

## At last, some positive news to head up this month's reporting...

A new member has asked us to give some positive news up front.

He said there was usually a depressing litany of breaches of public trust by federal, state and territory governments, police and others dominating the *CLArion* news each month. He's quite right, of course.

We're happy to report – happily coinciding with his comments – that for the first time in 15 years the tide of repression in Australia appears to have stopped coming in, and perhaps is turning.

- Firstly, the Security and Intelligence Committee of federal parliament actually rejected a bill, as too draconian, and sent it back for redrafting. That's a once-in-two-decades occurrence. It happened over legislation for a proposed national facial recognition database. <https://tinyurl.com/y6hokfjg>
- Secondly, the federal parliament appears to be seriously considering reform of Question Time (and, hopefully, whenever the parliament is sitting). CLA has proposed to the relevant parliamentary inquiry that there should be a visual, electronic decibel meter installed in the parliament to curtail shouting, and a yellow and red card system for MPs who commit language or other "fouls" in the chambers to be warned, then "sent off". As well, we propose deriving maximum benefit from answers to questions.
- Thirdly, the number of letters championing civil liberties and human rights from members (and from non-members) being published in news outlets is surging. President Dr Kristine Klugman led the count in October, with four published in the Canberra Times, by far a record. Please keep up the good work.
- Fourthly, and perhaps most importantly, Australia's news media have finally woken up to what CLA (and like groups) have been saying for 18 years, since "9/11": all our freedoms are at risk from the excessive, repressive laws passed by parliaments in the name of "counter-terrorism" or "anti-bikies". (See '*Oz media demands more of Porter and Coalition government*', below)

The news media's press freedom campaign – based purely on self interest, of course – is probably a significant turning point in the history of liberties and rights in Australia.

The task now for CLA (and many other groups, and individuals) is to build on a gathering momentum to correct almost two decades' worth of wrongs. The public cultural climate may become fertile enough to extend the campaign for press freedom.

Quite logically, any new law to ensure press freedom should include a national list of all freedoms which Australians have the right (and responsibility) to under international law, our Constitution, national legislation and common law, and our traditions. Let's call it a Bill of Rights.

### ODD SPOT: Have we got a deal for Matthias?

Finance Minister Matthias Cormann said in parliament last month (191022) that any staffing increases to the public service would be "as high as necessary and as low as possible".

That, of course, would be diametrically opposite to the regular increases in MPs' pay, which are "as high as possible but as low as necessary" (that is, as low as they have to be to avoid a public backlash).

Civil Liberties Australia is happy to provide a well-qualified, experienced, seven-person panel drawn from our own members throughout Australia – at no salary charge to the federal government – to determine future MP pay rises, Newstart allowances, and ABC funding. Give us a call, Matthias.

### Collaery calls for new whistleblower protection body

Bernard Collaery, the barrister charged with revealing information over Timor Gap oil negotiations, wants a new, independent parliamentary body to provide an avenue for defence and intelligence whistleblowers.

In an interview with the *Guardian Australia's* Christopher Knaus, Collaery said the current system gave such whistleblowers no real outlet to raise concerns.

He said they were rarely shielded by whistleblower protections and the intelligence watchdog – the Inspector-General of Intelligence and Security (IGIS) – had been found lacking in its ability to protect those who make disclosures, such as his co-accused Witness K.

The gaps in the current system not only risk covering up wrongdoing, he said, but also encourage whistleblowers to go public in dangerous ways, potentially placing themselves at risk and compromising national security. "The whole process is unjust and a real threat to our nation," Collaery said.

CLA agrees wholeheartedly. <https://tinyurl.com/y4j4tvom>

## Rallies round Australia show why govt should drop charges

Numerous rallies and gatherings throughout Australia over the past month have highlighted the inequity of charging Bernard Collaery and Witness K, the man we're not allowed to see.

In a breakthrough this month, Civil Liberties Australia gave Witness K a public "face". We decided he was a big, cuddly bear of a man...and so we presented him at a rally outside Parliament House in Canberra.



The Bear, Witness K, is shown at bottom right in a photo of the rally outside Parliament House in Canberra on Thursday 24 Oct 2019.

Photo L to R: CLA President Klugman holding the 'Public Inquiry' sign at far left, then Bernard Collaery, CLA member Andrew Wilkie, Senator Rex Patrick and Senator Sarah Hanson-Young on the microphone.

A lot of speakers have said a lot of words about Witness K and Collaery over the past month, but independent

observers considered one speech to have best summed up the state of play nationally at the moment. The speaker was CLA CEO Bill Rowlings.

He spoke about the K/Collaery situation, press freedom rights and responsibilities, and the sleeper issue of how the Parliament is dominated by the Executive at great cost to Australian democracy. The speech includes the classic comment:

*"The Australian Parliament...is the laziest parliament in our western world".*

He called on the parliament to order AG Christian Porter to withdraw approval for prosecution of the pair.

It is clearly within the power of the Australian Parliament to do so, even if it has to pass a law to that effect (as the British Parliament did recently to force PM Boris Johnson to do its bidding over Brexit).

You can read the speech on the CLA website here: <https://tinyurl.com/yxvekp5m>

It's also available in audio form here (the first 1m55s is an introduction by Jack Waterford, former editor-in-chief of the *Canberra Times*): <https://tinyurl.com/y4b83wfc>

The CLA CEO also introduced a new concept around propriety in public life. He said that, while politicians, bureaucrats, police and others must abide by the Rule of Law (ROL), he was introducing another rule that they, and all of us, have to live by, the Rule of Morals and Ethics (RoME).

"(The) Rule of Morals and Ethics...is well understood by every Australian...from seven-year-old children to adults. But apparently, it wasn't understood by the Australian government team negotiating an equitable share of Timor Gap oil deposits with the East Timor government," he said.

Photo left: The Witness K bear, with a CLA sign on the back of his chair, listens to CLA member, and Independent Member for Clark (Tas) Andrew Wilkie, who was the first to expose the charging of K/ Collaery in a speech to parliament.



## Oz media demands more of Porter and Coalition government

Australia's major media organisations joined forces one day last month to "censor" their own front pages. They did so as a visual plank in demanding changes in Australian law to guarantee press freedom.

"(We are) fighting back against more than 60 pieces of legislation introduced over the past two decades that effectively criminalise journalism and penalise whistleblowing," Lenore Taylor wrote in the *Guardian*. There are six core demands:

- The right to challenge the government's application for warrants against journalists and media organisations, before they are issued.
- Exemptions for journalists from laws that would put them in jail for doing their jobs, including the security laws enacted over the last seven years.
- Adequate legislated protections for public sector whistleblowers.
- A new regime to limit which documents can be stamped secret.
- Reform of the freedom of information regime.
- Reform to laws that make Australia the defamation capital of the world.

She wrote that the former Al Jazeera journalist Peter Greste, who now heads the Alliance for Journalists' Freedom, is pushing for a Media Freedom Act to enshrine press freedom in legislation and more clearly define its democratic role.

Two parliamentary committees are investigating press freedom, the parliamentary joint committee on intelligence and security (the same committee that approved most of the heavy-handed national security laws in the first place) and the Senate inquiry into press freedom, which began hearings last month. <https://tinyurl.com/yy4cuzt7>

The Federal Government's "indifferent and disdainful" approach to press freedoms and human rights in Australia was eroding its standing and credibility in the Asian region, the Paris-based Reporters Without Borders group has warned. <https://tinyurl.com/yxdypmpf>

## Urgent move to fix growing forensic legal disasters

Victoria's Attorney-General has generated the start of an immediate, from November 2019, national review of forensic evidence because flawed forensics have been jailing innocent people for years.

The national committee of AGs will discuss what to do about the problem at its meeting this month.

Civil Liberties Australia, legal academics like Dr Bob Moles, responsible TV producers like the retired Graham Archer of Ch 7 Adelaide, human rights groups and defence solicitors and barristers have been highlighting the problem for decades.

The High Court of Australia has failed to hold forensic science to account in a number of its decisions.

The first call for action from a person in authority, to his great credit, came from the President of the Victorian Court of Appeal, Chris Maxwell, as reported in the *CLArion* October edition (*'Top judge wants laws changed to protect from forensic over-claiming'*).

Maxwell some years ago changed Victoria's practice directions to try to rein in the problem.

Forensic evidence has become increasingly unreliable, even as TV shows tended to indicate the opposite. Judges have failed to rein in over-enthusiastic prosecutors and thespian forensic experts.

Bad forensic evidence or over-egged presentations and claims featured in the wrongful convictions of Andrew Mallard (WA), Henry Keogh (SA), Graham Stafford (Qld), Gordon Wood (NSW), Lindy Chamberlain (NT), Farah Jama (Vic), David Eastman (ACT). The same types of problems feature in the current wrongful conviction case of Sue Neill-Fraser (Tasmania), which will go before an appeal court in 2020, after she has so far served a decade in prison, wrongly CLA believes. – some info above from an article (behind a paywall) by Liam Mannix, *The Age*, 191010

*Photo shows Maxwell with CLA President Dr Kristine Klugman, discussing CLA's Better Justice proposals.*



## Police and forensic scientists should be totally separated

Any national inquiry into the accuracy of forensic science must also investigate the bias with which forensic "evidence" is presented in court.

It should also investigate – and end – the practice common in Australia of state forensic science laboratories being attached to the local police force, even under the formal command of the Police Commissioner.

In more than one case in Australia, forensic scientists have actively altered test results to suit the case their police force fellow workers wanted to argue.

Any inquiry that does its job properly may well result in numerous convicted people going free.

A review of how the forensic evidence was presented in court is as important as the actual “expert” forensic statements themselves.

### **Much forensic science is bunkum, reports say**

Two major US reports have found there is little to no evidence police can reliably match a bullet to a gun, match a footprint to a shoe, or match a hair found at a crime scene to a suspect.

The call for an inquiry comes after *The Age* revealed senior legal figures including Justice Chris Maxwell, president of the Victorian Court of Appeal, had lost confidence in the accuracy of forensic science.

Victorian AG Jill Hennessy has written to her state and territory counterparts urging them to launch a national review into forensic science. The review should consider the accuracy of forensic evidence and the laws that govern how it is presented in court, she said.

### **Someone’s ‘off the reservation’ – you judge who it is**

The Labor party – at last – acted responsibly last month by agreeing to a sunset clause, effective in four years, tacked on to a draconian new law waved through by an irresponsible, inequitably-composed committee\*.



The Crimes Legislation Amendment (Police Powers at Airports) Act lets federal police stop and quiz people at airports based on the personal whim of officers: “if they believe the person is acting suspiciously”.

Senator Rex Patrick (Centre Alliance, SA – photo) added the sunset clause to the Bill as a minimum protection against further development of the police state in Australia.

Usually, Labor rolls over and tick-flicks any law proposed by the Coalition government and approved by the warped Intelligence and Security committee. But this time Labor supported the last-minute amendment.

Liberal want-to-be-PM Andrew Hastie (Lib MHR, Canning WA), chair of the committee, was reportedly furious with a Labor committee rep, Senator

Kristina Keneally, for not toeing the dictatorial line, which he calls “bi-partisanship”.

And the government’s Minister for Force (Border, and the AFP), Peter Dutton, weighed in, accusing Senator Keneally of taking “unilateral decisions” separate from the Labor Party leadership:

"Kristina Keneally, honestly, is off the reservation," Big Chief Dutton said.

Civil Liberties Australia welcomes the brand new world of the Opposition actually holding the government to account on civil liberties, human rights and over-the-top terror laws.

\* see numerous previous CLArions for revelations about SIC (the Security and Intelligence Committee).

<https://tinyurl.com/y5376bt8>

### **Bail nonsense was a product of excessive anti-terror, anti-bikie laws**

Climate change protestors arrested in Sydney received ridiculous bail conditions that banned them from being in the same street as the court at which they were bailed to appear to answer charges.

They were also banned from “going near” or contacting members of the protest group.

Among the 30 arrested on one day of the protests was former federal Greens Senator Scott Ludlam. He said his “wild” set of bail conditions banned him from coming within 2km of the Sydney CBD. <https://tinyurl.com/y4bxxk3v>

[tinyurl.com/y4bxxk3v](https://tinyurl.com/y4bxxk3v)

Home Affairs Minister, Peter Dutton, was quoted as saying that disruptive Extinction Rebellion protestors should have welfare cut, face mandatory jail sentences and that “people should take these names, and the photos of these people, and distribute them as far and wide as we can so that we shame these people”.

Considering Minister Dutton controls the national police image databank, which holds the photos of millions of Australians, he is in a position to facilitate this being done by federal, state and territory agencies.

Minister Michelia Cash expressed similar views about cutting off the dole.

The issue of bail is coming to a head. For the past two decades, anti-terrorist, anti-bikie, anti-fracking protest and anti-animal mistreatment protest laws have introduced draconian conditions around arrest, detention, control orders and bail.

Now those same laws are being abused by police to pre-emptively strike against normal street protests. In July, Queensland police imposed bail conditions on four French journalists to ban them from going within 20km of the Adani Carmichael coal mine.

The High Court ruled in 2017 that some anti-protest laws from the Tasmanian Parliament were excessive.

## Support member Eve Ash

Eve's astonishing own personal story, *Man on the Bus*, will show for the first time during the Jewish film festival around Australia this month (Nov 2019).

You can see *Man on the Bus* at cinemas in Melbourne, Sydney, Canberra, Perth and Brisbane: screening details here: <http://manonthebus.com.au/screenings/>  
Bookings here: <https://www.jiff.com.au/films/man-on-the-bus>

It tells about a remarkable, shocking, almost unbelievable revelation that began with a chance discovery she made as an adult.

Eve (photo), a long-time CLA member, has been the mainstay of all non-legal aspects of the Sue Neill-Fraser justice campaign for a decade.

She made the first 60-minute doco *Shadow of Doubt*, in 2013, then followed up in 2019 with the five-part *Undercurrent* series which aired on Ch 7 and is still

available on 7Plus catch-up: <https://7plus.com.au/undercurrent-real-murder-investigation>



## Home Affairs Dept: FOI means Failure Of Integrity

The Office of the Australian Information Commissioner (OAIC) is holding a broad investigation of systemic failings by the Department of Home Affairs to deal with FOI requests on time.

Slow processing of FOI can make the information sought useless, or outdated, by the time it is released. This negates government transparency, which is the aim of the FOI act.

The OAIC said the department failed to deal with 56% of FOI requests for non-personal information within the required time.

One case allegedly was a breach of FOI law by failing to respond to a request for internal records relating to a staff pay dispute for 130 days, 100 days longer than basic time allowed under FOI law.

As well, the Fair Work Commission said earlier this year there were "legitimate questions as to whether the department has complied" with its legal requirements to act as a model litigant. Civil Liberties Australia believes this could be said of most departments and agencies.

The AG's Department, which is responsible for policing the model litigant requirement, only does so by a self-reporting system. The equivalent in daily life would be asking people who drove too fast to self-report to the police that they had broken the law. <https://tinyurl.com/y6nrr58l>

## Uncultured government robs arts to pay for spooks and surveillance

Per capita public expenditure on culture has dropped by 4.9% over the decade to 2017–18, and expenditure as a percentage of GDP remains below the OECD average.

The federal government is committing 18.9% less expenditure per capita to culture than it did a decade ago. The federal government now contributes 39.0%, down from 45.7%, State and territory governments contribute 34.8%, up from 31.9%, and local governments contribute 26.2%, up from 22.4%.

Federal, state and territory government expenditure on culture is split fairly evenly between three overarching categories: Film, Radio and Television (32.5%); Museums, Art Museums, Archives, Libraries and Cultural Heritage (37.7%); and Arts (29.7%).

The information comes from A New Approach and its Insight Report series. ANA is an independent think tank championing effective investment and return in Australian arts and humanities.

Established in 2018, it is supported by a \$1.65m commitment by The Myer Foundation, the Tim Fairfax Family Foundation and the Keir Foundation. Kate Fielding is the Program Director. <https://www.humanities.org.au/new-approach/>

Where is all the money stolen from culture and the arts going? To excessive and wasteful spending on ASIO, ASIS and other spooks, the AFP and like bodies, citizen surveillance and all the other accoutrements of a police state.

## Porter slips in another RAG

Attorney-General Christian Porter has decided he must give personal permission for a journo to face court.

The formal instruction, a “Rule of the AG” (RAG) would hobble the independent decision-making of the Commonwealth Director of Public Prosecutions.

Porter has instructed federal prosecutors not to charge journalists under sections of Australia's serpentine and seriously excessive secrecy laws without his formal approval.

“The direction means where the CDDP independently considers that there is a public interest in a prosecution for one of the relevant offences involving a journalist, the consent of the AG will be required as a separate and additional safeguard,” Porter said. <https://tinyurl.com/y4shnqpa>

President of the Law Council of Australia, Arthur Moses (photo), commented that politicians should not decide who faces charges: “...this sort of direction undermines the independence of the CDDP.

“What will enhance press freedoms in this country is a proper review of our laws to ensure that the actions of journalists doing their job as a watchdog of government are not criminalised and put at risk of prosecution.” <https://tinyurl.com/y2tcuflo>

“Porter’s move is another slippery attempt by ‘the Teflon man’ to maintain a blameless image,” CLA’s President Dr Kristine Klugman said. “We need journalist shield laws. We need them either standalone, or preferably in a bill of rights that provides proper protections for all Australians, whom the journalists represent when they are doing their important jobs in the scheme of monitoring excess power.”

## AG, high on power, denies Canberrans a whiff of democracy

Federal AG Christian Porter, demonstrating his penchant for rigorous inflexibility, has widely publicised that he personally would authorise the Australian Federal Police officers to nab anyone growing marijuana for personal consumption in the ACT.

Effectively, he has issued an edict-by-media for the AFP–ACT Policing to prosecute Australian Capital Territory citizens against the will of their own parliament.

The ACT Parliament has passed a law to operate from early 2020 allowing the cultivation of four plants at home, and removing Big Brother rules against smoking small amounts of the oleiferous weed. Presumably, those with plants could also take cannabis oil to relieve pain.

But the First Law Office of Australia went on the ABC’s *Insiders* program last month to prove the utter contempt the current government and parliament has for the rights of citizens of the ACT and the NT to legislate for themselves.

## Territorians live in a dictatorship

The second-class territory citizens are not permitted to make their own parliamentary decisions (as citizens of the Australian States can do). They live in a dictatorship, as the Porter pronouncement demonstrates.

Federal government laws predominate in the territories – because of a law generated and championed by Kevin Andrews, the MHR for Menzies, who didn’t like the idea of Northern Territorians legislating for dying with dignity (aka euthanasia) back in the mid-1990s.

There are two enormous ironies in the Porter–Andrews positions:

One, Porter is free (as is Andrews), when living in Canberra during parliamentary sessions, to grow his own dope and smoke it under ACT law. Perhaps someone should ensure some suitable pot plants are ‘planted’ in their Canberra residences before advising ACT Policing (as a subset of the AFP) of the fact; and

Two, Andrews now has access to dying with dignity, because he is a Victorian and the appropriate enabling legislation has passed that state’s parliament, whereas no Territory citizen may exert the freedom of choice over their end of life that Andrews, the Catholic conservative, enjoys.

As the “father” (longest time server) of the House of Representatives, Andrews will chalk up 30 years in parliament in 18 months. Perhaps on his retirement, MPs from all sides can band together to overturn the undemocratic legislation he championed through federal parliament.

Federal MPs were given a chance to throw out Andrews’ anachronisms under a private member’s bill in the previous parliament, but they wimped it.

## Cannabis is the most commonly used illicit drug in Australia

More than a third of Australians have used cannabis, and one in 10 have done so in the past 12 months.



A huge portion of our population is therefore criminalised.

Legalisation of cannabis for personal use is supported by 54% of Canberrans, with only 27% opposed. Currently, federal law enforcement spends more than \$1 billion a year on drug law enforcement. More than 50% of arrests in Australia are cannabis related, and 91% of those were consumer arrests — in other words, involving small amounts for personal use. This is a waste of resources. Police time and criminal justice resources would be better spent catching real criminals.

The proponent of the ACT law, MLA Michael Pettersson, told the parliament that alcohol and tobacco combined kill more than 20,000 Australians every year. Alcohol represents 4.6% of the total burden of diseases and injuries in Australia, tobacco 9% and cannabis 0.1%.

By the way, drug detection dogs get it wrong in about 70% of cases (NSW Ombudsman report), which is how a NSW 16-year-old girl and other children came to be humiliated by a strip search involving also a 'squat and cough' procedure in the corner of a police tent. <https://tinyurl.com/y636pd6a> – main information from Family & Friends of Drug Law Reform newsletter Oct 2019 <https://tinyurl.com/y2rfeoc7>

### **ODD SPOT: Valium is pill of choice to cope with police strip searches**

“Splendour in the Grass rolled out over two glorious days in Byron Bay in July, 2018. More than 100 artists performed to around 30,000 mostly-young attendees. A heavy contingent of NSW Police was also present. And, at an inquiry by the Law Enforcement Conduct Commission (last month), a senior constable told Chief Commissioner Michael Adams QC that he had performed 19 strip-searches of Splendour attendees. The net catch: one Valium tablet.” – managing partner of Marque Lawyers Michael Bradley, writing for *Crikey*.

### **Aussie licit drug prices to benchmark charging in the USA**

Australia is set to become a benchmark for reining in super-excessive drug prices in the USA.

Susan Jaffe reported in the 28 Sept issue of *The Lancet* medical journal that the US Dept of Health and Human Services is “open” to the idea of importing cheaper drugs from Canada and elsewhere, and that both Republicans and Democrats in Congress now advocate reining in drug price increases.

Americans pay more per capita for prescription drugs than any other nation, and 70% of the American public says lowering those costs should be a top priority for Congress.

Democrats in the US House of Representatives last month introduced massive legislation to overhaul how the government pays for drugs for the 60 million older or disabled adults in the Medicare program. Officials would gain the power to negotiate lower prices for at least 25 and up to 250 of the most expensive brand-name medicines.

The price for each drug would be based on no more than 120% of the volume-weighted average of its cost in Australia, Canada, France, Germany, Japan and the UK. Drug companies would face hefty financial penalties if they did not charge private insurers the same lower prices US Medicare would pay. <https://tinyurl.com/y6t9ph96>

### **Government plays silly buggers with court dates**

The Commonwealth Director of Public Prosecutions and Attorney-General of Australia last month continued to play silly buggers with the Witness K and Bernard Collaery trials, delaying hearings at the last minute.

K and Collaery are accused of dastardly deeds in relation to the revelation – now a well-known fact – that Australia spied on East Timor in 2004 by bugging the meeting room of the ET negotiators, which was next to the ET Prime Minister’s office.

The spying was to screw one of the the poorest countries in the world out of a fair and reasonable share of gas and oil deposits in the Timor Gap maritime region.

For some inexplicable reason the Commonwealth Director of Public Prosecutions decided to mount charges again K and Collaery more than a decade and a half after the bugging events, and after ET had comprehensively won its case, legally and also in the court of international public opinion.

AG ‘Christian’ Porter approved and endorsed the legal actions.

But since then, the cases have suffered delay after delay. Catholic nun Sister Susan Connelly (photo) of the Sisters of St Joseph reports:

“By my count, on 29 September 2019, 14 hearings have been scheduled since July 2018 after the charges were laid. Three of those hearings are yet to happen. Of the other 11, three were postponed or adjourned, one was held in secret, one was not listed on the court lists, and two others were incompletely advertised on the ACT magistrate's website,” Sister Connelly said.



“Then on 30 September, the magistrate's court website showed Bernard Collaery's next hearing as 2 October 2019, as well as the 24 October hearing. On the next day, 1 October, neither date could be found on the website,” Sister Connelly said.

Previously, it had been announced Collaery's hearing would start on 11 December, and run three days. Witness K has apparently admitted preparing an affidavit to help ET, and presumably awaits sentence for what appears on the surface to be a lawful action.

**TIME TO BUG?** Wags have wondered whether the ongoing delay is because the Australian government needs time to bug the magistrates' lunch room next to the court.

## Secrecy is rampant

The *2018 Espionage and Foreign Interference Act* made it an offence to leak, receive, or publish any "inherently harmful information" including economic information, regardless of whether it was classified at any level.

Another clause in this law made it a criminal offence to cause "intangible" damage or prejudice to Australia's international relations "including political, military and economic relations".

The offence is so broadly defined that this law could cover just about anything leaked or otherwise published about relations with just about any country.

– Brian Toohey, writing in the Canberra Times 190927 <https://tinyurl.com/y46bmuuu>

## ODD SPOT: Everything old is new again

China celebrated its 70th birthday last month. Australia also celebrated a 70th “birthday” of sorts this year. In 1949, Australia troops were first used to break a strike. Labor PM Ben Chifley sent the troops in to man the mines around Newcastle.

And 30 years ago, for four months in 1989, that great Australian unionist and Labor PM Bob Hawke, who died in May 2019, “sent the troops in” (mainly Air Force pilots and aircraft, but he also allowed overseas pilots and planes to operate here) to break a strike by Australian pilots.

2019 is not yet over...maybe there'll be another case of troops being sent in, or sent out on to the streets?

## Major trade grouping does away with ISDS

Malaysia's trade minister Datuk Darell Leiking has disclosed that the 16 parties to the Regional Comprehensive Economic Partnership (RCEP) negotiations will exclude Investor State Dispute Settlement (ISDS) provisions from the deal.



*Dr Patricia Ranald*

ISDS is where a corporation can sue a nation if it doesn't like a changed national policy: the German company Uniper is suing The Netherlands because it decided to phase out coal-based power by 2030 (and, famously, cigarette company Philip Morris sued Australia over our “plain” packaging of smokes). Australian lobby group AFTINET's Dr Patricia Ranald argues that the tide is turning against ISDS, with the decision to exclude ISDS from the RCEP showing that concern is growing about the risks of including ISDS provisions in trade agreements.

“In the Australian context, the government's apparent agreement to remove ISDS provisions from the RCEP raises questions about why it is continuing to pursue such provisions in the Indonesian and Hong Kong trade deals,” she said.

Concerns remain about other provisions in the RCEP agreement, including proposals for longer monopolies for medicines that would delay the the availability of cheaper medicines in Australia and would have bad impacts in developing countries. – AFTINET's Fair Trade Update October 2019.

## NSW govt plans permanent surveillance of citizens' travel

NSW transport minister Andrew Constance plans a Netflix-style subscription for transport services by linking the government's Opal card and credit or debit payments.

Transport for NSW (TfNSW) launched the subscription card service last month. Constance said the system would “link customers between different modes of transport”. The government even plans to deal Uber into the surveillance system.

Here's the giveaway: “TfNSW has worked with Cooe Busways, MetroConnect, Via Technologies and Swat Mobile to help integrate the new technology.”

In other words, the government and companies that stand to benefit from the system have been consulted about it, but the public hasn't.

The NSW government will know exactly where and when and how every one of its citizens travels, if they use public transport. And so, probably, will all the company partners. <https://tinyurl.com/yxptmlos>

## **Time, once again, to rein in cowboy cop car chases**

Indigenous man Raymond Noel Lindsay Thomas died in a 2017 police chase when driving home from a late Sunday night chocolate run to his local Melbourne supermarket.

Coroner John Olle will have to work out when the police chase began.

It was Olle in 2015 who reined in the Vic police car chase policy. Olle's recommendations followed an inquest into the death of Sarah Booth, a 17-year-old killed in a police chase in 2006.

Olle's 'rules' included that police "should never pursue a vehicle simply because it is fleeing" but must instead believe on "reasonable grounds" that intercepting the vehicle was "necessary to prevent a serious risk to public health and safety". Vehicles could also be intercepted in response to a serious criminal offence or to prevent a serious criminal offence that would cause serious harm.

Another Olle recommendation to install video cameras in all highway patrol vehicles, at an estimated cost of \$2.4m, was not implemented.

But the newly restricted policy was re-expanded when a driver who evaded police chases killed five pedestrians in Bourke Street mall in 2017.

In Raymond's case, it was about 11pm on 25 June when he started his station wagon, pulled out of the car park at the Preston South Woolworths on to Dundas Street, and turned left. Within minutes he was dead, Calla Wahlquist reported in the *Guardian*.

He was thrown from his car as it ploughed into four parked cars and caught alight on Victoria Road, just 2.4km from the supermarket.

The two chasing Vic Police officers in a highway patrol car said they did not start a chase immediately after he left the supermarket, but GPS data strongly suggests otherwise. Their speed quickly reached 116kmh, then rose later to 154. <https://tinyurl.com/y5ntx8oc>

Police car chases and resultant deaths appear to be on the increase across Australia, CLA notes. It is time to once again rein in cowboy cops.



## **NT goes 'on country' to better educate wayward youth**

Police, government agencies and NGOs in the NT can refer young people 8-9 years old (under the age of criminal responsibility, 10) to programs that will change behaviour and break the cycle of youth crime, according to the Minister for Territory Families, Dale Wakefield (photo) in a media release 191018.

The young people are taken 'on country' – on to their traditional lands – to learn traditional Aboriginal culture, resourcefulness and respect.

**CASSE program, 'Shields for Living, Tools for Life'**, last month took six young people and their families to camp on country outside of Willowra. The program includes five days on country and six months of intensive therapy and workshops. CASSE will hold eight camps for up to 30 young people each year in partnership with the Men's Tjilirra Movement.

**MacYouth program, 'The Right Track'**, held its first program last month on country near Santa Teresa for five young people and their families. The camp caters for youths 10 to 17 who are either at-risk or already in contact with the youth justice system. MacYouth will hold four camps, for up to 10 people, each year.

## **Forensics fail, but major review is handed to exactly the wrong state body**

The NT Police forensics branch is under major review for abject failures, described as "substantial deficiencies" by the NT Ombudsman.

The criticism follows a complaint to NT ombudsman Peter Shoyer about the wrongful arrest of a man who spent 103 days in custody while awaiting DNA results.\*

Apparently his arrest and detention happened around the alleged rape of a toddler in Tennant Creek in February. Someone else has now been charged with the crime.

NT Police say that a review of its forensic science branch is being overseen by the head of the Western Australia Police forensic division and two technical specialists. They are due to report by 31 Dec 2019. The problem, CLA says, is that the WA forensics system is no paragon of virtue. Despite shiny new facilities, a few years ago a senior forensic scientist was found to have falsified test results, apparently to favour police allegations in key cases.

As CLA has said, constantly: state forensic science operations should not be connected to the police. They should be independent from the police, preferably standalone but at least not part of the police department's rum and rations scheme, or hierarchy. Tasmania is another example of forensics gone wrong.

\* Median time for results nationally is three days for analysis and 20 days for identification, Ombudsman Shoyer's report said. <https://tinyurl.com/yxrceaoe>

## Up, and up, and up go the penalties for protest

NSW is upping the cost penalty for protesting by 45 times what it was in 2016.

Under what the government calls the "Right to Farm Bill", the penalty for "aggravated unlawful entry on inclosed lands" goes up from \$5500 to \$22,000 and adds a three-year prison term for people who merely "hinder" a business while trespassing.

The sharp rise in penalties follows just three years after a tenfold increase the Coalition government introduced in 2016, when the maximum fine rose from \$550 to \$5500.

The bill targets fracking and vegan protestors entering rural properties to get their message across, but environmentalists warn it will rebound on the farmers when they themselves want to protest about government or about market abuse by multinationals.

"History tells us that when governments erode the civil liberties of any group, it erodes them for us all. And for that reason, every NSW citizen should demand that this bill be defeated," the chief executive of the NSW Nature Conservation Council, Chris Gambian, wrote in the SMH. <https://tinyurl.com/yyc53vuj>

## Crisis hits Geraldton, local newspaper reports

The WA town best known for its murders and killings, including a recent shooting by WA Police, is facing a suicide crisis, the local *Geraldton Guardian*, has reported.

Geraldton Regional Aboriginal Medical Service (GRAMS) board chairman Sandy Davies said last month that the region was facing a suicide crisis after seven Yamaji people had taken their own lives so far in 2019, including two very recently. The youngest was 12.

"It is the highest rate of suicide in the state this calendar year," Mr Davies said.

"If we had our 24-hour services, we would be the first responders to a non-criminal matter and then it would be the mental health practitioners who would determine whether we require the support of police." Mr Davies said.



GRAMS CEO Deb Woods (photo) told the *Geraldton Guardian* her organisation had supported Joyce Clarke, who was shot dead in the street by police a few days after being released from hospital after a mental health issue. GRAMS had just one psychologist despite serving the entire region.

Police Commissioner Chris Dawson is reported to have said the eight police officers present at the time were unable to manage the situation which resulted in police shooting Mrs Clarke dead. He claimed witnesses saw Mrs Clarke with a knife.

<https://tinyurl.com/y5ee66g8>

Perth's metropolitan daily newspaper, *The West*, reported the story, but failed to ask questions of police about how many people had been shot dead by police, or killed in police car chases and their immediate aftermaths, this year so far.

Unless the main news media are holding police to account, no-one is other than civil liberties, human rights and Indigenous groups who are too easily ignored until the tragedies reach Royal Commission levels. WA is not far from that stage, CLA believes.

## Report card shows women doing it tough

The 2019 WA Women's Report Card shows the state's women aren't fairing well, and Indigenous women particularly are becoming increasingly disadvantaged.

Previous life expectancy gains for Indigenous women are going backwards again, by 1.5 years in the past four years. Imprisonment rates for Indigenous women are up 46% over just four years.

Mental health of women generally is declining, with an extra 37% of the female population suffering now compared to 11 years ago.

Assaults on women within the family are up by more than 50% over the same period. In both cases, authorities believe – but do not know – that more incidents being reported is a main cause of the rise. However, three out of the four vice-chancellors at WA public universities are women, and the share of women Tier 1 managers in “other” public authorities, such as the police, electorate officers and government trading enterprises, has doubled in the past three years.

The women’s report is a joint venture of the WA Dept of Communities and the Bankwest Curtin Economics Centre. For your own copy: [bcec.edu.au](http://bcec.edu.au)

## Academic sued by own uni for trying to maintain academic standards

Murdoch University in WA is suing its own Associate Professor Gerd Schroder-Turk because it says it has lost millions in revenue after international student numbers fell after the appearance by him and two other academics from the uni on a *Four Corners* program in May 2019.

The three academics revealed their concerns over the welfare of Indian students who were failing courses in higher than normal numbers.

*Four Corners* found Murdoch and other Australian universities were admitting international students below its own published English standards, or without taking an independent English test.

Dr Schroder-Turk, a member of the uni senate, started legal action in the Federal Court under the Fair Work Act seeking compensation and an injunction to stop the uni taking disciplinary action against him.

Now the university appears to have retaliated, filing a cross-claim against Prof Schroder-Turk. The uni’s claim says he breached his fiduciary duties by disclosing information to journalists: it says Murdoch has suffered reputational damage as a result of media reports. <https://tinyurl.com/y5vdb9ww>

## Youth workers charged over abuse of children

Six Queensland’s Youth Justice Department workers have been sacked for abusing children.

After reports of 50 separate corruption matters in 2017-18, investigators substantiated 38. They involved inappropriate conduct, criminal behaviour, excessive force, failure to follow departmental policies, telling lies, misusing authority and breaching confidentiality.

Of the 38 substantiated cases, the department has referred 22 to the Crime and Corruption Commission, two to Qld Police Service and four to the Qld Ombudsman, Josh Bacas reported. <https://tinyurl.com/y687ywwf>

## Australian briefs



**Rayney’s next defamation case goes to trial:** Lloyd Rayney (photo: Perth News), “thrice acquitted” of a spurious police charge of murdering his wife, Corryn, began defamation action against Mark Reynolds in 2015 over the statement made in a forensic science forum in Perth a year earlier. The Rayney-Reynolds matter has been delayed until finalisation of Rayney’s many other legal cases, including his separate defamation case against WA Police, where he received \$2.6m compensation, and the battle to retain his law licence, so far unsuccessful in the courts. The Rayney-Reynolds matter is set down for a three-day trial in January 2020. (drawn from an article by Tim Clarke, *The West* 191007)

**Treaties are duds, diverse groups say:** Groups as diverse as the Council of Trade Unions, the Catholic Social Justice Council, ActionAid., the Conservation Foundation, Friends of the Earth and the Public Health Association oppose trade, human rights and extradition treaties the Morrison government is about to sign with Peru, Indonesia and Hong Kong, AFTINET’s Dr Patricia Ranald reports. The deals include controversial rights for foreign investors to sue Australia for millions over domestic laws, known as ISDS, including over environmental and other public interest matters. “This is not only contrary to the policies of Labor, Greens and Centre Alliance but also runs counter to international trends away from ISDS,” said Dr Ranald. The Australian government recently agreed to exclude ISDS from the Regional Comprehensive Economic Partnership (RCEP) involving 16 countries. – media release AFTINET 191010

**AG Quigley hits out at WA’s Upper House:** There are very taxpayer costly internecine legal battles afoot as WA’s Corruption and Crime Commission (CCC) and the WA Parliament’s Upper House continue an all-out feud. Attorney General John Quigley hit out at moves by the Legislative Council’s privileges committee

to take legal action against the CCC, seeking a ruling the anti-corruption watchdog had exceeded its powers in demanding emails and laptops of former politicians as part of an investigation into alleged travel rorts. Quigley has taken his own Supreme Court action against the Upper House stance, claiming the CCC must be able to do their work. The legal battle will end when WA taxpayers run out of money (from Nick Butterly, *The West* 191008).

**Updated cameras rake in big rewards:** Melbourne updated its road cameras and boosted fine revenue by more than \$12 million last financial year. Replacing 10 old cameras with newer technology, which can detect red light violations as well as speeding offences, produced the huge jump in fines, the 2018-2019 annual report from Victoria's Office of the Road Safety Camera Commissioner, John Voyage, revealed. <https://tinyurl.com/y58tko78>

### **Time waits for no woman...**

It took 119 years to overturn the NSW law against abortion and, when it finally happened, conservative Coalition MPs complained that the process was "rushed". – Richard Dennis of the Australia Institute <https://tinyurl.com/y2mgjymj>

### **Comments by CLA's members and others** (mostly in letters to the editors)

#### **Fine the miscreant MPs...and give some money to us**

Introduce a real money fines system for any transgression of an 'integrity' list of behaviours which must be met, by all MPs and Ministers, including the PM. Most citizens can't afford to continue to listen/watch their representatives 'play act' around misrepresenting vital facts on vital issues. Because all Australia's critical issues in 2019 require adequate funding and most working Aussies are trapped in a pay freeze, in debt or outright broke, a fines system for undisciplined, time-wasting behaviour from MPs, Ministers and the PM suits the gravity of our times. And the fines money could go to groups that don't get public funding, like CLA. – Margaret Howkins, Director CLA WA.

#### **Three times guilty...and you can be out-voted!**

Furthermore, in the non-parliamentary world, answers are generally listened to. The staff meetings, union branches, forums, state conferences, school councils, executives, committees and sub-committees that I have attended in the past 50 years have their interjections, but none of them comes close to parliament for rudeness and disorder. MPs who behave badly should be thrown out. If they are thrown out three times, the people in their constituency should get to vote on keeping them or not. – Chris Curtis, submission 12, on Improving Question Time, to Parliament's House Procedures Committee.

#### **Values equality**

Peter Dutton is stating the obvious when he says that the Chinese government and its policies are inconsistent with our values, but he is doing his best to ensure that our values more and more conform to theirs. – John Truman, St Leonards NSW in the *SMH* 191014

#### **Advance Australia Fairly**

Australian whites let us rejoice

we got this land for free.

We shipped in guns and killed the blacks;

we brokered no treaty.

We built on 'terra nullius'.

a lie then as still now.

We raped the land without a care,

just see how it looks now.

We nuked their land, we brought diseases;

we stole their children too.

Now's the time to make amends

with support for Uluru.

– Patricia Cruise, CLA member, 191009

#### **Why put more strain on custodial officers?**

Speaking from the inside, one of the really important incentives for inmates to follow prison rules and regulations is the prospect of being granted remissions. It would be a very bad policy decision to end it.

The (proposed) legislation would also ensure Tasmanian prison staff, mainly custodial officers, are placed under even greater strain due to overcrowding. What is the government thinking? – Sue Neill-Fraser, note from Risdon prison, 191003

### **Protest is part of the process**

The government is suggesting that protestors who are unemployed should have their benefits cut. This may be a passing thought bubble prompted by the splutterings of radio shock jocks, but it is unfortunately consistent with the government's authoritarian tendencies. How will they enforce the policy? Will they use their new facial recognition technologies and the new national ID database to chase you up at home after the event? Australia has a long history of protest as a legitimate part of the democratic process, whether it's about equal rights for women, civil rights of Indigenous people, fair wages and decent conditions for workers, or conscription and wars. Let's not forget these protestors were also at one time or another branded trouble-makers or unpatriotic. – Dr Kristine Klugman, President, CLA (Canberra Times 191013)

### **Tree of liberty**

We were pleased to learn that the kurrajong tree (*Brachychiton populneus*) is the ideal tree for a hotter Canberra ("Kurrajong tops ideal tree list for a hotter ACT", Oct 15, p7). The kurrajong is Civil Liberties Australia's national liberty tree, planted by (former ACT Chief Minister) Jon Stanhope in 2011 at the National Arboretum on World Human Rights Day. You can find it near the kids' playground. The co-planter was then seven-year-old Charli Withers, born on the day the ACT enacted a Bill of Rights on July 1, 2004, the first Australian jurisdiction to do so. CLA selected the kurrajong as an Australian native with an important place in Canberra's history. Capital Hill, where Parliament House stands, was previously known as Kurrajong Hill. – Dr Kristine Klugman, President, CLA (Cba Times 191016)

**Death of Howard Carew (photo):** My dear father was a keen urban design commentator and human rights advocate for many years. His favourite platform was the letters pages of *The Canberra Times*. He grew up in Melbourne during the Great Depression without a father due to the war. He lived in extreme poverty and suffered abuse. As a result he was a passionate defender of people against all forms of abuse.

I was inspired by his human rights advocacy, and he was one of the foundation members of the Council of Civil Liberties of the ACT with barrister Laurie O'Sullivan (and one of the earliest and longest members of Civil Liberties Australia). As Howard lacked the confidence to do university to be a lawyer, I have now done six years of a double degree in Law and Justice Studies. I saw my father as a brilliant mind trapped by the lack of confidence due to a tragic beginning, always feeling different, but never really understanding why. – Julie Carew, Griffith (in the Canberra Times 191009) <https://tinyurl.com/yyk8yap4>



## **CLA report – main activities for October 2019**

### **Member meetings:**

Lesley Vick and Ken Davidson (Victoria) re legislation on Voluntary Assisted Dying nationwide

Roger Clarke (photo) and Linda Spinaze (ACT) re privacy

Ruth Graham (Tas) re Sue Neill-Fraser case

### **Forums:**

DFAT debrief, 16th Australia-Vietnam Human Rights Dialogue and the 6th Australia-Lao PDR Human Rights Dialogue: attended by Director Jennifer Ashton

Save Medevac Forum, Sydney, attended by CLA member Diana Simmons. Report on web site. See DATES for next rally.

**Submissions:** report by Vice-President Rajan Venkataraman (RV)

ACT: Intensive Correction Orders (Kris Klugman)

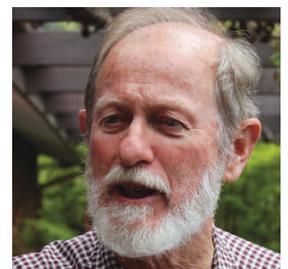
NT: Firearms Confiscation Orders (Bill Rowlings, BR)

Federal:

- Religious Freedoms Bill (RV)
- How to improve Question Time, Australian Parliament (BR & RV)

### **Functions:**

CEO Bill Rowlings addressed public meeting on press freedom and whistleblowers at Manning Clark House. See '**Rallies round Australia show why govt should drop charges**', above. Report on web site.



Rally for press freedom and whistleblowers outside Parliament House: speakers Andrew Wilkie, Rex Patrick, Sarah Hansen-Young, Jack Waterford and Australia Institute

Friends and Family of Drug Law Reform memorial gathering

Managing editor John-Paul Molony briefing and tour, *The Canberra Times* (photo shows CLA President Dr Kristine Klugman with Molony)



### Media interviews/ public speaking:

- National Media Spokesperson and Director Hobart, Rajan Venkataraman:

Commentary on Cash and Dutton the welfare payment of protestors: Cash and Dutton

<https://www.abc.net.au/radio/northqld/programs/north-qld-drive/drive/11565918> (at 1hr 05m mark)

- CEO Bill Rowlings:

Sun-Herald (with Caitlin Fitzsimmons) on pre-emptive, ridiculous and censorship bail conditions.

<https://www.smh.com.au/national/nsw/calls-to-review-excessive-protest-laws-in-wake-of-extinction-rebellion-arrests-20191010-p52zhq.html>

- Speech: Witness K/Bernard Collaery rally 191013 (see details under Functions')

### WA report by Margaret Howkins, CLA Director in WA:

- Prisoners in Acacia Prison plan to make an educational DVD warning young people to stay away from drugs. With CLA support they are seeking permission and some funding from the state government. "We're suggesting the idea to prevent people making the huge mistakes that we have already done." (Scot & Tony) The package would include apps for use by young people directly, or by teachers or facilitators, with real-life stories/examples of overall health, especially mental health problems/emotional problems men face, prevention programs and places to go to for help before too late. CLA mailed their offer to 16 politicians and prison authorities.
- Director Howkins gathered 15 names on a petition from one street in one suburb, supporting the Voluntary Assisted Dying Bill in the Legislative Council and delivered it to Alanna Clohesy (MLC, Lab. East Metro Region) and asked her to speak for our region. She watched the second reading of the Bill on 23 October from the gallery (with 20 other supporters) and saw it pass 25 votes for, 10 against. One more debate to go...
- Preparing for the CLA poster presentation at the ANZ Society of Criminology conference from 10-13 December.
- Director Howkins and CLA activist Christina Marruffo attended a Perth Labor Women meeting in WA's parliament house to support 'better justice' initiatives that CLA in WA will be involved in:
  - a. distributing wheely-bin stickers through Perth suburbs highlighting record domestic violence callouts to police.
  - b. 29<sup>th</sup> annual silent domestic violence memorial march on 22 Nov 2019.
  - c. '16 Days in WA' campaign to stop violence against women starting 25 Nov 2019.
  - d. inquiry into Magistrate Court management of family and domestic violence matters.
  - e. meeting Minister Simone McGurk to create an action strategy on the recently released WA Women's Report Card (which demonstrates WA women are disadvantaged on many measures by contrast with women in all other Australian states)
  - f. investigate whether a "boys' club" culture within WA Police allows officers to abuse spouses and partners without fear of arrest or prosecution. *'Domestic abuse within police force to be investigated'* <https://www.theguardian.com/society/2019/oct/20/domestic-abuse-within-police-force-to-be-investigated>

### TAS report by Director Tasmania, Richard Griggs:

- Update on the campaign for a Tasmanian Human Rights Act:

A recent change to the make up of the lower house in State Parliament involved Scott Bacon (Lab) retired, to be replaced by Madeleine Ogilvie (Independent). The switch means a change in voting numbers so that achieving a Tasmanian Human Rights Act is not possible in the current term of parliament. It will have to await the 2022-2026 Tasmanian parliamentary term.

With the change, drafting of a bill for a Tasmanian Human Rights Act has stalled. To keep progressing the issue the campaign team, led by CLA, has written to the Tasmanian Law Reform Institute asking for it to consider reviewing its 2007 report *A Charter of Rights for Tasmania* to take account of developments in the intervening 12 years. The TLRI has accepted this reference and is seeking funding to undertake the review. The 2007 report had begun to get a reputation amongst some MPs as a little 'dated'. So a refresh with a 2020 or 2021 report will be an excellent springboard into the 2022-2026 parliamentary term.

## INTERNATIONAL

### Which way will Bougainville go?

On 23 November 2019, the island of Bougainville (and adjacent Buka), at the far eastern extremity of Papua New Guinea, will vote as the end point – hopefully – in a 20-year odyssey towards peace.

About 250,000 Bougainvilleans will be asked whether they want to stay an integral part of PNG, but with greater autonomy, or become an independent nation.

The vote is not binding. The PNG government gets the final say on what becomes of Bougainville if voters choose independence.

In the past 120 years, Bougainville has been under the Germans, Australians, the Japanese and the Australians again, before gaining provincial independence as part of PNG in 1976.

The Bougainville civil war, between 1988 and 1998, led to a peace agreement, with a referendum promised that must be held by 2020.

The Panguna copper deposit is one of the richest in the world: mining has been shut down there since the civil war.

### ODD SPOT: Measuring China's growth

China is growing rapidly, albeit from a low base. There are various ways to measure its maturing from an undeveloped to a develop nation – this is one: “...from 2008 to 2017, Chinese Government health expenditures on health care quadrupled from ¥359 billion to ¥1.52 trillion (\$Aust 74.5 billion to 315 billion”).  
– *The Lancet* 28 Sept 2019

### King aborts one-year prison sentence for reporter

Morocco's king last month pardoned independent newspaper journalist Hajar Raissoun from a sentence of a year in prison for an abortion that never was.

Moroccan authorities said the pardon was an act of “compassion and mercy” by King Mohammed VI to “preserve the future of the two fiancés who planned to found a family in accordance with religious precepts and the law.”

But human rights advocates said that Ms. Raissouni's conviction was unjust and politically motivated, and that it exemplified the state's persecution of independent journalists. The king also pardoned her fiancé, two doctors and an office assistant.

The case sparked outrage, with protestors asking for reforms to the penal code.

Raissouni, 28, works for the independent daily Akhbar Al Yaoum that is critical of the state. She and fiance Rifaat al-Amin were arrested on 31 August – two weeks before their wedding – as they left a gynaecologist's office in the Moroccan capital, Rabat.

They were charged with having sex outside of marriage and an abortion, both crimes in Morocco. Ms. Raissouni said she sought treatment after she had suffered a blood clot, and her co-defendants also denied that an abortion ever happened.

In 2016, prison sentences were abolished for infractions to Morocco's laws governing the press. However, press freedom watchdogs have reported that the state has been increasingly prosecuting journalists for matters unrelated to their reporting, Aida Alami reported in the NYT. <https://tinyurl.com/y2n4j8lo>

### ODD SPOT: Chinese super-sensitivity on HK sees a number of people in the Pooh

Even the world of e-sports is not immune to a bit of power politics.

The *Blizzard* online games site has stripped a Hong Kong professional player of the game Hearthstone of his tournament prize money and banned him from tournament play for a year after he expressed support for Hong Kong during the livestream of a Hearthstone game.

*Blizzard* said that the actions of Ng "Blitzchung" Wai Chung violated Section 6.1 of the tournament's rules, which prohibits players from doing anything that "offends a portion or group of the public."

Apple was in strife with the Chinese for approving a new app for phones and tablets which is able to show where police vehicles are on the streets of HK, allowing protestors to move to less-policed locations.

<https://tinyurl.com/yxr43dxm>

Around the same time, China cancelled TV coverage of US National Basketball Association team Houston Rockets in China after its general manager, Daryl Morey, went online to urge support for Hong Kong.

Meanwhile US cartoon series South Park issued a mock apology to China over one of its episodes which highlighted internal re-education camps and censorship, utilising the Winnie the Pooh character.

"China has in the past proved sensitive about the British children's characters because Pooh is sometimes used as a nickname on social media for Chinese President Xi Jinping," a report said. <https://tinyurl.com/y5x2mcq2>

Expect more tat-for-tit if/when the trade war between the USA and China hots up, CLA says. Civil liberties are usually an early casualty of any form of war.



### **Sounds right to us – Promo email from UK's civil liberty group:**

"For 20 years, the Human Rights Act has been used by ordinary people – soldiers, people in care, disabled people, workers, children – to defend their rights in UK courts and hold the powerful to account. It has protected our protest rights, privacy, free speech and freedom of religion. And thanks to the Human Rights Act, public bodies must actively protect our rights rather than just avoid violating them. It has never been more vital that everyone knows about and feels empowered by the Human Rights Act. And by joining (our organisation), you will be coming together with thousands of others who want to protect our hard-won freedoms and make the UK a fairer, more dignified place for all."

*"Australia will grow up and get a national Human Rights Act one day."* CLA President, Dr Kristine Klugman.

### **Select your electors to ensure the vote you desire**

The US state of Ohio wanted to purge its electoral roll of people who are registered, but who have a recent history of not voting. So it created a list of some 235,000 names of people about to get the chop, and sent the list out to local volunteer groups for checking.

Jen Miller, the executive director of one group, the League of Women Voters, checked the list...and found her own name on it, even though she had voted three times last year. About 40,000 of the names should not be on the list, it is believed.

Ohio is a battleground state, a swing state, for who will be elected president in 2020. It has some of the USA's strictest voting laws, from voter ID requirements to a "use-it-or-lose-it" provision that lets officials drop voters seen as inactive.

The combination has led voting rights advocates to contend that parts of the state are regularly disenfranchised, largely in purges aimed at those who have died or moved away, but which also hit real voters who don't learn they can't vote until election day. Election officials in other battlegrounds such as Florida, North Carolina, Georgia and Texas regularly purge their voter lists as well.

A purged list can skew the potential voting population heavily in one direction, by several percentage points. <https://tinyurl.com/y6sr2uua>

### **International briefs**

**War is a man-made public health problem:** In January, 2018, after the Turkish government's announced a military operation in Afrin, Syria, the Turkish Medical Association issued a public statement, declaring that "war is a man-made public health problem". <https://tinyurl.com/y5ql6qb6> At an Ankara criminal court on 3 May 2019, 11 TMA members were sentenced to 20 months in prison for "inciting hatred and hostility", and

one member was given a further 19 months for “terrorist propaganda” over social media postings, the TMA said. Another public health problem is now mushrooming in the same region, some 20 months later. <https://tinyurl.com/y68572ds>

**Pizza website must work for the disabled too:** The Americans with Disabilities Act definitely applies to websites and digital storefronts, after the US Supreme Court decided last month not to take a case, leaving a lower court ruling in place. The non-ruling is in favour of internet and web users with disabilities, as well as advocates for accessible design. Domino's Pizza had tried to win a case that it was not obliged to make its online services accessible. As one commentator pointed out, it would cost about \$50,000 to re-work Domino's website to meet the ADA Act requirements, whereas fighting – and losing – a battle up to the Supreme Court level probably cost the company many times that amount just in legal fees. <https://tinyurl.com/y3h66jf3>

**N. Ireland to get abortion, same-sex marriage rights:** Northern Ireland will fall in line with the rest of the UK by legalising abortion and same-sex marriage. The House of Commons will legislate for marriage equality by January 2020, with same-sex couples permitted to wed legally from 14 February, Valentine's Day. The abortion law obliges the UK to ensure regulations for free, legal and local abortion services are in place by 31 March 2020. A moratorium on criminal prosecutions is in place until the new laws pass. <https://tinyurl.com/y3af9dwj>

**Japan shows us how to pardon:** Japan has pardoned more than half a million people found guilty of petty crimes such as traffic violations to mark the formal ascension of Naruhito to the Chrysanthemum throne. The 59-year-old ascended the throne in May following the abdication of his father, Akihito, but last month marked his official enthronement before about 2000 guests, including heavies and royals from more than 180 countries. Why could Australia not mark a new parliament with pardons for 5000 Indigenous people guilty of petty crimes? <https://tinyurl.com/y2cgz7a4>

**Immigrants to be subject to DNA testing:** The USA is moving to collect DNA samples from tens of thousands of people entering federal immigration custody each year into a national criminal database. The Department of Homeland Security revealed last month that the Justice Department was developing a federal regulation to empower immigration officers to collect DNA in detention facilities that hold more than 40,000 people. Thousands of new records would add to the FBI whose extensive DNA database has previously held genetic markers for people arrested, charged or convicted in connection with serious crimes. <https://tinyurl.com/y3sdd5w7>

## **DATES:**

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

**1 Nov, Canberra:** Technology, public law and public administration conference. China in the World building – discussing unique challenges of automation and AI to liberal democratic governments, administration and public law. Details: [marketing.law@anu.edu.au](mailto:marketing.law@anu.edu.au)

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

**11 Nov, Sydney:** Save Medevac rally, 2 pm, Sydney Town Hall, organised by Refugee Action Coalition, 0417275713 [info@refugeeaction.org.au](mailto:info@refugeeaction.org.au)

**13 Nov, Brisbane:** Religious Freedom and the Australian Constitution: The interrelationship between Australian constitutional law and religious freedom. Former Chief Justice of the High Court of Australia, Robert French, to be followed by a commentary by Justice James Douglas of the Supreme Court of Queensland. 5.30-7pm Banco Court. Details and to register: <https://law.uq.edu.au/event/session/13036>

**23 Nov, PNG:** Bougainville referendum: On 23 November 2019, an unprecedented referendum will take place in Bougainville and Papua New Guinea, the culmination of more than 20 years of work towards peace. Bougainvilleans will be asked whether they wish to remain an integral part of Papua New Guinea, but with enhanced autonomy, or to become an independent nation

**25 Nov, Sydney:** Future crime problems and security solutions - How to anticipate them and what to do about them. Emeritus Prof Paul Ekblom, U. of Arts London. 6-7.15pm, Common Room New Law Building (F10)U. Sydney. <https://tinyurl.com/yxt2gr8j>

**1-4 Dec, Hobart:** Polar Law Symposium, discussing polar law, polar marine resources, native peoples and human rights, the Antarctic treaty system, and developments in international law. <https://tinyurl.com/yxa35azb>

**02 Dec, Adelaide:** Academic symposium, Histories of Fascism and Anti-Fascism in Australasia, 9am-5pm, Flinders U. Victoria Sq. Details: Organiser Evan Smith: [evan.smith@flinders.edu.au](mailto:evan.smith@flinders.edu.au)

**10-13 Dec, Perth:** ANZ Society of Criminology conference: ‘Justice Reimagined’. Perth Convention Centre. Details: <https://tinyurl.com/y4wzjmce> See the PIP (STOP police-investigating-police poster display).

**2020:**



**10-13 Feb, Western Sydney:** 3rd Advancing Community Cohesion Conference – The Way Forward, Western Sydney Uni Parramatta campus, organised by CLA member Prof Sev Ozdowski (photo). Details and rego: <https://tinyurl.com/y52j6zqp>

**21 March, Canberra:** Start, 60th year of the ANU College of Law celebrations. Details: <https://tinyurl.com/y46hwot9>

**16-17 April, Wellington NZ:** ANZSIL Oceans and International Environmental Law workshop. Details: <https://www.anzsil.org.au/event-3515188>

**13-15 May, Darwin:** Inst of Patent and Trade Mark Attorneys of Australia. Info: <https://tinyurl.com/y3eqnug9>

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

**2-4 July, Canberra:** 28th ANZ Society of Intntl Law conference, ANU. Details: <https://www.anzsil.org.au/events>

**21-25 Sept, Sydney:** 22nd triennial meeting Intntl. Assn Forensic Sciences with 25th symposium of the ANZ FS Society, Convention Centre. Register/details: <https://iafs2020.com.au/>

**19-21 Nov, Hobart:** Australasian Association of Bioethics & Health Law Conference, Hobart Function Centre, 1 Elizabeth St. Info: <https://tinyurl.com/y25tn84z>

**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 in Australia.

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