

Season's greetings to all

CLA helps to chalk up a one-in-two-decades win for justice

Civil Liberties Australia occasionally records a 'win'...and in December we achieved one of our greatest ever, that will receive no fanfare and never be shown up in lights.

The pleasing positive result came from a report and recommendations by the retired chief judge of the WA Supreme Court, Wayne Martin, for total overhaul and re-write of laws around criminal property confiscation.

CLA – and some other groups – hammered away at how unjust such laws are for about 15 years. Like a misfiring production line gone rogue, the draconian laws had been mirrored throughout all Australia, though they are notably worse in WA and the NT.

Newspaper reporting said former judge Martin had dropped a bombshell report on State Parliament, recommending the complete re-writing of WA's criminal confiscation laws.

Mr Martin said he accepted submissions, including from the Director of Public Prosecutions, that the WA law was "so flawed in so many respects" it should be repealed and rewritten.

Judges had described the legislation as draconian and extreme and a judge of the High Court of Australia said it "lacked coherence" and was "drafted unsatisfactorily". <https://tinyurl.com/vrgottq>

CLA hopes that the laws will be vastly improved in an urgent re-writing, and that the new and fairer WA laws will be mirrored throughout all Australian jurisdictions.



Property laws hit women and children hard, unfairly

Former WA chief judge Wayne Martin reported recently that the laws (see above) created "two classes of justice", depending on how police and DPPs initiated proceedings to confiscate family assets.

The measures, first passed in 2000, aimed to take property off convicted drug dealers, but had been incessant criticised by CLA, judges, lawyers and others who pointed out the laws swept up innocent people in their net.

Martin (photo) said the law was "largely unconcerned with whether confiscation is fair or just". He outlined cases where the property of people innocent of crimes had been confiscated, or where convicted individuals had penalties

imposed on them by the act which were incongruous with their offending. Martin said people should have the opportunity to prove they were not guilty and the state should be forced to prove that person's guilt before their property was confiscated.

The important part of the CLA win, delivered by the Martin report to which we contributed, was that it overturned a culture in the offices of Attorneys-General and DPPs Australia-wide that was contrary to the principles of justice and CLA's own Rule of Morals and Equity (RoME).

AGs had given DPP offices more staff, so the extras could rake in more confiscation proceeds. In other words, this deeply flawed legislative system was turning the supposedly independent Office of the DPP into a profit centre for the crown in each state and territory, and federally as well.

The states and territories have even recently concocted an 'equal-shares' scheme so they can divvy up their less-than-legally-gotten gains from confiscated assets. It should be abandoned.

New CLA campaign over saving money and censorship in prisons

CLA is campaigning for the rights of prisoners...and for saving taxpayers' money simultaneously.

We describe our approach as being 'smart on crime', rather than the 'tough on crime' false propaganda microphoned out by politicians before elections. Their way lies bigger prisons, more prisoners, fewer people rehabilitated and much greater cost to the purses and wallet of citizens, to no improved benefit, and at a time when the crime rate is falling.

For an article about CLA's approach – including a prisoner's right to vote, to actively pursue a better education and to gain marketable skills through reading while locked behind bars, please see CLA Vice-President Rajan Venkataraman's report: <https://www.cla.asn.au/News/reforming-australian-prisons-in-the-second-convict-age/>

At least one federal MP is waking up

Dr Andrew Leigh, the MP for Fenner ACT who has moved a private member's motion to draw attention to the disturbing trend in jails, has pointed out that other countries are taking a different approach to Australia. "In the Netherlands, they're closing prisons, and keeping the streets safe," Dr Leigh said.

"Even the United States, the world leader in incarceration, has seen an 11% drop in its imprisonment rate over the past decade, with conservative state governments deciding that they didn't want to keep raising taxes merely in order to build new prisons.

"Australia can learn from these examples, and use smarter policies to reduce both crime and incarceration," he said.

What's on the legal agenda in the coming year?

The Australian Law Reform Commission has proposed five areas of focus over the next five years, one of which is press freedom coupled with whistleblowing.

Current ALRC President, judge Sarah Derrington (photo), and the inaugural ALRC chair Michael Kirby, launched the proposed program in Brisbane last month. – media release ALRC 191202 <https://tinyurl.com/tq2ljlx>

It's now up to Attorney-General Christian Porter to accept or change the program, which would analyse:

- principle-based regulation of financial services;
- automated decision making and administrative law;
- defamation;
- press freedom and public sector whistleblowers; and
- legal structures for social enterprises.



AGs decide on their work agenda

Australasia's attorney-generals have decided on a wide range of changes to our legal regimes.

The Council of Attorneys-General – CAG, which comprises all Australian jurisdictions and NZ – will:

- create new federal offences for match fixing and betting corruption in sport;
- start consulting about changes to model defamation laws, to include new responsibilities and liability for digital platforms and providers;
- bring in a model bill to amend the uniform evidence law test for admitting tendency and coincidence evidence in criminal trials;
- (at last, CLA says) get on with adopting common age of responsibility rules, sometime in 2020; and
- adopt three principles in any new laws on religious confessional privilege, that the privilege can't be relied on to:
 - avoid a child protection or criminal obligation to report beliefs, suspicions or knowledge of child abuse;
 - excuse not complying with any child protection or criminal obligation to report beliefs, suspicions or knowledge of child abuse; and
 - avoid giving evidence in civil or criminal proceedings against someone for child abuse offences.

Enduring power of attorney scheme to be boosted

The Australian AGs also agreed to reform the enduring power of attorney (EPA) schemes for financial decisions, changing laws to enforce a mandatory national register of EPAs, then introducing new safeguards and better access to justice if something goes awry.

In early 2020, they'll decide whether there should be a national register of EPAs set up and run by the federal government. The proposed changes are aimed at limiting elder abuse.

Building on developments by NZ, the AGs may bring in new online suppression orders targeted at overseas publishers and at better compliance with the orders by overseas content hosts. Facebook is clearly a prime target in their sights, according to reports CLA is receiving.

The AGs are discussing a mutual recognition of suppression orders between NZ, Australia, and like-minded countries, and a way of publicising the orders that are in force.

Victoria is leading a research project into the use and oversight of forensic evidence in criminal trials. It will report to CAG in 2020.

The 29 Nov 2019 CAG meeting was held in Adelaide. <https://tinyurl.com/t9hwcmt>

Alleged war criminal tries to break media's protection of sources

In a classic case of press freedom at risk, investigative journalists are fighting a court battle to stop Victoria Cross recipient Ben Roberts-Smith forcing them to expose their sources.



Walkley Award winners Nick McKenzie and Chris Masters (photo) are in preliminary skirmishes in the Federal Court, ahead of a defamation hearing in a claim Roberts-Smith launched against *The Age*, *Sydney Morning Herald* and *The Canberra Times*, Bianca Hall reported in mid-December.

Roberts-Smith is suing the newspapers after a series of reports accused the decorated soldier of committing war crimes during overseas missions.

The preparatory legal battle is over whether McKenzie and Masters should be forced to produce 49 privileged documents to the court, other documents, names of witnesses and the names of sources they relied upon in preparing their reports.

In support of a truth-based defence, newspapers continue to allege Roberts-Smith was involved in six unlawful killings in Afghanistan, including an alleged incident in 2012 in which he kicked Ali Jan, an unarmed and handcuffed Afghan man, off a cliff before directing a soldier under his command to shoot him. <https://tinyurl.com/wq4nhyf>

We don't trust polities, but we're prepared to vote for them

The 2019 Australian Election Study says 25% of Aussies believed people in government can be trusted.

That was the finding after the 2019 federal election. The study revealed the lowest level of community trust towards politicians since the ANU first began conducting post-election surveys of voters in 1960.

Satisfaction with democracy is also at its lowest level since the constitutional crisis of the 1970s, when then-prime minister Gough Whitlam was sacked.

"I've been studying elections for 40 years, and never have I seen such poor returns for public trust in and satisfaction with democratic institutions," lead researcher Professor Ian McAllister said.

"This is a wake-up call. Winning back the people's trust and satisfaction would appear to be one of the most pressing and urgent challenges facing our political leaders and institutions," he said. <https://tinyurl.com/sfp2466>

Surprising findings are that 80% of people said they would have voted even if voting was not compulsory in Australia and 72% of people support compulsory voting.

The percentage of people who had signed an online petition in the past five years before an election went from 12% in 2004 to 48% in 2019. To download details: <https://tinyurl.com/sqbjkzs>

'State' elections to give hint of national mood

A series of elections late this year will probably reveal the political mood of the nation two years out from the next federal election.

The two territories and Queensland must each hold their regular, scheduled election towards the end of 2020. Here's the planned timetable:

NT:	22 August 2020
ACT:	17 October 2020
Queensland:	31 October 2020
WA:	13 March 2021
Federal:	in or before 2022 (likely time is between 7 August 2021 and 21 May 2022)
Sth Australia:	19 March 2022
Tasmania:	in or before 2022 for MHAs
Victoria:	26 November 2022
NSW:	25 March 2023

90-plus groups call for government transparency

Civil Liberties Australia joined more than 90 groups from the Asia-Pacific as diverse as the finance sector, environmentalists, fisherfolk, nurses, doctors and wharfies in calling for more transparency in negotiating and signing regional trade deals between nations.

The 94 groups want release of the text of the Regional Comprehensive Economic Partnership (RCEP) for public and parliamentary debate and evaluation before it is signed in 2020.

They have sent letters to trade ministers from RCEP countries: Australia, China, Japan, New Zealand, South Korea, and the ten ASEAN countries, including Indonesia, Thailand, Malaysia and Vietnam. India withdrew from the agreement at virtually the last moment. The 15 countries involved agreed the deal on 4 Nov 20, but the text remains secret until after it is signed in 2020.

“Governments claim enormous benefits for such agreements, spinning only the positives in announcements,” CLA CEO Bill Rowlings said. “But without the precise text you don’t know how poor Australia’s negotiators have been, as happened previously.”

There are question marks over longer and stronger monopolies on medicines that could delay access to cheaper medicines, deregulating essential services further (like prisons) and allowing more temporary workers vulnerable to exploitation and with no commitments by Australia to protect workers’ rights.

“Hiding the text from the people it applies to for months is an affront to transparency and democracy by the federal government. All such treaties should be able to be analysed, debated and decided by the Parliament of Australia before we are mandated to commit to them: that is not how the system works here, though it does work that way in the USA,” Rowlings said.

“It’s another example, along with Australia’s lacking of bill of rights, that reaffirms our second-class status according to the countries we usually compare ourselves with, like the USA, the UK, Canada and NZ.” – drawn from an AFTINET media release 9 Dec 2019

ASIS shouldn’t ever have done trade tricks, Collaery says

"ASIS should never ever have become an adjunct to trade policies and I dare not go any further on that line because I'm subject to a national security order under terrorism legislation," the man currently before the Supreme Court of the ACT on spy-related charges said recently.

"ASIS should be as soon as possible taken out of the foreign ministry where it's been tainted and twisted and internally torn," Katie Burgess in the *Canberra Times* quoted Bernard Collaery as saying.

Collaery, a barrister and former diplomat and ACT Attorney-General, said if ASIS was to stay within DFAT, the use of its assets to support shareholders in national and international corporate firms where there is no issue of national security should be made a specific criminal offence.

Collaery was speaking at the launch of UNSW academic Clinton Fernandes' new book, *Island off The Coast of Asia*, which sheds light on Australia's use of espionage, diplomacy and investment to uphold Australian interests, especially in the case of Timor-Leste.

The trial of Witness K and Bernard Collaery is another court procedure covered by secret certificates, non-disclosure of even basic facts, and an inability of the charged pair to defend themselves properly.

Note paywall: <https://www.canberratimes.com.au/story/6510498/asis-tainted-and-twisted-internally-torn-by-dfat-collaery/?cs=14264>

ODD SPOT: Leaky ASIO now makes an exhibition of itself

If you visit Canberra, you can see an exhibition at the National Archives of Australia (NAA) on ASIO, a supposedly secret agency which is running a national public relations campaign.

The archives' director-general, David Fricker, said the exhibition examined espionage and counter-espionage in Australia from 2001 to now.

The identity of the staff of Australia's domestic spy agency is protected by law, so "Spy: Espionage in Australia" features interviews with several anonymous officers.

Fricker, who has self-'outed' as a chief information officer and former deputy director of ASIO, could have been interviewed: he seems to have been satisfied with tapping into the over-generous ASIO funding for the benefit of the impecunious NAA. <https://tinyurl.com/r9ddbmn>

The NAA is so poor it can't catalogue and make available the fabulous lifetime collection of photos of national legal icon and former High Court judge, Michael Kirby, the photography fanatic who retired from the court a decade ago.

However, it has plenty of money to promote ASIO. CLA would like to know how much in cash and kind ASIO contributed to the NAA exhibition. And we'll liked to see the ASIO PR/communications strategy, which should be a public document as it has nothing to do with operational secrecy.

(See CLArion December 2019 issue for CLA's comment on how ASIO has started to leak like a sieve. CLA says if it is leaking to the media, and running public PR campaigns, it should not enjoy the same 'secrecy' protection in law. If it walks like the police, and quacks like the police in the media, it should have no more secret protection than the police). <https://tinyurl.com/r9ddbmn>

Why there's not enough money for climate change and culture initiatives

"Our \$200 million investment in improving the capability of the ADF is under way. Next year we will increase the Defence Force budget to 2% of GDP. In the last Budget we announced almost \$1.3 billion in national security initiatives (including) some \$513 million for the AFP. (Our cyber security strategy) invested \$230 million (and) we are also investing \$156 million to grow Australia's cyber security workforce."

– Chief Spinister Scott Morrison, at the Tom Hughes Oration, 30 Oct 2019, Sydney

Bete noir of rights to lead human rights analysis

Senator David Fawcett (photo), who chairs the Joint Standing Committee on Foreign Affairs, Defence and Trade, has announced an inquiry into whether we should do something about human rights abusers.

"The Parliament's Human Rights Committee is to examine whether Australia should adopt legal measures to impose sanctions on people who commit gross human rights abuses," he says. Well, doh!

Kevin Andrews (Lib, Menzies Vic) will chair the committee. It is a subset of the Fawcett committee.

Andrews is the bete noir of federal freedom of choice to do with euthanasia – and disenfranchiser of 600,000 ACT and NT citizens. He should inquire into his own abuse of citizens' rights, CLA says.

"Australia's efforts to combat human rights abuses are broad, and the ability to impose sanctions against individuals who hold assets in Australia and commit gross human rights abuses abroad is a valuable tool in fighting such abuses," Mr Andrews said.

"A thorough examination of our current regime and how it compares internationally, particularly with the US Global Magnitsky Human Rights Accountability Act, will enable any strengthening measures to be implemented and to ensure our regime is functioning effectively."

Submissions to the inquiry are now being called for, and are due by 31 January 2020. International submissions will be open until 28 February 2020. – media release 191204

Committee wants Dutton to have more power over Australian citizenship decisions

Parliament's security and intelligence committee (SIC) is pushing the line that Home Affairs/ Border Minister Peter Dutton should get even greater power over citizenship.

SIC found that the current 'operation of law' model, under which a dual-national's Australian citizenship is automatically renounced through their actions, should be replaced by a ministerial decision-making model.

The minister could then "consider a broad range of issues" in deciding whether to cancel an Australian's citizenship. SIC, as usual, listened to "national security agencies, which advised the Committee that further flexibility was required to utilise citizenship cessation to maximum effect".

SIC, like other parliamentary committees, is hell-bent on giving power to ministers over judges.

A ministerial decision-making model is the framework of the Australian Citizenship Amendment (Citizenship Cessation) Bill 2019. SIC is yet to report on its examination of the Bill,...but you can rest assured that they will endorse it, CLA says. – media release, SIC, 1912204

DPP has a chance to act 'nobly and speedily', CLA says

Sue Neill-Fraser's appeal before the Court of Appeal in Tasmania appears to be delayed at least another two months, from an already selected hearing start date of March 2020.

The reason: her pro bono defence barrister, Tom Percy, is unavailable until May, according to evidence before a directions hearing in a Hobart court in mid-December 2019.



Sue, a CLA member, is in her 11th year of a 23-year sentence for a crime CLA and most mainland observers believe she did not commit.

She was convicted – wrongly, we and many legal, academic and lay observers believe – of murdering her husband, Bob Chappell, on the yacht they jointly owned on Australia Day night 2009 while it was moored in Sandy Bay, Hobart. Bob's body has never been found.

The Supreme Court of Tasmania ruled in 2019 that she has a “fresh” and “compelling” case to put before a new full hearing of the court to prove her innocence. But she applied two years ago for that hearing.

“Delay after delay has denied her justice in a timely fashion...which, of course, is no justice at all,” CLA President Dr Kristine Klugman said.

CLA CEO Bill Rowlings pointed out that Sue could be released from jail within days – as Farah Jama was in similar circumstances in Victoria – if the DPP Daryl Coates would simply accept the truthful reality of a televised admission as to what really happened on board the yacht that night.

In the statement, shown on *60 Minutes* to the rest of Australia but withheld from Tasmanians, Meaghan Vass (photo) admits to being on board the yacht, as a 15-year-old, with two males intent on robbery; says Sue Neill-Fraser was not on board at any relevant time; and explains how the large sample of her (Vass's) DNA came to be on the deck of the yacht.



“The Vass statement is compelling TV. It is the only statement formally recorded by anyone connected with the case that explains the hard DNA evidence,” CLA CEO Bill Rowlings said.

“All the DPP has to do is to admit to the reality of what his own eyes and ears are telling him: he has the opportunity to act nobly and speedily, as a Victorian DPP was able to do in the Jama case.

“The greatest wrong in Tasmanian legal history could be corrected in a matter of days, not half a year.” <https://tinyurl.com/skazeaz>

Trial likely to start in late May

The new start date for the Sue Neill-Fraser appeal hearing is likely to be 25 May 2020.

Defence lawyers and the DPP will meet in January to determine which evidence, already presented to hearing which granted the appeal, will be agreed between the parties, and which the DPP will contest.

Rather than reacting as the Victorian legal system did in the Jama case (see above), it appears likely that the Crown will fight tooth and nail against the Meaghan Vass recounting, on *60 Minutes*, of the only circumstances that appear to match and explain the DNA evidence, which has never been fully explored by the Tasmanian courts. (‘Mainlanders’ have seen Vass give her ‘evidence’ on TV: overwhelmingly, they believed Neill-Fraser should be freed immediately).

The judges for the appeal appear to be settled: they will be Helen Wood, Robert Pearce and Stephen Estcourt. For the first time in a Tasmanian court, these three jurists will be able to consider the full and true story revealed by a massive sample of DNA found by forensic scientists on the yacht.

The jury who convicted Sue were not allowed – were actively prevented by the legal system – from hearing detailed evidence from Vass under cross-examination about her DNA being on the yacht.

Millionaire takes up human rights fight over bail regime

Australian-born, London-based human rights barrister and part-time judge Geoffrey Robertson has filed a petition with the UN Human Rights Committee claiming Australia's 'harsh' bail laws applying to prisoners facing extradition breach the country's human right obligations.

He is representing jailed Perth tech millionaire Zhenya Tsvetnenko,

Russian-born Tsvetnenko, 39, allegedly took part in a multi-million dollar text message scam in the USA. US authorities charged him in 2016 with wire fraud, conspiracy to commit wire fraud and conspiracy to commit money laundering.

In December 2018 he was arrested and jailed at Perth's Hakea Prison when the USA applied for his extradition. But extradition proceedings can be long and tortuous, lasting many years. Tsvetnenko has applied for bail three times, but been refused as “a flight risk”.

Robertson said Australia's general rule of refusing bail to people accused by foreign states was harsher than any other advanced country: it was a "major and consistent breach" of the country's international human rights obligations.

“Our courts cause real cruelty to people they lock up for years and deprive of the presumption of innocence, simply because it is a foreign country which wants to put them on trial.”

Tsvetnenko said he was filing the petition on behalf of all Australians who could find themselves sought, rightly or wrongly, for trial in a foreign country. <https://tinyurl.com/whr39ak>

Patten reasons that blasphemy law is a discriminatory anachronism

Victorian upper house member Fiona Patten has tabled a bill to rid the state’s law of a blasphemy offence.

“The fact that blasphemy laws still exist in Australia in the 21st century will shock many,” she said.

“Blasphemy is still a crime in Victoria – and it shouldn’t be. Queensland has abolished it. WA has abolished it. NZ and Canada have abolished it. Even the UK, from where we inherited the offence in the first place, has abolished it. The UN have recommended that (it) be abolished.

“It isn’t a crime to outrage the feelings of followers of any other religion, only the feelings of Christians. Blasphemy laws together with archaic relics like (Christian) parliamentary prayers are designed to protect Christianity and need to be done away with,” Patten said.

“Our blasphemy laws violate the human right to freedom of expression. They protect Christian institutions and leaders from legitimate and often necessary criticism. They are intrinsically bad, subjective and inconsistent laws. Internationally, (blasphemy laws) have been demonstrated to legitimise vigilantism, mob violence, and the persecution of minorities.

“The recent religious freedom review, chaired by Philip Ruddock, recommends that we abolish it,” she said. The Patten Act, if it passes, would say simply: “Any distinct offences under the common law of blasphemy and blasphemous libel are abolished.” <https://tinyurl.com/w8hdtor>

Note: Patten is head of the Reason Party, and founded its predecessor, the Sex Party, in 2009. She has been a member of CLA for about 15 years.

ODD SPOT: ‘Christian conservatives have never had it so good’

“Christian conservatives are dictating the agenda and they’ve never had it so good. I reckon that 2020 is going to see a major offensive on your civil liberties from the Federal government.” – Fiona Patten, MLC Victoria, fundraising letter, December 2019.

Another state opts for freedom to choose

Voluntary assisted dying is legal in WA, though on hold, after the legislation passed parliament last month.

The legislated scheme is expected to come into operation in WA on 1 July 2021.

Under the proposed WA laws, terminally ill adults who are in pain and likely have less than six months to live – or one year if they have a neurodegenerative condition – will be able to take a drug to end their lives if approved by two medical practitioners.

Doctors and nurses will be the only healthcare workers allowed to raise voluntary assisted dying with patients.

Victoria passed similar laws in November 2017, which came into effect in June 2019.

One of the important differences between WA’s law and Victoria’s is that doctors and nurses can raise the option of voluntary assisted dying with patients during a medical consultation. This ensures people with terminal illnesses are aware of all their options, including treatments, palliative care and assisted dying. <https://tinyurl.com/tcqqllf>



Historic day

WA legalises voluntary assisted dying

Western Australia has become the second Australian State after Victoria to pass voluntary assisted dying laws.

Even rough sleepers can’t evade the digital world

A new digital data service in NSW will record information relating to rough sleepers in real-time to try to deliver community services to them better.

Premier Gladys Berejiklian said global tech giant Microsoft has partnered with the NSW Government and the Act to End Street Sleeping Collaboration to bring the project to fruition.

“Every day more than 37,000 people in NSW experience homelessness and this new initiative will provide us with a more accurate understanding of the challenges they face,” Ms Berejiklian said. “By using

technology to collect a range of social and demographic data on rough sleepers, we can improve the way we respond to homelessness.”

Minister for Customer Service Victor Dominello said the data will be captured using a mobile device and include geolocation technology. “We are using digital technology to make life easier for some of the most vulnerable people in the community.”

The convenor of Act-to-End-Street-Sleeping, Graham West, said the aim is to create a vulnerability index of rough sleepers across the state, to determine risk and help prioritise specialist services.

CLA wonders how the collecting of people's names will occur, and what option the people in question will have not to give their name, and what rights they will have to be permanently eliminated from any such database whenever they choose. – NSW Premier media release 23 Nov 2019 <https://tinyurl.com/v28rjxv>

Aged must receive at least minimum hours of care

Queensland has legislated minimum care hours and fixed staff ratios for the state's government-run residential aged care facilities.

The state's 16 residential aged care facilities must provide at least 3.65 hours of nursing care to each resident each day, and have staff ratios of 30% registered nurses, 20% enrolled nurses, and 50% assistants in nursing, under the Health Transparency Bill 2019.

As well, all Queensland's aged care facilities, including the state's estimated 400 private facilities, will be asked to report their daily resident care hours and staffing skill mix, among other information. Though it will not be compulsory to report the information, facilities that fail to do so will be named on a public website. – Minister for Health Steven Miles media release <https://tinyurl.com/wz9ydfu>

Australian briefs

Taswegians book up grievances over face-off: In an issue likely to blow up nationally, Tasmanians are up in arms over the state government handing over 410,000 driver licence photos – that is, all the state's driver images – to the federal government. But no one consulted the citizens, there was no debate in parliament (just discussion in a regulatory committee) and there was no need for the handover to occur, as the federal legislation allowing it had been rejected for a rewrite. The Tas government is on the nose for its cavalier treatment of personal privacy. Watch this space (...where your licence photo used to be!).

Police give up crime, temporarily: Queensland Police had stopped running their own crime capers by 30 June 2018: it's not known whether they are back in business. Previously, Qld Police had operated Operation Tabloid and Operation Endemic V. These were 'controlled operations', under which the police or police stooges can break the law with impunity in trying to trap other people over criminal behaviour. The Crime and Corruption Commission report for the period from 1 July 2018 to 30 June 2019 suggested there was no centrally-planned police criminality occurring during the year. – Qld CCC report 191202.

New committee to examine draft legislation: The NT Legislative Assembly has created a Legislation Scrutiny Committee. On it are chair Ngaree Ah Kit (photo), deputy chair Sandra Nelson, Lia Finocchiaro, Robyn Lambley and Tony Sievers. (Note: Nelson is a member of CLA).



Workplace fatality law updated: The NT has its first industrial manslaughter law, the Work Health and Safety Legislation Amendment (Industrial Manslaughter) Bill 2019. All businesses, regardless of size, face the same level of penalty if reckless or negligent conduct causes a workplace fatality. Previously, only individuals could be charged with manslaughter for a workplace fatality, and only under the Criminal Code. Maximum penalty for an individual is jail for life. A business faces a maximum penalty of 65,000 penalty units or about \$10m under the 2019-20 penalty unit rate. The new offence is not retrospective.

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

Members: please send us copies of letters you send to the media. Email: [secretary\[at\]cla.asn.au](mailto:secretary[at]cla.asn.au)

Private data should remain private, in Oz

I am an NIB health insurance member who has just read in The Age 7 Dec 2019 business section the article 'NIB launches data joint venture'. I am extremely concerned that my medical data will be sent to an American insurance company. This is my personal and private data and I do not want it sent anywhere,

especially overseas where any Australian data protection laws do not apply. There is nothing to stop my personal data from leaking out into the internet. I have had personal experience of the American medical system and it is all about money. The medical treatment you get is determined by the insurance company accountants and lawyers, not by your doctor.

And as to wanting to get hold of My Health Record data and my genetic profile. No way. They claim that this is help with preventative health, I don't believe them, this is about saving money which would mean excluding some people from some coverage if the data mining indicates that they will cost NIB money. – Laurens Meyer, Richmond Vic.

Secrecy and fear-making replace accountability to the people

I am not a vegan nor a member or supporter of the organisation Aussie Farms. But I am appalled by the Australian Charities and Not-for-profit Commission (ACNC) keeping secret the reasons for revoking the charitable status of Aussie Farms (“Watchdog strips vegan activists of charity tag”, SMH, November 20). Why? We are not told. They are a government body supposedly working for us, the Australian people. We have a right to know such things so we may evaluate the reasons for ourselves.

In the same vein I am now in my late fifties. I don't go to music festivals. I do have two daughters in their late teens who do. I have never been strip searched by the police. Yet the idea that police employed by us, the people of NSW, wish to instil fear into people so that they get respect is astounding (“Defence of strip searches frightening”, SNH, November 20). Respect is earned not by fear but by fairness.

It seems that public servants in the ACNC and the NSW police forget who they are working for but, rather, see themselves as being beyond accountability by the people they serve. Thank God for enlightened people like Harriet Grahame and Mick Palmer. – John Turnbull, Mona Vale NSW

True cost of policies

The Auditor General reports that the Tasmanian Prison Service has been left struggling with staff shortages and ballooning budgets because, among other things, it failed to take into account the impact of changes in government policies on prisoner numbers (‘Prisons failed to predict demand’, *Mercury*, November 20). In defence of the TPS, they have not been helped by the Tasmanian Government. When the Government has proposed new policies such as longer prison sentences, mandatory minimum sentences, presumption against bail for certain offences, and abolishing remissions and suspended sentences, Civil Liberties Australia and other organisations have consistently asked it to spell out the impact on prisoner numbers and prison budgets. Instead of straight answers, we get the same old “tough on crime” rhetoric. The Auditor General's report shows us the true cost of these policies in terms of money and resources. Those resources could be better spent on community investments aimed at discouraging Tasmanians from offending and keeping them out of jail. – Rajan Venkataraman, Vice-President, CLA, Hobart Tas.

Don't quit now

Thank you Dr Kristine Klugman (Letters, Cba Times 27 Nov 2019) for reminding us about Fr Frank Brennan's (photo) committee on the Bill of Rights. I admit to having once been ambivalent about the need. I changed with the advent of the Abbott government. Unfortunately, we won't get a Bill of Rights under any government on the "right" side of politics. I'm not confident a Labor government would take up the cause either. That said, I hope Dr Klugman and the CLA never give up.– John F. Simmons, Kambah ACT



Fight the good fight

Thank you too, John Simmons, for asking that we "never give up" on our call for a national bill of human rights (Letters, November 28). In these times, weighed down as we are with suspicions and secrecy, we need the shared, secular and inspiring framework such a bill could offer. We are asking our government to lift our game with something positive instead of making us frightened. And in a democracy we deserve to know what is being done in our name. – Jill Sutton, Watson ACT

Tax is a symptom of prejudice

Victoria's glaring mistake – after a 600-page report into mental health problems in the state – is introducing a special tax to fund mental health. Mental illness is an illness like any other. Considering it differently is symptomatic of the prejudice against the mentally ill. Mental health facilities should be part of the general health budget and, in turn, part of the general state budget. The state has buckets of money to spend on vote-winning projects like eliminating railway level crossings, digging tunnels and the like...but not enough to properly fund the health system. An *Age* front-page spread revealed that The Alfred Hospital, our premier trauma hospital, is crumbling and needs \$2 billion for refurbishment. – Reg Murray, Glen Iris Vic

Israel Folau and free speech

Your (*The Australian*) editorial “Navigating tricky ‘Folau clause’” (3/12/2019) sets out clearly how Israel Folau’s views can harm social harmony. Folau expresses religious extremism and an immature mindset in his views that unrepentant homosexuals are destined for hell, and that bushfires are God’s punishment for the legislation on same-sex marriage and abortion. Australia is a multiracial, multi-religious and a multi-party society. Folau’s views white-ant such a society and can ultimately destroy it. The preaching of extremist, harmful views by Folau cannot be supported as free speech. – Bill Mathew, Parkville Vic

Notice of AGM of CLA for 2019 calendar year:

This is formal notice that the Annual General Meeting of Civil Liberties Australia Inc will be held by electronic means, and by posted papers for those without e-facilities, from 2 Feb 2020 (call for motions) and between 10 March – 23 March (voting period). Annual and other reports, and ballot papers, will be sent to members electronically (and by post, with return-paid envelope, for those without e-access).

Cards for Sue radiate out from the centre: Jerry Fitzsimmons, CLA member and strong Sue Neill-Fraser supporter, sent an e-card from his home in the centre of Australia, Alice Springs, to lots of political heavies throughout Australia to remind them how they were enjoying Christmas and the holidays, but the wrongfully-convicted Sue was not. ***You can send Sue a card:*** address it to Sue Neill-Fraser, Box 24, LINDISFARNE Tas 7015.

CLA report – main activities for December 2019

A Board meeting due in mid-November was postponed to 1 December for health reasons.

Bills of Rights:

Two new members have taken on responsibilities to push the idea, education around and promotion of a Bill of Rights for Australia. Julie Carew has been actively working on the issue for some time, including contacting former-High Court judge Michael Kirby, which generated a subsequent congratulatory email from Kirby to CLA. New member Chris Stamford is reading his way into a role in running CLA’s human rights efforts. Tactically, CLA has been concentrating on achieving state BoRs as a lead-up to a further push for a national BoR. Queensland this month joins the ACT and Victoria as having a standalone BoR. Another new member, Kathryn Kelly, is the dynamo behind regular and timely protest rallies for Witness K and Bernard Collaery, and David McBride, in Canberra either at Parliament House or at the ACT Law Courts in the central CBD.

Another member, Diana Simmons, frequently attends events in Sydney for CLA. She is a former Board Member of CLA who has expertise in prisons and military matters, among other things.

‘Champions’ issues: (*issues which Board Members have decided to champion individually*)

• PRISONS:

V-P Rajan Venkataraman is taking up PRISON ISSUES as one of his major ‘Champions’ involvements (along with managing CLA’s submissions, a major task). For example, overcrowding in Tasmania’s main prisons has prompted government plans for a new prison in the state’s north, which is meeting fierce resistance. CLA keenly awaits the Qld Productivity Commission report, due by 1 Feb 2020, which analyses everything to do with prisons more from an economic angle than either a legal or human rights one. In WA, some prisoners are asking for Director Margaret Howkins’ help to convince the authorities to allow them to produce a cautionary tale’ DVD’ for schoolchildren: ‘Don’t do what we did’ re drugs/etc. Something similar has just been permitted in Qld.

Rajan has prepared a detailed article on CLA’s national initiatives on prisons, which includes voting rights of prisoners nationally and censorship issues. Go the CLA Home page, or direct: <https://www.cla.asn.au/News/reforming-australian-prisons-in-the-second-convict-age/> As well, he will ask the Qld Uni Law School Pro Bono group to undertake a national Prisons project in semester 1, 2020, identifying and analysing mail/access/reading rights – ie, censorship – of prisoners, with a view to CLA campaign action.

CEO/Secretary Bill Rowlings explained to the Board the extent of CLA members’ knowledge in the criminology and prisons area, plus the excellent online response to our prison articles. CLA President Kristine Klugman has written formally to all AGs and Corrective Services ministers for a copy of their prison rules and regulations.

• **SPORT:** Liberties and rights

Director Frank Cassidy (photo) and Bill Rowlings are collating examples across sports of top athletes and even amateurs who appear to have been denied their rights in battles with sporting authorities. Examples gratefully received.



• **STUDENTS:**

Attracting student membership, and involving them, is a main drive for Director Eloise McLean, herself a Law Student at ANU in Canberra. She has delivered a letter to ANU Vice-Chancellor (and former Foreign Minister) Julie Bishop requesting a meeting on campus issues, women's equality and civil liberties-human rights generally. Elly is following up for a response to enable a meeting early in 2020.

In a bid to attract the best and brightest young people to become members of CLA, Director Eloise has arranged for CLA to be able to send informative emails to selected, newly-awarded ANU scholarship winners in six categories in 2020. CLA is planning to trial a similar concept in Tasmania, NT and WA (with Murdoch Uni law student Sam Coten to be asked to help in WA).

Submissions: made since the last Board meeting:

September 2019:

ACT: Intensive Corrections Orders – submission to the Justice and Community Service Directorate (Klugman) 23 September 2019.

Western Australia: Proposed changes to the *Corruption, Crime and Misconduct Act 2003* – submission to the Joint Standing Committee on the Corruption and Crime Commission (Howkins) 26 September 2019

October 2019:

Religious Freedom: consultation on draft Bills – submission to the Attorney-General's Department (Venkataraman) 2 October 2019.

Northern Territory: *Firearms Legislation Amendment Bill 2019* – submission to the Economic Policy Scrutiny Committee (Rowlings) 8 October 2019.

Inquiry into the practices and procedures relating to question time – submission to the House of Representatives Standing Committee on Procedure (Rowlings) 31 October 2019.

November 2019:

Tasmania's anti-protest laws – e-petition to the Tasmanian Parliament (Griggs) 19 November 2019.

Director Rajan proposed that students who work on successful subs through our partner, the UQ Pro Bono scheme, be offered 'free' one-year membership in CLA. Endorsed by Board.

Media:

October 2019:

'Tree of Liberty' (Klugman): Letter to the Editor, *The Canberra Times*, 16 October 2019.

'Calls to review 'excessive' protest laws in wake of Extinction Rebellion arrests' (Rowlings): Quoted in article, *The Sydney Morning Herald*, 13 October 2019.

'Protest is part of the process' (Klugman): Letter to the Editor, *The Canberra Times*, 13 October 2019.

November 2019:

'Face it, we need better privacy laws' (Griggs): Opinion piece, *The Saturday Mercury*, 23 November 2019.

'The secret is out' (Klugman): Letter to the Editor regarding the "Alan Johns" case in Canberra, *The Canberra Times*, 22 November 2019.

Launch of petition against Tasmanian anti-protest laws (Griggs): Wide coverage in Tasmanian print and electronic media, 21 November 2019.

Tough on crime policies and the need for a new Tasmanian prison (Venkataraman): Letter to the Editor, *The Hobart Mercury*, 9 November 2019.

'Dutton broadens ID-checking and move-on powers at airports' (Rowlings): Quoted in article on the blog of Sydney Criminal Lawyers, 1 November 2019.

December 2019:

'Update on a Human Rights Act for Tasmania' (Griggs): https://tasmaniantimes.com/2019/12/human_rights_act_update/

'Interview, human rights for Tasmania', ABC Radio Northern Tasmania 'Drive' with Piia Wirsu: <https://www.abc.net.au/radio/northtas/programs/drive/dr-george-razay-lgh-dementia-medical-journal/11763890>

Publishing: CLA has published 21 articles and four CLArion newsletters on the CLA website since mid-August: see them here: <https://www.cla.asn.au/News/>

Marketing:

The Board discussed at length the issue of advertising, and particularly using online outlets such as Facebook. The potential for new member campaign (instead of advertising in, say, the Hobart Mercury was explored). Director Eloise McLean will guide the board, utilising expertise she is gaining in her part-time day job.

Membership report: The Board noted that the issue of trying to boost membership is to be a priority when CLA's Strategic Plan is reviewed in first half of 2020 and/or as the basis of face-to-face meeting in May 2020.

Age of criminal responsibility: CLA will write to the Committee of AGs and all AGs to hasten adoption of a common national age, at least 14.

Secret prisoners:

Meeting to be sought to ask ACT's Corrections and Justice Minister Shane Rattenbury whether it is possible to introduce law/regulation that ACT will not accept any 'secret' federal prisoner convicted in 'secret' trial (or alternatively, confirming MOU that the current agreement between the Commonwealth and Territory applies only to prisoners convicted in open trials). If the Commonwealth needs to house 'secret' prisoners, it should build a 'secret' jail.

CLA will also make inquiries about whether ACT (or other jurisdictions) at some stage over the past decade held 'secret' youth detainees from refugee boats. "This is not red tape, this is invisible tape," Director Elly McLean commented. Director Frank Cassidy is to check with MEAA on the status of journalists, and whether any are known to have 'secretly' disappeared.

Resignation of Director Tim Vines, due to his move to NZ with wife (and former CLA Director, Saskia Vervoorn, who has been appointed head Tourism in NZ department), accepted, with great regrets and many thanks. Discussion of possible replacement occurred.

Face-to-face meeting: Directors asked to commit to a 17 May 2020 face-to-face meeting, as part of CLA's planned once-every-two-years physical Board meeting agenda.

Meetings held:

- Chris Stamford, new member re BoR campaigns
- Kathryn Kelly re 'whistleblower' rallies
- Ann Darbyshire, ACT Legislative Assembly activities
- Caitlin Perry NT re increased reporting
- Dr Des Griffin re CLA activities, blog options and educational issues
- UN Declaration of Human Rights Day Legislative Assembly panel discussion to lift the age of criminal Responsibility, with Law Council of Australia President Arthur Moses (photo right, with CLA President Dr Kristine Klugman) and ACT Human Rights Commissioner Dr Helen Watchirs.



Tasmania report (addendum to report carried in the December 2019 CLArion):

Director Richard Griggs advised the opportunity would be taken to hold a CLA 'call to action' meeting in Hobart in late-January 2020 for Tasmanian members. He is also exploring the option of an online petition in protest against the state's driver licence photos being passed without consultation to a federal database.

WA report, by Margaret Howkins, CLA Director in WA, addendum to report carried in the December CLArion. The major activity for December is CLA's attendance, and poster presentation at the annual ANZ Society of Criminologists conference:

Report from ANZSOC conference Perth 11-13 Dec 2019:

CLA's poster presentation and handouts area was almost 'mobbed', kept continuously busy by criminology lecturers and PhD students mostly, wanting to recount their own experiences in dealings with police. People from multicultural communities seemed particularly affected, and wanted to expand on the problems around Police-Investigating-Police (PIP). People approaching the CLA presentation were uniformly worried about future interactions, as reported situations of assault and shootings by police appeared to be on the rise. The CLA conference display took extraordinary efforts and energy of the main organiser, CLA Director in WA, Margaret Howkins, and CLA members Rika Asaoka and Christina Marruffo. It was the perfect launch for CLA's national 'End PIP' push.

Photo shows CLA Director Margaret Howkins (seated left) and CLA members Rika Asaoka and Terry Flanders with the poster presentation calling for an end to Police-Investigating-Police (PIP).



INTERNATIONAL

Copper-rich island wants to be free

Bougainville has voted overwhelmingly to seek independence from Papua New Guinea, with more than 97% in favour of autonomy in a ballot where 85% of enrolled voters took part.

The referendum result binds no-one. PNG and Bougainville must now negotiate about the way forward, a process which could take years and years. The PNG Parliament will have the final say.

The historic referendum asked people whether they wanted independence or greater autonomy from PNG. It was a key part of a nearly 20-year-old peace agreement, which brought an end to a bloody civil war on the island, which is to the north-east of Australia. Up to 20,000 people, or about 10% of Bougainville's population, died during the Bougainville Civil War, fought from 1988 to 1998. Bougainville retains massive copper deposits, not yet fully exploited. <https://tinyurl.com/u8nuclq>

China faces total photo surveillance

In China, if you want to register a SIM card to your mobile phone, you'll be subjected to facial recognition scans, with a link to your ID card and/or passport.

The new rule took effect in December 2019. T'coms companies must use "artificial intelligence and other technical methods" to check the identities of people registering SIM cards. The Ministry of Industry and Information says the new regime is to protect the legitimate rights and interest of citizens in cyberspace by making mobile phone and internet users easier to track.

Human rights advocates have described the new measure as another step toward "dystopian surveillance state". <https://tinyurl.com/t7sh9xs>

Who owns the law?

Does 'the state' own the law, or do the people own the law?

The US Supreme Court is set to decide the copyright status of Georgia's official legal code, which includes annotations written by legal publishing firm, LexisNexis.

The defendant in the case is Public.Resource.Org, (PRO), a non-profit organisation that publishes public-domain legal materials. The group obtained Georgia's official version of state law, known as the Official Code of Georgia Annotated, and published the code on its website.

The state of Georgia sued, arguing that while the law itself is in the public domain, the accompanying annotations are copyrighted works that can't be published by anyone except LexisNexis. Georgia won at the trial court level, but PRO won at the appeals court level.

Could PRO just publish the un-annotated version of Georgia's code? The problem, as PRO's Supreme Court brief pointed out, is that Georgia doesn't publish an un-annotated version. The annotated version is the only official version.

Georgia publishes a free version of the law on its website, but it's not guaranteed accurate. To get the endorsed-accurate law, you must pay LexisNexis for the annotated version. <https://tinyurl.com/u9blh8m>

Note: Australian law is published online with free, open access by the commonwealth, states and territories and the inestimable Austlii, a joint service of UTS and UNSW Faculties of Law <http://www.austlii.edu.au> Austlii accepts – and survives – on donations: <http://www8.austlii.edu.au/austlii/events/2019/3/>

ODD SPOT: 'Regal orchard's main product is bad apples'

"The queen's net worth is \$38 billion (£20 bn). The undeserving rich. When the Queen goes we could decide to grow up, become a mature democracy and move into a world that is truly post-empire. The pretence of a United Kingdom could give way to something truly great. Here is Prince Andrew, essentially dethroned. His sin was not his inhumanity, but giving an interview about his inhumanity. Andrew was not one bad apple. He comes from an orchard that produces them." – Suzanne Moore, Guardian (UK) columnist 191126 <https://tinyurl.com/uprq8v3>

FBI fibs by omission, and/or is very incompetent

The US Justice Department's independent inspector general, Michael Horowitz, and his team uncovered a staggeringly dysfunctional and error-ridden process in how the FBI went about obtaining and renewing court permission under the Foreign Intelligence Surveillance Act, or FISA, to wiretap Carter Page, a former Trump campaign adviser.

The FBI's incompetence and – perhaps – criminality came to light as a by-product of the major inquiry into Trump's link to Russia. To get permission to phone tap ("wiretap" in US parlance) Page, the FBI needed formal permission from the FISA court.

Horowitz found major errors, material omissions and unsupported statements about Page in the materials that went to the court. FBI agents cherry-picked the evidence, telling the Justice Department information that made Page look suspicious, and omitting material that cut the other way, and the department passed that misleading portrait onto the court.

The report should call into question the legitimacy of the FISA system "whether you like Trump, hate Trump, don't care about Trump," Senator Lindsey Graham of South Carolina, the Republican chairman of the Judiciary Committee, said at a hearing last month.

"I'd hate to lose the ability of the FISA court to operate at a time probably when we need it the most," Senator Graham told Horowitz. "But after your report, I have serious concerns about whether the FISA court can continue unless there's fundamental reform." <https://tinyurl.com/wy82stz>

There is no reason, CLA says, to think Australia security agencies would be any more competent than their US counterparts.

UN is the villain over world child and maternal health monitoring: claim

There's a big bunfight going on in the medical world over women's, children's and young peoples' health globally, with the UN accused of being the villain of the piece.

"The burial of independent accountability would be a crime against women, children, and adolescents worldwide," according to Richard Horton, editor of *The Lancet* medical journal in the 7 Dec 2019 issue.

The notion of independent accountability had its roots in human rights principles in developments since 2011, he says.

An Independent Accountability Panel (IAP) was set up in 2016 after being requested by an expert panel which identified a need for active monitoring of governments' actions over child health and reproductive and maternal health worldwide.

Now a draft evaluation of the IAP's work, by the UNFPA Evaluation Office and leaked to *The Lancet*, draws damning conclusions and describes a catalogue of extraordinary negligence and missed opportunities by the IAP, according to Horton.

"The UN system has always been suspicious of independent accountability. It never wanted to cede ground to a group free to criticise and praise countries, agencies, or individuals. It never wished to lose control of what it saw as its mandate and its mandate alone. And it disliked giving legitimacy to those who represented a threat to its authority," Horton alleges.

“The result has been that WHO and PMNCH in particular have marginalised, excluded, and strangled the IAP’s capacity and voice.”

Note: UNFPA is the lead UN agency for “delivering a world where every pregnancy is wanted, every childbirth is safe and every young person’s potential is fulfilled”; WHO is the World Health Organisation; and PMNCH is the Partnership for Maternal, Newborn and Child Health. <https://tinyurl.com/rl6mrmmp>

Kingdom empire builds with an eye to the ladies, booze and fights

Saudi Arabia’s Prince Abdulaziz has confirmed the nation will build a new city-state in the north-west of the country – Neom – where the rules around alcohol and women’s rights would be relaxed to help attract more and bigger sports events, and western fans.

“The sky’s the limit for us in hosting events,” the chairman of the country’s General Sports Authority says. “We have a plan to change the social scene within the kingdom towards what is right, and sport is one of the fields within the 2030 vision that is achieving that goal.

“Two years ago, women were not allowed into such stadia, but because of reforms they now can. Only a month ago seven women’s football teams took part in a new competition, and if we did not promote sport that change would not have happened. Last month we launched a new tourist visa that only happened because of sporting events.”

The public comments follow the staging of the big-time boxing showdown between Anthony Joshua and Andy Ruiz Jr, which was enormously controversial for being held in Saudi Arabia.

“(The fight) is probably the high-water mark in Saudi Arabia’s whole ‘sportswashing’ process,” Amnesty International’s head of campaigns Felix Jakens (photo) said last month.

“All over the world, countries are using sport to promote a welcoming picture on the international stage, which often masks a very different reality for ordinary people living in those countries – and when the media circus rolls out of town, things go back to being as bad as they ever were.” <https://tinyurl.com/vmecrnl>



ODD SPOT: DNA can be two-faced, and even semen swapping

Three months after his bone marrow transplant, Chris Long of Nevada USA, a leukemia sufferer, found out that the DNA in his blood had changed – replaced by the DNA of his donor, a German man he had exchanged just a handful of messages with.

And four years after his lifesaving procedure, it was not only Long’s blood that was affected. Swabs of his lips and cheeks contained his DNA, but also that of his donor.

Even more surprising to Long and other colleagues at the crime lab where he worked, all of the DNA in his semen belonged to his donor. “I thought that it was pretty incredible that I can disappear and someone else can appear,” he said.

Long had become a chimera, the technical term for the rare person with two sets of DNA. The word takes its name from a fire-breathing creature in Greek mythology composed of lion, goat and serpent parts. <https://tinyurl.com/s7cjeqc>

International briefs

‘Foreigners’ suspect: President Vladimir Putin has signed a new law allowing Russian authorities to declare journalists and bloggers “foreign agents” in a move which will permit targeting government critics. Russians and foreigners who work with media or distribute their content and receive money from abroad can be declared foreign agents, potentially exposing journalists, their sources, or even those who share material on social networks, to foreign agent status. As well, the law requires all smartphones, computers and smart TV sets sold in the country to come pre-installed with Russian software in an effort to overcome the dominance of foreign companies like Apple, Samsung and Huawei. <https://tinyurl.com/wqfytqj>

We got it wrong, apologies for a boo boo: An eagle-eyed CLA member has advised us that the December 2019 *CLArion’s* international news refers to a 2012 US supreme court case, https://en.wikipedia.org/wiki/United_States_v._Jones. That court ruled that it is ILLEGAL, not legal (as we said), for US police to attach a GPS device without a warrant. The article we cited: <https://arstechnica.com/tech-policy/2012/01/supreme-court-holds-warrantless-gps-tracking-unconstitutional/> had it right.

Top judges order killing by the rules: The US Supreme Court has become exasperated with US Administration attempts to kill people by any “method”, and ruled against them in a case that says the “manner” – all the circumstances – around someone’s execution must be done properly in line with state law. The justices endorsed a block on the execution of four federal prisoners whom A-G William Barr had hoped to kill in December and January. He will now have to wait for their appeals to end. Each prisoner argues that the federal government has run afoul of the Federal Death Penalty Act (FDPA) in its quest for speedy executions. The law also compels the execution of federal prisoners “in the manner prescribed by the law of the State in which the sentence is imposed.” <https://tinyurl.com/t2cwau3>

DATES:

2020:

7-9 Jan, Paris: 6th annual Global Law Conference, Speakers/topics include: Justice Stephen Gageler, High Court of Australia – Collective decision-making in common law and civil law courts; Justice Martin Daubney, Supreme Court of Queensland and President of QCAT – Judges in the Age of Disruption; Judge Iulia Motoc of the European Court of Human Rights – The Modern Justiciability of Human Rights; Dr Matt Collins, President, Victorian Bar – Press freedom in the 21st century: the internet, jury trials and anti-terror laws; and Pierre Baume, Barrister, Victorian Bar – To die or not to die – I now choose to die! Details: <https://tinyurl.com/wg68dmlm>



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>

29 Feb-1 March, Canberra: Sentencing conference. Judges, academics, policy makers and other experts will analyse sentencing of Aboriginal and Torres Strait Islander peoples, and sentencing in historical child sexual abuse cases. Details: <https://njca.com.au/course/anu>

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>

16-18 April, Melbourne: National Treaties Summit conference, gathering of First Nations representatives, leading academics, politicians and supporters to engage in a national dialogue of agreement-making and treaty. Venue: U. of Melbourne. Details <https://tinyurl.com/r4qx42n>

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

?? June , Perth: 2nd Practical Human Rights symposium, Curtin Uni, including WA and national human rights charter proposals and social reinvestment. Details: <https://tinyurl.com/v5q5een>

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

2-3 July, Canberra: State of the Pacific conference, ANU. Details: <https://tinyurl.com/vclsw8z>

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

27-29 July, Sydney: 2020 National Closing the Gap Indigenous Health Conference. Info: <https://www.indigenoushealth.net>

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>

7 Dec, Canberra: Inaugural director of CIPL (see below), Professor Philip Alston, of NYU Law and UN special rapporteur on extreme poverty and human rights, will deliver the annual ANU Geoffrey Sawer Lecture at 6pm on 7 December 2020. Info: <https://tinyurl.com/u99bbks>

8-9 Dec, Canberra: Public Law and Inequality, major international conference to mark 60th anniversary of ANU Law and 30th of the Centre for International and Public Law at ANU Guest speakers include Prof Julie Suk of the City U. of New York (left) and Prof Asmi Wood of ANU (right) <https://tinyurl.com/vfmsqaz>

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.

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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