile jails and immigration detention centres in Australia. The company names change regularly, responsibility is passed between subsidiaries, and states have withdrawn prisons from private management (Note 1). Companies known to operate in the detention and associated areas in Australia include:

The GEO Group, under the name Australasian Correctional Management P/L, and G4S (its parent company, previously known as Global Solutions Limited) have run or are running centres. Another company, Serco, apparently runs a number of prisons and immigration detention centres. MTC

Broadspectrum (formerly Transfield), a subsidiary of the giant Ferrovial, also runs facilities, as does the French multinational, Sodexo.

These are enormous companies, with a tentacular infiltration style honed over decades to the stage where they run ancillary services, including managing ports, Defence support and maintenance, control systems, and hospital support and management services.

In many respects, these companies have become the new “public service” in Australia: were they to fail, to shut down, or to “strike” for bigger contracts, Australia would grind to a stop.

Note 1: Queensland is ending its privately run jails experiment after a scathing report by the Crime and Corruption Commission found it was hard to know what was really going on inside them.

The Arthur Gorrie Correctional Centre and Southern Queensland Correctional Centre will get more staff when they return to public operation, once the existing contracts expire, at a cost of \$111m. <http://tinyurl.com/y3rvkqv>

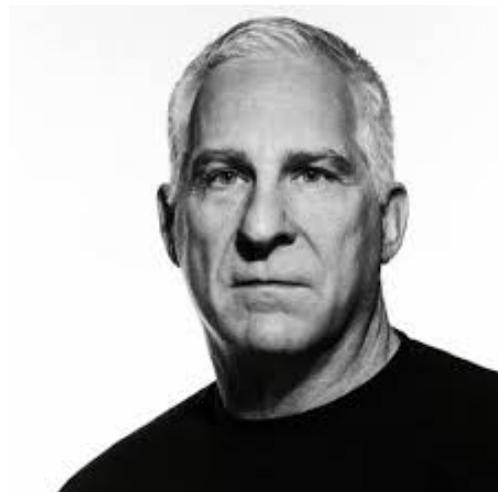
*‘The percentage of Australia’s prison population held in privately-run facilities is more than twice that of the United States. Critics argue that the need to satisfy shareholders has been prioritized over conditions for inmates and staff.’* The Feed (SBS), 20 Nov 2018 <http://tinyurl.com/yxh9htwy>

## Ex-CIA heavy assesses President Trump

“[It’s] unlikely that President Trump is a recruited and controlled source of the Russian intelligence services ... Yes, he is a cauldron of potentially exploitable vulnerabilities. He is greedy, has lax morals and shame, isn’t particularly patriotic, has a difficult time with right and wrong and is easy to manipulate.

“He would be easy to exploit and entice into ... a conspiratorial relationship [but] ... *impossible to control.*

“His narcissism, poor memory and ego would make it all but impossible for him to follow directions and keep a secret ... He blathers about things he doesn’t understand, never admits that he is not an expert, is loathe to admit mistakes, lies constantly and is barely intelligible ...” – John Sipher (photo), CIA’s former head of Russian operations. <http://tinyurl.com/y59hnanq>



## Fake news can bring jail sentence

Singapore has brought in a controversial bill targeted at eliminating 'fake news' and disinformation, under which authorities can police speech online and impose maximum penalties of 10 years jail and a \$1m fine. In doing so, the tiny state joins Russia and Vietnam in introducing a fake news law.

Critics say the legislation – the Protection from Online Falsehoods and Manipulation Bill – is the most far-reaching legislation of its kind in the world and threatens to further restrict freedom of media and speech.

David Kaye, the United Nations Special Rapporteur on the right to freedom of expression, wrote to the Singaporean Government in late April to raise concerns that the law would "serve as a basis to deter fully legitimate speech, especially public debate, criticism of government policy, and political dissent". <http://tinyurl.com/y33o3gss>

## Move to block robocalls by default

Ajit Pai, chairman of the US Federal Communications Commission, has said carriers may block calls detected as robocalls automatically, instead of requiring customers to opt in to robocall blocking services. Commissioners are expected to vote on this in June. <http://tinyurl.com/y3qvku6>

Consumer applications for blocking robocalls have been ineffective, according to *New York Times* Personal Tech editor Brian Chen. He said carriers have been working on an industrywide solution to defeat robocallers on behalf of customers.

Let’s hope the auto-blocking technology comes to Australia quickly, CLA says.

## Measles outbreak brings crackdowns

Authorities worldwide are cracking down on anti-vaccination groups spreading false news.

In Germany, parents who won't vaccinate their children against measles may face fines of about \$4000, according to a draft law.

Health Minister Jens Spahn has introduced the law, which would operate from 1 March 2022 if it passes. Vaccination against measles would be mandatory for all children attending nurseries and schools, as well as teachers, educators and medical staff at hospitals and surgeries.

By July 2020, parents signing up their children for kindergartens or schools would need to either provide evidence that their children have been vaccinated or proof of a medical condition that prevents their offspring from getting the jab.

The law would also affect about 361,000 non-vaccinated children already attending a school or kindergarten, as well as about 220,000 adults. <http://tinyurl.com/y2r75ujn>

## ODD SPOT: Protest rights draw a blank in Uralsk

To test his right to peacefully demonstrate in Kazakhstan, Aslan Sagutdinov, 22, stood in a public square holding a blank sign, predicting he would be detained.

He was right, the *New York Times* reported last month.

Mr Sagutdinov's encounter with the police in the city of Uralsk, which was filmed and posted on *YouTube*, came as the country prepares for a presidential election in June, its first transfer of power in decades.

"I want to show that the idiocy in our country has gotten so strong that the police will detain me now even though there are no inscriptions, no slogans, without my chanting or saying anything," Mr. Sagutdinov said in the video.

After being guided into a police car, Mr. Sagutdinov was questioned in a police station and released, he wrote on Facebook. Police indicated he might face charges for making the political statement that "there is no democracy and free speech in Kazakhstan" in a public place. <http://tinyurl.com/#>



## International briefs

**Soldier pardoned despite 25 year sentence:** President Donald Trump has pardoned former US soldier Michael Behenna, who was convicted in 2009 of killing an Iraqi prisoner and sentenced to 25 years in jail. He was convicted of unpremeditated murder in a combat zone after killing a suspected al-Qaida terrorist in Iraq, but paroled in 2014 and scheduled to remain on parole until 2024. Behenna acknowledged during his trial that, instead of taking the prisoner home as he was ordered, he took the man to a railroad culvert, stripped him, and then questioned him at gunpoint about a roadside bombing that had killed two members of Behenna's platoon. <http://tinyurl.com/y3bwx6p4>

**Lies on the rise:** Whereas it took President Donald Trump 601 days to make 5000 false and misleading claims, equivalent to 8 a day, it was only another 226 days before he smashed the 10,000 barrier, an average of nearly 23 claims a day, the *Washington Post* has reported. The distinct worsening of the problem coincided with the publication of special counsel Robert Mueller's report on Russian election interference, a partial government shutdown over border wall funding and a series of freewheeling campaign rallies during the mid-term US congressional elections. <http://tinyurl.com/y5wsueyr>

**Stone the crows!** Last month we reported, under the headline, 'Stoned to death for gay sex', that Brunei was imposing death by stoning as a punishment for gay sex and adultery as part of the country's implementation of sharia law. <http://tinyurl.com/y2ppjetv> You'll be pleased to know the new law won't be implemented – apparently, it might harm tourism. But of course, it will stay on the books, just in case! – media reports.

**ODD SPOT: Florida man faces fine – or loss of house – for growing grass:** Jim Ficken, 69, failed to mow his lawn for eight weeks because he was out of town dealing with his mother's death. He had employed a handyman to do the mowing, but the handyman died, unbeknown to Ficken. Now city authorities want him to pay \$41,000 in fines (a rate of \$700 for each day's growing offence), and are threatening to sell his home from under him if he can't pay. Such stupidity is enough to make a man turn to smoking marijuana! Florida permits its growing, but not its possession. Silly city! <http://tinyurl.com/yxf9hcsx>

**Syrian government killing its citizens – claim:** Nearly 128,000 have died or are still in custody after seven years of the war in Syria, according to the Syrian Network for Human Rights, an independent monitoring group that keeps the most rigorous tally, according to the NYT. Nearly 14,000 were “killed under torture” by the government. Many prisoners die from conditions so dire that a UN investigation labelled the process “extermination”. Arrests are alleged to be continuing at a rate of more than 100 a week, which is about 25% more than the year before. <http://tinyurl.com/y5ucz3mf>

**Asia becomes gayer:** Taiwan has passed a law allowing same-sex marriage, a first for an Asian nation. The vote allows same-sex couples full legal marriage rights, including in areas such as taxes, insurance and child custody. Taiwan's Constitutional Court in May 2017 said the constitution allows same-sex marriages and gave Parliament two years to adjust laws accordingly. <http://tinyurl.com/y6hdfqvt>

**Magic becoming legitimate:** Denver USA has voted narrowly to minimise criminal charges for people over 21 using psilocybin mushrooms, known as magic mushrooms. Similar moves are under way in California and Oregon. In 2005, a New Mexico appeals court ruled that growing mushrooms for personal use is not illegal. Louisiana also allows the cultivation of psychoactive plants and fungi for aesthetic purposes. Canada decriminalised cannabis for recreational use in October 2018, and a British Columbia-based company is seeking regulatory approval for compassionate use of magic mushrooms by terminally ill patients. <http://tinyurl.com/y3o9osc5>

**Your genealogy data could be used against you:** A PLOS One survey conducted in 2018 in the USA that found 91% of respondents felt law enforcement should be allowed to use genealogical databases to help solve violent crimes, defined by the authors as including rape, murder, arson, or kidnapping. (That figure fell sharply to 46% for nonviolent crimes, such as drug possession). The figures came up for debate recently when a supposedly secure and private database was able to be used by police to nab a suspect in an aggravated bashing case against a 71-year-old woman. <http://tinyurl.com/y2dpzjsw>

**Do you own your own face:** “The US Department of Homeland Security kindly provides their database of citizens' faces to the airline, JetBlue. There's no opt-in, your face is just handed over. This does save time and optimise processes, but it raises the question: Do you have the right to your own face? Who is responsible for the protection of this information? Can I even remove my face from this database and just go the old-fashioned way? We have no idea, and it's already in airports and being tested in law enforcement.” – Dylan Curran, writing for the *Guardian UK*: <http://tinyurl.com/yyb5aqvl>

## **DATES:**

**All 2019, World:** UN International Year of Indigenous Languages

**5 June, Perth:** The Rise of Militarism in Australia and What We Can Do About it. Public lecture by Margaret Beavis, GP and secretary of the Medical Association for Prevention of War. 6-7 pm, Woolnough theatre, Geology bldg UWA. Info and bookings: <http://tinyurl.com/yy6f2962>

**5 June Brisbane:** Restorative Justice: Challenges and trends. Robertson O'Gorman Solicitors and the College of Law Qld, 5.40-9pm, 140 Ann St. Focus on the approaches to achieve restorative outcomes in criminal practice. Chair ex DCJ John Robertson with Kate Clark and Lily Brisick. <http://tinyurl.com/y2zjmp4f>

**6-7 June, Canberra:** 'How Does the 'Pacific' fit into the 'Indo-Pacific'? Two-day workshop, Strategic and Defence Studies Centre, Dept of Pacific Affairs and National Security College, ANU. Details: [mitchell.clyne@anu.edu.au](mailto:mitchell.clyne@anu.edu.au)

**20 June, Hobart:** Menzies Institute Seminars: Lessons from Forensic Pathology. The 2019 Arthur Cobbold Memorial Lecturer, Prof Roger Byard of Adelaide U. 1-2pm, 17 Liverpool St Hobart. <http://tinyurl.com/y38tc27c>

**25-27 June, Noumea:** 'Democracy, Sovereignty and Self-Determination in the Pacific Islands', at Uni of New Caledonia, run by the Pacific Islands Political Studies Association. Details: [kerryn.baker@anu.edu.au](mailto:kerryn.baker@anu.edu.au)

**28 June, Adelaide:** Who's responsible for warlike acts in Outer Space...and on which planet or comet should they be jailed? 1-2pm Moot Court, Adelaide Law School. Present AssPro Matthew Stubbs. Details: <http://tinyurl.com/yytvpljb>

**29 June - 3 July, Melbourne:** Regional Comprehensive Economic Partnership (RCEP, involving 10 ASEAN countries, and China, Japan, India, Korea, NZ and Australia) 26th negotiating round: another trade deal being kept secret from Australian citizens during negotiations, and which gives special rights to foreign investors..

**4 July, Canberra:** Sir Kenneth Keith of NZ gives the annual Kirby lecture: 'NZ, Australia and International Human Rights: 1919-2019; Crawford Bldg. Contact: [marketing.law@anu.edu.au](mailto:marketing.law@anu.edu.au)

**4-6 July, Canberra:** 27th ANZSIL conference at Crawford School, ANU: International Law Futures. Prof Christina Voigt (U. Oslo) and Dr Joshua Meltzer (IUCN Climate Change Task Force).

**5-10 July, Rhodes, Greece:** Hellenic Australian Lawyers Assn 2nd conference. Details: <http://tinyurl.com/yc4d6wxo>

**11-12 July:** International Bar conference, Singapore. <http://tinyurl.com/yykzxn5>



**17 July, Cairns:** 6.30-7.30pm start: Cairns Institute, AND

**18 July, Townsville:** same time, Medical Lecture Theatre, 'How we keep our pens mighty: writing against power': the 2019 Colin Roderick memorial lecture: Bri Lee (photo), author of the Eggshell Skull, advocates for criminal law and procedural reform. Info: [fals@jcu.edu.au](mailto:fals@jcu.edu.au) Website: <http://tinyurl.com/y2pn5te7>

**24-26 July, Melbourne:** Digital Citizens conference, Melbourne Law School. 'How do we design systems, laws and regulation for the future?' Info: <http://tinyurl.com/y5f8pxf5> Contact: [jeanniep@unimelb.edu.au](mailto:jeanniep@unimelb.edu.au)

**15 August, Launceston:** Peace Festival lecture: Power of Integrity, by Dr Simon Longstaff. Info: <http://tinyurl.com/y2caff6l>

**22 Aug, Brisbane:** Issues in Propensity Evidence, Prof David Hamer U.Syd, judge Soraya Ryan (photo) Qld Supreme Court, Benedict Power barrister, 5-6.45pm, Banco Court, 451 George St Brisbane. Details: <http://tinyurl.com/yyq5qczp>

**22-24 August, Queenstown NZ:** Aust & NZ Bar Assns conference. Info: Camilla Williams [events@austbar.asn.au](mailto:events@austbar.asn.au)



**October 2019, Sydney:** 'Free and Equal in Dignity and Rights: A national conversation on human rights', organised by the Australian Human Rights Commission. Details: <http://tinyurl.com/yanftqn3>

**17 Oct, Brisbane:** Prospects of Reform of Investor-State Dispute Settlement (ISDS), Prof Chester Brown U.Syd, judge James Douglas Qld Supreme Court, Prof Anthony Cassimatis Qld U. law school, 5-6.45pm, Banco Court, 451 George St Brisbane. Details: <http://tinyurl.com/yyq5qczp>

**8-9 Nov, Melbourne:** Justice for Young People conference Australasian Inst of Judicial Admin. Rendezvous Hotel. Details: <http://tinyurl.com/y2udcfkl>

## 2020:

**23-26 June, Brisbane:** Asia Pacific ministerial conference on Indo-Pacific natural disaster risk reduction, hosted by DFAT. Details: <http://tinyurl.com/y5qb9ysy>

## 2022:

**10 May, Adelaide:** 50th anniversary of the death by drowning of law lecturer Dr George Ian Ogilvie Duncan, thrown into Torrens River by a group believed to be police officers. Led to SA enacting the first homosexual law reform act.

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

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