

*NOTE: Please vote in the current AGM – you will receive a voting 'token' by email this month. Approval is needed to make important proposed changes to the CLA Constitution.*

### Be prepared!

Be prepared for some highly controversial matters to be dangled before the Australian people when the government thinks the time is right over coming months.

For example, the proposed Religious Freedom legislation is due for tabling soon. It has more spikes than a railway line.

Inquiries and reports on domestic violence, aged care, climate change/renewables, the future of coal, bushfire prevention/preparation (including more expenditure) will all be on the near-future agenda. There's compensation in sexual assault matters, and NDIS issues...as well as internal ructions rumbling away.

### Divisions remain, as major issues to fore

The divisive measures – above – as well as others will come to the fore later this year as the Coalition itself continues on shaky leadership grounds.

The Nationals' troubles are well known, with Barnaby Joyce and Senator Mathew Canavan stalking the leader, Michael McCormack. But Prime Minister Scott Morrison also remains wounded – not critically so far – by his problems over Hawaii holidaying and mishandling bushfire matters, among other miscalculations.

In the wings, predators await, silently in the case of the Liberal Party. The two main contenders are Minister for Immigration and Home Affairs, Peter Dutton of Qld, and Attorney-General Christian Porter of WA. Neither is known for a deep and abiding concern for civil liberties and human rights.

### Porter refused special action to help reduce Indigenous imprisonment

Christian Porter, Attorney-General, has a large baton in his knapsack. He purposely stayed entirely removed from either side in the Turnbull necking that installed Morrison as Liberal leader in August 2018.

Porter is to the hardline right of the Liberal Party. On Australia Day 2009, before Porter had switched to the federal parliament and when he was the Attorney-General in WA, and also Minister for Corrective Services, CLA asked him to make a personal commitment to a target of reducing Aboriginal imprisonment in that state – he refused to undertake to do so. Indigenous people comprise 39% of the WA prison population.

Here is the current relative rate of imprisonment of Aboriginal and Torres Strait Islanders in WA by comparison with the rest of Australia (rate per 100,000 people). This shameful graph is a direct legacy of Porter's unwillingness to instigate special action to tackle the issue in a meaningful way back in 2009. (See also 'WA Police have a "white-out" policy on driver fines' later in this newsletter).

If you can't read the fine print, the high bars in each state represent the rate of Aboriginal jailing, and the low bars the rate of non-Aboriginal jailing, per 100,000 of each category in the Australian population. Bar chart from Report on Government Services (ROGS) 2020: <http://tinyurl.com/qombv8k>

### Dutton has vigilantes ready and waiting

The other main leadership candidate is Peter Dutton. Most of his anti-civil liberties and human rights excesses are well known.

They include refusing people – refugee claimants – urgent medical attention for days and weeks while locking them up for years on Manus and Nauru island jails created and funded by his department.

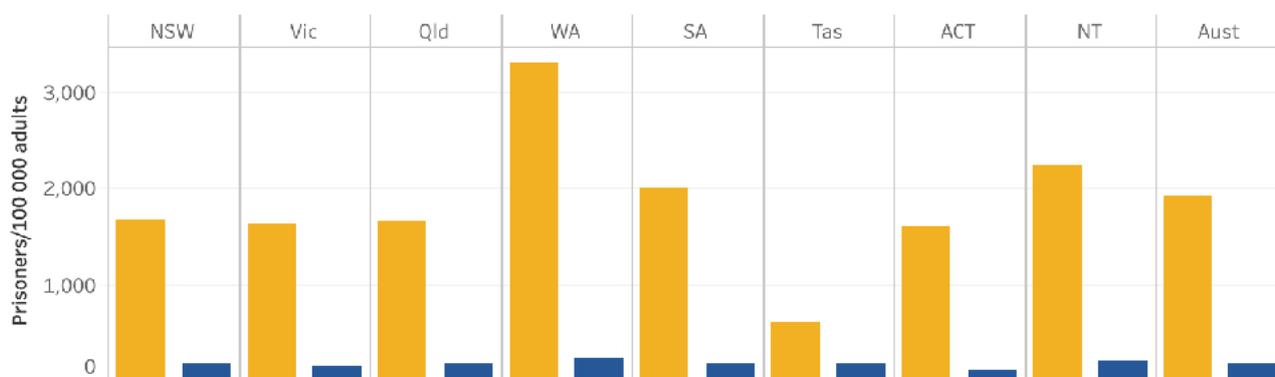
But, insidiously, he has another 'sleeper' up his sleeve. He is planning a national register where anyone can look up the photo and details, including the suburb/area in which they live, of registered sex offenders who have served their time and have been released from prison.

Minister Dutton's official documents describe it like this:

"...information about registered child sex offenders available on a central, searchable public website. For example, the website could include a convicted offender's name, aliases, date of birth, photo, physical description, general locality, general nature of offending and period of registration."

Dutton unleashed this recipe for vigilantism in January 2019, in preparation for wheeling it out before the 2019 election. But he has so far kept his powder dry: the proposal is in limbo.

Figure 8.2 Age standardised Imprisonment rate per 100 000 adults, 2018-19 by jurisdiction, by Indigenous status



Source: table 8A.5

Data tables are referenced above by a '8A' prefix and all data (footnotes and data sources) are available for download from the supporting material below (both in Excel and CSV format).

■ Aboriginal and Torres Strait Islander      ■ Non-Indigenous

CLA, all civil liberties and human rights bodies, and – we believe – all state and territory governments consulted on the proposal said the same thing: it is a potential disaster, which will cause mob violence on the streets and see people maimed and killed.

The scheme sits in Dutton's knapsack in a department where black-shirted staff are preparing the legislative imprimatur to let loose on streets throughout Australia many possibly brown-shirted packs of vigilantes.

As federal MPs concentrate internally on themselves, and on what makes them look good and/or strong, the rate of churn in the government is unlikely to lessen.

### **ODD SPOT: The cost of turmoil**

"The government has had five defence ministers, five veterans' affairs ministers, six social services ministers and four employment ministers since it took power almost seven years ago." – David Crowe writing in the *SMH*. <http://tinyurl.com/s8cpa5m>

### **Scientist baffled by Oz politicians' lack of moral compass**

"I've had to deal with seven prime ministers and 35 to 40 ministers in various guises and various levels of competence," former chief scientist and ANU vice-chancellor Prof Ian Chubb (photo) told a Senate hearing last month.



"So I know a bit, I've seen a lot and I've got ample cause to be anxious. I find the present state of the country depressing and the future as I see it uncertain."

He said Australians wanted valued and principled leadership: "– straight honest, open, persuasive, insightful, smart, intelligent – but instead we're 'treated like mugs' by self-interested politicians.

"It's too often power without wisdom, we get cliches thrown around as if they mean something. We see expertise belittled and cherry picked. Climate change is a great example of that."

He criticised the AFP decision to drop an investigation into a Minister signing and sending a letter containing a blatant falsehood in a bid for political gain against an opponent.

"Every drip on a stone is integral to the integrity of the stone, every single drip," Prof Chubb said. "And if low level harm is OK for public officials to use to try to get an advantage over others then I don't know where this country is heading."

### **SIC strikes again!**

UK Foreign Secretary Dominic Raab made his first overseas trip since the Brexit process to Canberra to strengthen trade ties with Australia.

The visit came just after Britain became the first of Australia's "five-eyes" intelligence allies to announce it would use Huawei equipment in its new phone and data network.

The *SMH* reported Labor's deputy chair of parliament's "security and intelligence committee" (SIC), Anthony Byrne strongly criticised Mr Raab in the confidential discussions.

"How would you feel if the Russians laid down infrastructure in your own networks? That's how we feel about Huawei," Mr Byrne reportedly told the visiting British Minister.

With no-one denying the comments were made, and the British side very upset about the public airing of private security discussions, it seems the least secure – most leaky – entity in Australia is the parliament's SIC body. <https://tinyurl.com/vme84xv>

For years CLA has said it is the Australian parliament's worst committee. It does not represent the parliament or the people, comprising Liberal and Labor MPs only.

And it takes its orders from the CIA and the US Administration over the Chinese telecoms company Huawei, as became obvious from a speech in parliament's second chamber after the SIC senior representatives had returned from being given their US riding instructions.

The SIC committee desperately needs overhauling, CLA has said for years. At least half its members should come from people who don't have a background in the military/spook/police sectors.

### **Whistleblower seeks help to fund barrister**

David McBride, the ADF lawyer who blew the whistle on possible crimes in Afghanistan, has decided to have legal representation.



Until now, he has defended himself in court.

McBride (photo) has opened a crowd funding appeal to assist with his legal costs. If you would like to help, go here: <https://www.gofundme.com/f/50-years-in-jail-for-whistleblowing-on-the-ADF>

CLA member Kathryn Kelly organises protests outside the ACT courts complex for McBride and for Witness K and Bernard Collaery when their cases come up for hearing. She says:

"David's prosecution is a travesty of justice: the wrong people have been prosecuted. He gave documents to the ABC after which the ABC offices were raided by the AFP. The prosecution is a threat to democracy and to all of us."

### **ODD SPOT: Defending Australia by video**

Defence advised that in 2018-19, it published 485 videos and 19,766 photographs on its publicly available video and image galleries. In 2019-20, 186 videos and 13,733 photographs have been published as at December 2019. – ANAO report into Defence spinners <https://tinyurl.com/rkmanfp>

### **Government spends up big using our money**

The federal government spent \$311 million in six weeks over the Christmas-New Year period, without approval by parliament before the spending spree.

News Corp – belonging to US citizen Rupert Murdoch – received \$345,000 to build a spelling bee website.

The Committee for Delegated Legislation, led by former Liberal frontbencher senator Concetta Fierravanti-Wells, has spoken out about lawmaking and spending the government has been sneaking through without having to win over the Senate crossbench.

Under "delegated legislation", or regulations as they are more commonly known, much government activity does not have to pass parliament. However, there is a failsafe option for overturning the activity by a successful disallowance motion within 15 sitting days of the regulation being made.

But, if parliament is not sitting, there's no public review of the government's largesse. The Australian National Audit Office has pointed out the propensity of the government to distribute cash to its own advantage more than for the balanced good of entire population.

Concetta's committee has highlighted more than \$300m in government spending implemented without getting laws passed in parliament over six weeks in Dec 2019 and Jan 2020. <http://tinyurl.com/vrlc3oo>

The use of regulations, formally known as delegated legislation, has exploded in recent years, from around 850 a year in the 1980s to around 1700 now.

The Committee for the Scrutiny of Delegated Legislation received a new name as well as extended powers and functions late in 2019. <http://tinyurl.com/qrxwqkl>

Civil Liberties Australia has long complained about how regulations were rushed through without attention being paid to them. For example, when Army regulations are changed, they get a quick nod although they affect some 47,500 employees of the federal government.

Before being put to parliament, there is consultation on them... but guess who gets consulted? Not the 40,000 plus troops who must live under the taut yoke of the regulations, but only the 7000-odd officers who are the primary enforcers of them.

Even people like Porter and Dutton should appreciate the wholesale unfairness of such a tilted and twisted process.

## Faceless bureaucrat obviously leads the PM

*The Guardian* reported last month that Nationals MP Damien Drum argued Minister Bridget McKenzie had been correct to allocate sports grants rather than follow the recommendations of Sport Australia.

"We want a government that has ministers that lead their departments. We don't want to have a government where a department, faceless bureaucrats, lead the ministers." <https://tinyurl.com/wyoy63b>

How come then that the 'faceless bureaucrat' Phil Gaetjens, Morrison's former chief of staff, now head of the Prime Minister and Cabinet department, was the one who decided that McKenzie had breached ministerial standards?

Why didn't the minister who is head of PM&C, Scott Morrison, act without input from Gaetjens – it was the PM's standards in question, not those of the faceless bureaucrat. (For a photo of the faceless one, see the February 2020 edition of this newsletter, the *CLArion*).

## ODD SPOT: 'Nearer My Trump To Thee'

PM Scott Morrison apparently visited the ultra secret, US-run Pine Gap intelligence base near Alice Springs last month. Coupled with a newly-promised \$1.1 billion extra spending on Tindal air base near Katherine in the NT, there appears little doubt that a major announcement of greater ties between Australia and the USA is in the offing. Such a big 'reveal' – maybe US troops and aircraft stationed permanently in Australia – may bring to our country US President Trump, possibly before the 2020 US election. His divine appearance before a supine Australian government and opposition would allow them to pay homage and sing "Nearer My Trump To Thee". The pomp and ceremony may have to occur mainly at a remote airbase, as Trump would receive a quite different 'welcome' from the general population in most Australian capital cities.

## It's time to face the inequity of facial recognition

Facial recognition technology is much poorer at identifying dark-skinned faces than light ones.

So Australia's Indigenous people will – yet again – suffer disproportionately if Minister Peter Dutton's Home Affairs Department gets the go-ahead for its 'big brother' drivers' licence database.

Tasmania and Victoria have already handed over all their driver images, before federal legislation is in place to provide safeguards.

Experts in the technology, and in privacy matters, are speaking out against the potential inequity. <https://tinyurl.com/wkb7hf8>

Dr Sarah Moulds, a lecturer in law at the University of South Australia and an expert in human rights, counter-terrorism and anti-discrimination law, told the ABC's Fact Check there was a very limited legal framework by which to protect people against misidentification by facial recognition technology.

"If the matching process is flawed or flawed more for [a specific racial] cohort, then the risk of a false positive increases and it is very difficult to challenge a false positive," she said.

"The existing data protection and human rights norms are applicable to face recognition technology, but the existing frameworks don't provide a sufficiently robust, nor sufficiently precise way of regulating face recognition technology." Note: Dr Moulds is a member of CLA.

Here's some facial recognition articles, re Scotland, Russia, Facebook and London:

<https://www.bbc.com/news/uk-scotland-51449166>

<https://www.bbc.com/news/technology-51324841>

<https://www.bbc.com/news/technology-51309186>

<https://www.bbc.com/news/uk-51237665>

## Hearings to consider 2019 federal election

Parliament's electoral committee is holding hearings throughout Australia as part of its inquiry into the 2019 federal election.

For more information (perhaps you'd like to have a say, or just to attend and hear what others are saying?): Committee Secretariat 02 6277 2374 [em@aph.gov.au](mailto:em@aph.gov.au) Here is the schedule of hearings:

Melbourne: Monday, 16 March; Cliftons venues, 440 Collins St  
Sydney: Tuesday, 17 March; Masonic Centre, 66 Goulburn St  
Adelaide: Friday, 20 March; Old Parliament House, Nth Terrace  
Hobart: Monday, 30 March; Parliament House  
Brisbane: Thursday, 2 April; Queensland Parliament House

Darwin: Monday, 20 April; Parliament House  
Perth: Tuesday, 21 April; Legislative Council Committee Office, 18-32 Parliament Place, West Perth  
Canberra: Friday, 15 May; Committee Room 2S3, Parl House.



## Hinchcliffe heads ACLEI to root out corruption

Ms Jaala Hinchcliffe now heads Australian Commission for Law Enforcement Integrity (ACLEI).

She was the deputy Commonwealth Ombudsman from November 2017.

For two years before that, Hinchcliffe was an assistant secretary in the Department of Parliamentary Services. She held

senior executive positions in the Office of the Commonwealth Director of Public Prosecutions from 2007 to 2015.

ACLEI is the agency responsible for detecting, investigating and preventing criminality and corruption in federal law enforcement agencies, in other words, the government's police and spooks.

Hinchcliffe replaces Michael Griffin. ML <https://tinyurl.com/uwj3bb4>

## DV deserves a more balanced approach

Domestic violence was highlighted and underlined by the petrol-fire in car killing of a wife and her three children by the husband last month.

Civil Liberties Australia has long campaigned for balance in policing and security by the federal, state and territory governments and their investigative and enforcement bodies.

There is no balance when squillions of dollars have been mis-allocated over the past 20-odd years, since Sept 2001's aircraft attacks on America, to terrorism in Australia.

There have been massive increases in security personnel (up more than 300%) and police (up about 250%) resources devoted to terrorism since 2001. "Elite" sub-forces now style themselves "Tactical Terrorism Response" groups, for example.

The budgets for gear and equipment and technology have gone through the roof...as have new laws dedicated to anti-terrorism (more than 100, by CLA's estimate).

In Australia, a few people – at most, depending on whether you classify a murder as a terrorist act or mental health issue– have died due to terrorist attacks over the past 20 years.

Meanwhile, women and children have been killed almost every week over the past 20 years as a result of domestic violence, probably some 1000 or so.

It's long past time the male-dominated police and security services of Australia had their macho anti-terrorist mien and posturing reined in, and they were instead better deployed in a balanced way to tackle an ongoing scourge.

Failing to tackle DV is a clear example of how skewed the expenditure of governments is.

### **Police fail to prosecute sexual assault cases**

Nationally, police rejected 9% of sexual assault reports in the 10 years to 2017, the period for which the *ABC* was able to obtain statistics for every state and territory.

NT Police rejected 15% of reports during this period.

Police routinely misclassify sexual assault reports, sometimes labelling genuine reports as "unfounded", research from both Australia and overseas has found.

In some cases, including in NSW, withdrawing a report was taken as evidence that the victim had been lying – a deeply problematic practice, according to experts.

A report is "withdrawn" when the victim instructs police not to take further action. Some states/territories require formal affirmation. Others, including the NT, do not.

Complaints that are withdrawn are considered "cleared" in every state and territory except South Australia. <https://tinyurl.com/wq2ox6k>

### **States and feds fight over data sharing**

There's a battle going on between the pro-people states and the pro-Big Brother federal government over a national data sharing bill.

Stasi-Central – also known as the Dept of Home Affairs – wants total control and management of all data use under the Data Accountability and Transparency Act (DATA) bill. The act would override a current raft of legal provisions that prohibit or inhibit data sharing between federal agencies.

DHA wants a wishy-washy, subjective test with five tick-points of what can be shared, with no mandatory personal consent, that would give them free access to virtually all public and private data.

NSW Minister for Customer Service, Victor Dominello, is leading a state push for a broader and more objective test, involving 10 tick-points and mandatory personal consent where appropriate.

The federal Minister for Government Services, Stuart Robert, has carriage of the bill. His care for the public and taxpayers was evidenced when he was caught out claiming a \$3000 a month internet habit on the public purse. Seems like a lot of money to an ISP or two for a person who is supposedly an IT expert, CLA noted at the time.

The *SMH's* Tom Burton pointed out last month that the provisions code would initially be restricted to the Commonwealth, but are sure to soon become the national legal framework for national and state services, such as the birth of a

child or the death of a parent, pre-filled forms and "tell-us-once" functions.

But the same rules are likely to apply to data collected, as well as the data private service providers use to deliver "enhanced" services. The system will quickly become open slather for business abuse, including marketers, data manipulators with evil intent, political parties and the like.

"Federal policy-makers are highly aware the bill could be stymied by privacy advocates, following controversy surrounding the use of data analytics to pursue welfare debt and the establishment of the My Health record," Burton wrote. Let's hope so, CLA says, being ourselves a strong privacy advocate.

The newish National Data Commissioner, Debra Anton, appears to be both an advocate for data sharing and also the regulator when things go wrong or agencies don't comply, a hopelessly conflicted position. <https://tinyurl.com/vqadbul>

### **Campaign continues for more R2A laws**

Civil Liberties Australia continues to push for introducing a 'Right To Appeal' (R2A, in our shorthand) to more states and territories throughout Australia.

The R2A provision in Crimes Acts gives a convicted person a second chance to appeal if "fresh" and "compelling" evidence is available. In legal terms, "fresh" is close to the word "new".

An R2A law passed the SA Parliament in 2013. Under it, Henry Keogh won freedom after 19 years of wrongful imprisonment. He received \$2.8m in compensation from the state.

The same provisions passed into Tasmanian law, after a campaign initiated by CLA, in 2015. It is the law under which Sue Neill-Fraser's second appeal is imminent, starting in May 2020. She has been in jail 10.5 years – wrongfully convicted, CLA believes.

The office of the ACT Minister for Justice, Shane Rattenbury, reports that the ACT Attorney-General, Gordon Ramsay, has said that an R2A discussion paper should be coming to cabinet "soon". In this context, "soon" probably means some time in March-April 2020.

### **Death Board to review child cases**

Queensland is setting up an independent Child Death Review Board to examine child death cases.

Attorney-General Yvette D'Ath said the board would systemically review child deaths to examine the roles of government agencies before the death.

"The loss of a child, in any circumstances, is a tragedy," Mrs D'Ath said. "When a child known to the child protection system dies, it's imperative that we learn from these tragedies and, where possible, help prevent future deaths.

"Child Safety and the Director of Child Protection Litigation are already required to conduct internal systems reviews where they've had involvement with a child who has died or suffered a serious physical injury. The requirement will now be expanded to health, education, community and justice services, that support vulnerable children and families." – media release 200205

The state moved to set up this board before the alleged arson deaths of three children, with their mother.

### **Productivity report looks to build a safer Qld**

The Qld government has failed to respond positively to a finely detailed report into imprisonment and recidivism, rejecting a proposal to decriminalise illicit drugs.

Doing that would cut the number of people in prison by 20-50%, the Qld Productivity Commission (QPC) report pointed out, saving more than \$100,000 per prisoner per year and avoiding

**Table 6.1 Characteristics of Queensland prisoners compared to the general population**

Characteristic	Prisoners (%)	Population (%)
Male	90.5	49.4
Aboriginal or Torres Strait Islander	31.1	4.6
Median age (years)	33.4	36.4
Foreign born	12.4	28.9
Completed Year 12	18.8	61.7
Not completed Year 10	32.5	19.0
Employed	25.8 <sup>a</sup>	61.6
Unemployment rate	51.9 <sup>a</sup>	6.2
Sleeping rough or in temporary housing	33.3 <sup>a</sup>	0.5
High or very high psychological distress	32.1 <sup>a</sup>	11.9 <sup>b</sup>
Taking mental health related medication	26.3 <sup>b</sup>	18.2
Very good/excellent self-reported health	20.8 <sup>a</sup>	55.0
Disability limiting activity, employment or education	35.0	18.3
Daily smokers	62.1 <sup>a</sup>	12.2
Taken any illicit drug in the past year	61.7	16.8
Used methamphetamines in the past year	38.3 <sup>a</sup>	1.5
Used marijuana in the past year	36.3 <sup>a</sup>	10.3

*a Prior to entry to prison.*

*b Based on national data.*

Sources: ABS 2008, 2015b, 2016a, 2018k, 2018m, 2018g, 2018h, 2018e; AIHW 2018d, 2018c, 2018b, 2019c.

spending of billions more on building prisons over the next few years.

Admitting the report was a comprehensive review into the options for how to proceed with dispensing justice in Queensland, Deputy Premier Jackie Trad said the state would not decriminalise minor drug use.

The 516-page report found it costs \$111,000 in direct costs each year per prisoner, with another \$48,000 per year in indirect costs.

The QPC report estimates that in order to address the growth in prison numbers, Queensland would need to invest an additional \$3.6 billion in the next five years to house an additional 4,200 prisoners.

The report found:

- Indigenous Queenslanders are three times more likely to be imprisoned than non-Indigenous Queenslanders.
- Women are imprisoned at lower rates than men, but the rate of female imprisonment is climbing.
- Almost half of all Queensland prisoners are likely to have been hospitalised for mental health issues or to have had a history of child protection.
- Courts are issuing prison sentences more often.

The QPC report and government response are available [here](#)

CLA's review of the report is available on the CLA website: 'Prison report is blueprint for saving \$billions, overhauling justice' <http://tinyurl.com/rf9mhum>

### CLA promotes QPC report to all jurisdictions

CLA has written to all Australian Attorneys-General and Corrections Ministers to urge them to adopt the recommendations of the QPC report (see above).

The analysis and prognosis produced by the the QPC applies throughout Australia.

Without curbing expenditure on prisoners and prisoners, the current "law-and-order" proclivity of both Coalition and Labor governments throughout Australia is going to send us all broke.

The problem is that huge increases in public money spent on prisoners and prisons, on police and security, are reducing the money on education, health, social services, arts and culture.

It is obvious how skewed spending on the unrealised major threat of terrorism over two decades has cost society because of the lack of concentration on domestic violence offences.

It is not so obvious – but is equally true – that politicians and their self-centred law-and-order political campaigns, with more prisons, are costing non-criminal citizens money and opportunities across our lives.

### State passes law to help fight gender inequality

Victoria has passed a Gender Equality law to help fight discrimination and gender barriers in the workplace.

Minister for Women Gabrielle Williams said the law was an Australian first and represented a once in a generation opportunity to influence policy, social norms, cultural expectations and attitudes across Victoria.

It requires public sector organisations, universities and local councils to implement Gender Equality Action Plans every four years – including data on the current state of gender equality in the organisation and strategies for achieving workplace gender equality. Progress will be reported on every two years, with results made public.

Organisations will also need to undertake gender impact assessments, ensuring that policies, programs and services consider the different needs of Victorians of all genders.

There will be a Public Sector Gender Equality Commissioner to provide independent oversight of the reforms – educating, monitoring progress and ensuring compliance.

## Strip search inquiry folds

The Law Enforcement Conduct Commission of NSW has abandoned further hearings in the inquiry which uncovered evidence of the widespread misuse of strip search powers by police in NSW.

Public hearings into the psychological impacts of strip searching on minors, scheduled for early 2020, have been shelved. Earlier hearings revealed police had grossly misused their search powers, and had subjected a 16yo girl and 15yo boy to highly intrusive naked searches.

The inquiry's closedown comes after the NSW government effectively sacked – did not renew – chief commissioner Michael Adams' appointment as inaugural head of the LECC, which is charged with rooting out corruption in the state's police.

Adams is a straight-shooting former NSW Supreme Court judge who pushed for the strip search inquiry.

He fell foul of the powerful NSW Police Association after telling a parliamentary inquiry there was "significant corruption" within the ranks of NSW police. "Otherwise, for example, bikie gangs could not be the major manufacturers of methamphetamine in NSW," Adams said.

Though an inescapable conclusion from how drugs are made and sold in NSW, and in Australia, nobody in a position of authority had previously stated the obvious.

The Adams' sacking apparently confirms what he was saying... as well as demonstrating how true power in NSW lies outside the houses of parliament.

The state government has ensured the LECC is toothless by denying it adequate funding: LECC's 2018-19 annual report says the organisation was only able to fully investigate 2% of 2547 complaints against police. <https://tinyurl.com/vxahz9p>

The acting LECC commissioner replacing Adams is Reginald Blanch QC. <https://tinyurl.com/v876l8t>

## ACT expands its surveillance massively

The ACT has recently expanded its CCTV network with new cameras at an inner-city park.

The government spent \$100,000 to install four cameras providing high definition, 360-degree coverage.

"Little" Canberra – only 400,000 people in the ACT – has spent \$975,000 over four years to expand CCTV surveillance in public areas and at bus interchanges, according to a media release. That amount would suggest 40 or more new cameras have been added in recent times.

The cameras are connected to a public CCTV network occasionally monitored by ACT Policing.

In 2018-19, ACT Policing used footage from the network 277 times to investigate crime and support court proceedings. It reacted 79 times to incidents captured by live monitoring, a media release said.

The network operates in line with the Territory's human rights, privacy and records laws, the government claims. Their plan includes 18 activities and a three-year blueprint to help to keep Canberrans safe...so the government says. However, as Civil Liberties Australia, we were involved from the outset in drafting the plan and, for some years, we sat on a monitoring panel.

That panel has not met for many years, so far as we are aware.

A copy of the CCTV Plan is available at [www.justice.act.gov.au](http://www.justice.act.gov.au) or from Access Canberra on 13 22 81.

– Minister for Police, Mick Gentleman, media release 200123, Note: Gentleman is a former CLA member.

## Parke sues over alleged derogatory claims

Former Labor MHR Melissa Parke is suing Liberal MHR Dave Sharma (Wentworth, NSW) for defamation over a tweet in which he allegedly accused her of anti-Semitism and "trafficking in conspiracy theories".

Parke withdrew as the ALP's candidate for WA's Curtin electorate when the furore broke in the media, just before the 2019 federal election. She said she did not want false claims against her to distract from Labor's chances.

Parke is also suing Colin Rubenstein, executive director of the Australia/Israel & Jewish Affairs Council, and the News Corp Melbourne tabloid, the *Herald Sun*, over separate publications including a front-page story that allegedly portrayed her as an anti-Semite. <https://tinyurl.com/tvj8peg>

NB: Melissa Parke is a long-standing member of CLA.

## WA Police have 'white-out' policy on driver fines

Aboriginal drivers received 3.2 times more fines from being pulled over by police than non-Aboriginal drivers...when tickets were issued by traffic cameras, Aboriginal drivers received slightly fewer penalties on average than non-Aboriginal drivers.

A five-year analysis by a now defunct internal evidence-based research unit of WA Police included 69% of all drivers in WA, and showed a "notable ethnic disparity" in the issuing of traffic fines.

On average, the report found, Aboriginal drivers in WA receive 1.75 times more penalty units over their lifetime of driving than non-Aboriginal drivers. That is about \$1260 more in fines for Aboriginal drivers, "almost entirely driven by police-initiated, on-the-spot infringements", the *Guardian* reported.

It also found Aboriginal drivers were carrying 6.2 times more unpaid fines – amounting to a debt of \$2327.

The biggest disparity was in the issuing of infringements for not wearing a seatbelt, where Aboriginal drivers received 19.2 times the number of fines. <https://tinyurl.com/ufvpyyh>

## WA to introduce safe access zones.

WA will adopt safe access zones operating 24/7 around women's health and abortion clinics, leaving SA as the only state without such laws.

The zones, for which CLA has campaigned throughout Australia, protect the safety and wellbeing of women accessing abortion services as well as health staff.

There will be a 150-metre buffer around relevant premises to prevent abortion-related demonstrations close to these premises

There is currently a bill before the South Australian parliament to introduce similar safe zones.

The WA government held community consultation early in 2019, and last month released a report entitled Safe Access Zones. There were more than 4000 submissions from the public and 40-plus public and private organisations: 70% of people support the protective zones. <https://tinyurl.com/sj7ttl9>

## Homeless Aboriginal women to get a break

Victoria is to get new accommodation providing stable transitional housing for Aboriginal women facing homelessness when leaving jail.

The government has kicked in \$840,000 towards the Aboriginal Women's Transitional Housing Facility to reduce the incarceration rates of Aboriginal women who are over-represented.

There are six one-bedroom units: some can access a second bedroom for mothers with children.

The Victorian Aboriginal Legal Service and Aboriginal Housing Victoria are managing the project, which will include an intensive case management service for Aboriginal women on-site.

The Victorian budget 2019/20 allocated \$93.2m in programs and services focused on keeping high-risk people out of the legal system, with \$20m going towards reducing the incarceration of women. <https://tinyurl.com/s57uu73>

## Prisons galore as state opens its coffers to lock up more people

Prisons Minister Ben Carroll has turned the first sod on the huge new Chisholm Rod jail site, next to Victoria's notorious Barwon Prison, to hold an extra 1200 prisoners.

The government has opened or funded 5000 new prison beds since coming to office, including more than 1600 through the \$1.8 billion allocation in the Victorian Budget 2019-20.

There's no surprise prisons are costing the government increasingly massive amounts – the Labor Government media release says "As Victoria grows and our 3135 new police officers hit the beat...".

As Queensland's Productivity Commission report says (see above), Australia is on a massive spiral of prisons and police devouring increasingly large percentages of taxpayers' money that should be going to reducing offending in general, a ramped-up campaign against domestic violence, and not locking up people for months for minor offences, like having a few grams of marijuana in your pocket.

Governments will have to wake up eventually that the system can't continue like this: hundreds of millions of dollars are being spent to keep people in jail at \$300-plus a day. Many of them are in prison for non-violent, minor offences; they could be housed in luxury hotels in the CBD or at relaxing rural lifestyle resorts at less cost.

Why taxpayers continue to fall for the self-serving "law and order" campaigns of politicians and candidates is a mystery. In Australia over the past 20 years, murders are down, and general crime is down. However media headlines are larger and shout-ier, shock jocks more rabid and red-necked, and would-be-politicians know no better than to repeat, like cockatoos, "Polly wants a jail or two."

## Are these legitimate police tactics?

The former investigator of the William Tyrrell (Spiderman suit) disappearance, Gary Jubelin, told Downing Street Local Court in Sydney last month that he made recordings to protect himself in the event a person police were targeting, Mr Paul Savage, lodged a complaint or harmed himself.

"He's a volatile person. I'm pushing buttons. I'm poking him," Jubelin said of one of the occasions a recording was made. "Everyone was aware I was going there to stir him up. I felt I needed to protect myself."

Jubelin is facing charges he illegally recorded conversations with elderly Kendall resident Savage which the Crown alleges were not covered by surveillance warrants.

Perhaps the NSW Police might explain whether Jubelin's admitted behaviour in pushing, poking, stirring up a suspect was the subject of an internal charge against Jubelin before he retired. If not, CLA calls on the NSW Police Commissioner to make a public statement that such police behaviour is illegal. <https://tinyurl.com/tsg2khu>

## Fighting for right to remain private, untracked

If privacy matters to you, you may care to partially or totally de-Facebook you life. Here's some advice:

How 'Big Brother' Facebook makes a zucker out of a user:

**'Facebook will now show you exactly how it stalks you':** <https://tinyurl.com/uou4rn4>

Reducing how much you are tracked:

**'How to Change Your Off-Facebook Activity Settings':** <https://tinyurl.com/wp2g25s>

## Australian briefs

**Guns will bring greater sentences:** People who kill someone with a gun, but are not convicted of murder, may spend 25 years in jail in Victoria under a new 'homicide by firearm' offence. The maximum penalty for manslaughter goes up by five years to 25 years, and applies to industrial manslaughter as well as child homicide. The new laws will also increase the maximum penalty for any manslaughter offence by five years to 25 years. <https://tinyurl.com/rjhpw5h>

**Fryar appointed:** Former ACT Magistrate Karen Fryar is the new President of the Legal Aid Commission of the ACT. She was the territory's first female magistrate in 1993. She replaces the outgoing head, former ACT Chief Minister Jon Stanhope. – media release, AG Gordon Ramsay 200131: ML

**'Ban the bomb':** Qld Mines Minister Dr Anthony Lynham is trying to "ban the bomb" for people with domestic violence orders against them: he says they may no longer hold an explosives licence in Queensland. "We've introduced a new explosives security clearance that will see enhanced criminal history checks performed before security sensitive explosives licences, such as blasting licences, are issued," he said. "The explosives inspectorate will be working closely with the Queensland police to continuously monitor security clearance holders. Security clearance and explosives licences will be suspended or cancelled for any current or future domestic violence orders." ML – media release 200209

**Big Brother will app-ly tracking to lecture rooms:** Students starting their studies at the University of Newcastle will have to sign in to classes by app, and 'big brother' will track whether they are physically in the lecture rooms they claim to be in. The student union's education officer Luka Harrison said students were shocked to discover the university was planning to track them. Students must attend 80% of classes to pass. "We believe it's a gross invasion of privacy on the part of the uni against the students and it points to a growing trend of the corporatisation of unis all around Australia," Harrison said. <https://tinyurl.com/rm3qufj>

**Police, spooks break the law...again:** Government police and spooks are scouring the web browsing histories of people by using mandatory data retention powers, despite the federal government specifically excluding that practice in the legislation, the Commonwealth Ombudsman has warned. The latest annual report on the scheme revealed law enforcement agencies received data 295,691 times in the past financial year. It seems, CLA observes, that police and spooks are always found to have broken the law when their activities are externally reviewed. <https://tinyurl.com/wc7mj2g>

**Ice report put on freeze:** The NSW non-government alcohol and other drugs sector is calling on the NSW government to release the final report of the Special Commission of Inquiry into the Drug 'Ice'. The final report went to the government on 28 January. As one drugs campaigner said: "If this Special Commission was so urgent to conduct, why isn't it equally urgent for the government to respond?" <http://tinyurl.com/vpysg9x>



## ODD SPOT: Has the virus docked?

A Malaysian student was evicted in absentia from her Perth rental lodgings because her landlord fears the coronavirus outbreak – despite the fact she had not travelled to China. In the case of the virus and China, people seem to be invoking ‘face-ism’ rather than racism, CLA notes. If your face looks a certain way, you are a likely carrier. CLA has news for Perth: AFL Dockers fans may be more susceptible than Eagles fans, because docks are where ships from overseas come in. <https://tinyurl.com/qne5dgd>

**Mind the control:** The WA government is an eager adopter of the thin edge of the wedge for the Dutton/Pezzullo ID Match scheme, which will morph ultimately into an Australia Card. The media statement, see link, explains how, from taxi and Uber drivers, annual vetting will be extended to annual licensing of building industry workers, with photo matching, in the first instance. When governments in Australia act like the old Stasi of East Germany, it is control of the people that they have on their minds. <https://tinyurl.com/t9k5hcz>

**Mandatory reporting...and immunisation.** Religious and spiritual leaders in Victoria must now legally report child abuse to the authorities, even if it was heard in the confessional, with the law coming into effect last month. Mandatory reporting is now law if a member of certain groups has a reasonable belief of physical or sexual child abuse. Priests and spiritual leaders join teachers, police, medical practitioners, nurses, school counsellors, early childhood and youth justice workers as mandated reporters. Under the same law, immunisation has become part of routine medical care, guaranteeing vaccines for children in out-of-home care and protecting vulnerable children and adults across the entire community. <https://tinyurl.com/wu515b4>

**Prisoners and friends pay more:** The WA government has upped – by a factor of six – the various fines around misbehaviour by friends of prisoners during visits. If anyone takes an ‘unauthorised article’ into a jail, it can cost a \$12,000 fine and 18 months imprisonment (a book or magazine can be an ‘unauthorised article’, as can drugs). At the same time, new rules force prisoners to undergo mandatory testing immediately after they assault a warder, whereas in the past the prison officer may have had to wait up to three months before he/she knew if they were facing possible Hep C or HIV. <https://tinyurl.com/t8qqtyr> and <https://tinyurl.com/yx4dab7x>

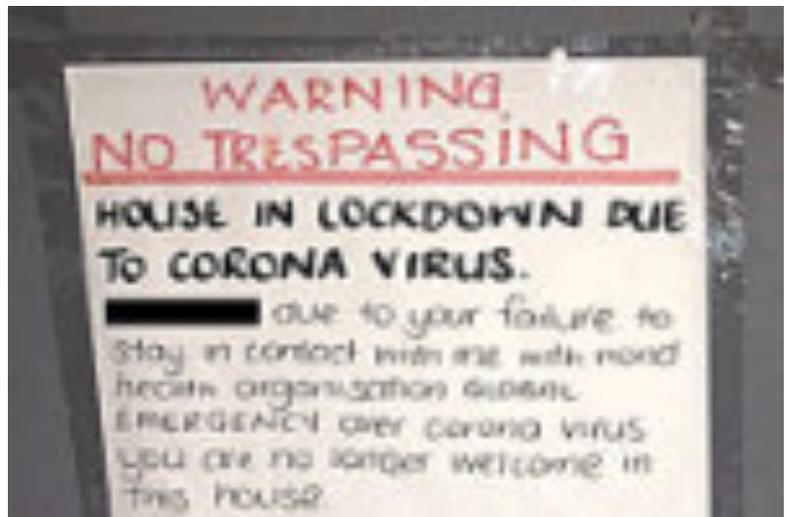
## Comments by CLA’s members and others (mostly in letters to editors):

### You can do both

David Adams (*Age* 31/1) urges us to “smell the roses” and take pleasure in the positive aspects of our democratic society. I certainly do, although I’m rather concerned that our “civil liberties” are being slowly eroded in the name of national security, freedom of information is often restricted and journalists are being targeted with the aim of silencing them. I smell the roses every day and appreciate the kindness and care of ordinary people but I’m not taking any chill pills while leaders prevaricate on climate change, asylum seekers are incarcerated on Christmas Island, people on Newstart are kept in poverty and government pork-barrelling goes full steam ahead. – Anne Sgro, Coburg North, Vic

### Acting on human rights

Quite right, Jennifer Nash (*Canberra Times* 200124). It is shameful that Australia is the only western democracy without a human rights act to protect us against invasive legislation. The draconian terror laws have gradually seeped into a passive normality, and robbed us of our rights and privacy. There needs to be a complete revision: throw out those which are excessive



and not used, which is the vast majority. We need a human rights act against which we can evaluate how laws impact on our basic freedoms. ACT, Victoria and now Queensland have such acts. CLA is heading a group lobbying for acts in Tasmania and WA, while SA and NT will follow. Finally the national government must be shamed into action. – Dr Kristine Klugman OAM, President, Civil Liberties Australia

### Ongoing rorts clean up needed

The sports rorts saga epitomises how Australian democracy is corrupted by the actions of a few politicians and their apparatchiks. At last, Bridget McKenzie has done the correct thing by resigning (*Australian* 190204). We should not allow the story to stop there if our aim is to clean up Australian politics. – Bill Mathew, Parkville, Vic

### Others should be investigated

Pork barrelling is safe and sound. All a minister has to do is spin an excuse and the largesse will flow in accordance with their party's interests. This blatant rort has to be sidelined and the involvement of other government players investigated. – Jon Jovanovic, Lenah Valley, Tas

### We are so wrong

People everywhere, me included, have jumped to the conclusion Bridget McKenzie's use of a spreadsheet colour-coded to show which party held the seat the grant application came from clearly indicated that the funds allocations were made for nefarious political reasons. We're such silly billies. The obvious reason the spreadsheet was colour-coded was so Bridget didn't inadvertently disadvantage non-Coalition seats. Well done Bridget. And I see that the masses of the federal public service are to be given "integrity" training, presumably so they don't fall into the same trap of labelling perfectly honourable behaviour a “rort”. How good is that! – Bronis Dudek, Calwell ACT

### People must take back control

The egregiously abusive behaviour of the government for personal benefit, the inroads into our nation's civil liberties by all members of Parliament, and the manipulation by politicians of the public sector for personal self-interest, all collectively demand the establishment of a national Independent Commission Against Corruption. The number of people suffering in poverty and homelessness in this nation, the greed of the Minerals Industry Council, and the destruction of our landscapes and river systems by wanton greed, ignorance and political collusion are all screaming at us that we are in the latter stages of losing control of our land, liberty and democracy. We must demand an ICAC now. – Gerry Gillespie, Queanbeyan, NSW (*Canberra Times* 190204)

### Planning how to divide

A US President who is facing impeachment and an Israeli Prime Minister who has been indicted for corruption have a great

peace plan for the Palestinians, who were not allowed to be involved in it development. The more things change... – Kathryn Kelly, Chifley ACT.

### How many previous immigrants didn't pass the character test?

Be careful, Prime Minister, before your government makes any decision about deportation of "criminals". My ancestor, Edward Miles, was part of an illegal entry into the Great South Land in 1788. Can you say that the people who came with him were upstanding and honest citizens? Did they meet the "test of good character" fit to remain here? And how do you define "aliens"? Much better for us to admit that Britain invaded a settled country; much better to apologise, sit down with the First Peoples and craft a Treaty admitting to that invasion and providing a basis for recognition of 60,000 years of occupation before we, in sublime arrogance and ignorance, stole their land and murdered and dispossessed their people.– Nola Tucker, Kiama NSW.

## CLA report – main activities for February 2020

### Communications:

Talk with U3A 'Dissent-ers' group on civil liberties, arranged by CLA member Ann Darbyshire



Photo: Richard Cooper, Barry Naughten, Eric Pozza and CLA President Dr Kristine Klugman at the U3A event in Canberra.

Teleconference with Jessica Kerr for UWA, researcher for AIJA on judicial education

Submission to Open Government consultation stressing the need for Model Litigant Principles to be followed (Kristine Klugman)

Skype Perth and Darwin sessions with directors Margaret Howkins in Perth and Caitlin Perry in Darwin

Skype with CLA member in Katherine, Sandra Nelson MP, NT Legislative Assembly

### Meetings:

Meeting with NT barrister Alistair Wyvill in ACT

Meeting with CLA ACT member Chris Stamford re Human Rights bill federally

**CLA board meeting.** 16 February 2020...summary of main items:

WA director and NT director came in by Skype, Tasmanian directors by teleconference

'Champions' topics (where Board Director/s actively campaigns on one or more issues):

**Prisons:** Rajan Venkataraman's extensive report noted: he was congratulated on CLA's leadership in sharing info Australia-wide, and promoting collaboration. His article on prisons has been published, as has Bill Rowling's review article on the Qld Productivity Comm report. See CLA website.

**Sport:** Frank Cassidy's report noted. Bill Rowlings explained the inequity of a footballer being unable to practice his 'profession' for 1+ seasons without any hearing opportunity to defend himself.

Margaret Howkins commented police are in a similar position to the footballer – why should they receive different treatment? Caitlin Perry pointed out the underlying issue is the need to resource courts properly, so there are no long delays (and that there are now women too playing in the NRL, not just men – need to treat all misdemeanours the same). Ann Darbyshire highlighted the similar situation of John Setka, the Victorian CFMEU official, and of domestic violence/AVO issues in general, for all sides.

Media free speech: Frank Cassidy also reported that MEAA had no record of any further 'secret' journalists raids or cases in progress involving AFP or ASIO.

### Tasmanian report:

Richard Griggs reported that privacy – and specifically the drivers' licences/photos ID issue – was growing in importance in Tasmania. He did ABC talkback radio on Friday, and there was lots of listener interest. The formal complaint of the group of 1200 he has organised has now been lodged with the Minister. Awaiting a response. Bill Rowlings mentioned CLA's Tas Times article by CLA on relevant issues recently.

Board wished Richard and Rajan well with that day's 4.30pm initiative of a CLA members' meeting in the office of CLA member Andrew Wilkie MHR.

Report of that meeting: In attendance were guest speaker Roland Browne, Linda Kelleher, Eva Cripps, Ruth Graham, Barbara Etter, Norman Poulton and friend Gail, Scott Bell and friend Steve Saunders and Millie from Andrew Wilkie's Office, as well as Directors Richard Griggs and Rajan Venkataraman. Roland gave a very insightful presentation on his experiences in the High Court challenge in 2017 representing Bob Brown and Jessica Hoyt and his impressions of the second version of the laws currently before State Parliament. There were amusing behind the scenes anecdotes from the High Court hearing. People discussed letter writing to Upper House Members; Richard Griggs identified the nine key UH MPs that CLA is encouraging CLA members and their friends to write to outlining their concerns with the proposed anti-protest Bill.

**WA report:** President congratulated Director Margaret Howkins on PIP poster presentation (against Police Investigating Police) and ANZ Society of Criminologists annual conference success.

Howkins explained she is prioritising Human Rights for WA and OPCAT, with HR Law group and Perth Legal Women. She commented on lack of a culture of values, an absence of listening to the community and of consulting in WA/Perth. Policing is a particularly bad example.

**NT report:** Caitlin Perry agreed with problem of policing matters in WA and NT as major problem. She added in the NT the major issue of long delay in legislating to raise age of criminal responsibility from 10. Bill Rowlings mentioned national AGs' group initiative was delaying matters. Rajan Venkataraman reminded of submission to that process that

**AGM under way soon:** The Annual General Meeting of Civil Liberties Australia Inc will be held by electronic means, and by posted papers for those without e-facilities, during March). Please keep an eye out, and vote in the AGM.

Sam Coten and he were preparing. Caitlin Perry highlighted NT frequently used any excuse to delay doing the right thing, on this and other issues. No cultural rules underpin processes.

Caitlin Perry to follow up on status of drivers' licences issue in NT. Bill Rowlings to provide background.

**Sue Neill-Fraser miscarriage of justice:** hearing – full-court appeal – is scheduled 25-29 May

**Uni/scholarships Director report:** Elly McLean. McLean reported she would be speaking at a public gathering of new ANU scholarship recipients in the coming week.

**Facebook report:** Rajan Venkataraman reported that 176 items were added in 2019. He appealed for contributions from the Board, and members, and proposed further discussion at May Board on proactive media mileage from CLA submissions/ etc/

**NOTE:** 17 May 2020 meeting will see all directors attending in person. Once every two years, CLA holds an in-person meeting, with Board Directors travelling to a centralised location (Canberra, so far). Items on the May 2020 agenda, as well as customary matters, include:

Strategic plan to be updated for next 2-3 years targeted activity  
Media publicity national plan, and state/territory spokespeople, to be discussed in detail.

**Treasurer's report:** The Treasurer reported on the healthy status of CLA's cashbook. A fuller report will be available in March in the Annual Report, which is sent to all members

**Submissions:** Barrister Alistair Wyvill (left, at the High Court in Canberra in February 2020) has offered to draft a sub on proposed NT Judicial Commission. Accepted, with thanks. Director Caitlin Perry to be part of submission team.

Rajan Venkataraman said the CLA Religious Freedom submission should be posted on the parliamentary website shortly.



Submission on national Age of Criminal Responsibility (CLA WA member Sam Coten and Director Venkataraman as lead authors) nearly ready for submission.

## INTERNATIONAL

### Reoffending slashed

Reoffending rates have been slashed in a pioneering police scheme in north-east England which experts say could lead to a transformation in how the justice system deals with violent crime.

More than 2660 offenders who have committed offences such as burglary and assault have taken part in an experiment in which they avoid prosecution if they take part in a rehabilitation programme for issues such as mental health and substance abuse.

If they complete the four-month contract with police, they walk away without a criminal conviction. If they do not, they are prosecuted in the traditional way.

The initiative by Durham is the longest-running and most advanced of its kind in England, with at least five other forces, including Surrey and Devon & Cornwall, considering similar schemes.

The first trial results found a 15-percentage point drop in reoffending after two years among those who took part in rehabilitation compared with those who did not. A full report is not due until 2022.

Under the program, called Checkpoint, offenders spend four months with a police supervisor who helps them access support

for issues including mental health, to drug or alcohol use, homelessness and communication skills. Of the 2660 offenders involved in the trial to date, only 166 (6%) have reoffended

The initiative also involves the victim of the crime, consulting them on the progress of the offender's rehabilitation, although they do not get the final say on whether the offender is prosecuted. Durham police Checkpoint costs the force \$940,000 a year but an internal estimate suggests that for every 1000 offenders it saves about \$4million a year in reduced crime. <https://tinyurl.com/rjm8uzz>

### Court says Australia's action is unlawful

Australia's offshore detention is a "cruel, inhuman, or degrading treatment" and unlawful under international law, according to the International Criminal Court's prosecuting arm.

But they won't prosecute the Australian government, telling MHR Andrew Wilkie (Clark, Tas, Ind.) that while the imprisonment comprised the basis of a crime against humanity, the violations did not rise to the level to warrant further investigation.

In a letter to Wilkie, the office of the ICC prosecutor said conditions in the Australian-run camps on Nauru and PNG's Manus Island were dangerous and harsh, and an "environment rife with sporadic acts of physical and sexual violence committed by staff at the facilities".

"These conditions of detention appear to have constituted cruel, inhuman, or degrading treatment ("CIDT"), and the gravity of the alleged conduct thus appears to have been such that it was in violation of fundamental rules of international law.

"The office considers that some of the conduct at the processing centres on Nauru and on Manus Island appears to constitute the underlying act of imprisonment or other severe deprivations of physical liberty under article 7(1)(e) of the statute [crimes against humanity]."

There are still about 230 refugees and asylum seekers on Nauru, and about 180 in PNG. Several dozen are undertaking the process for resettlement in America. <https://tinyurl.com/qsm8j25>

### US and German spooks monitored, controlled

US and German intelligence services secretly gathered the classified communications of governments for decades through secret control of an encryption company, reports say.

Swiss firm Crypto AG supplied encoding devices to more than 120 governments from the Cold War era up to the 2000s. But the spies reportedly rigged the devices so they could crack the codes and read the messages.

They harvested secrets from countries including Iran, India and Pakistan.

The highly-classified programme between the US Central Intelligence Agency (CIA) and Germany's BND Federal Intelligence Service has been detailed in reports by US newspaper the Washington Post, German broadcaster ZDF and Swiss channel SRF. <https://tinyurl.com/r9jem9a>

### 'Robodebt-like program contrary to rights'

The District Court of The Hague ruled in February 2020 that Netherland's System Risk Indication (SyRI) violates the European Convention on Human rights.

SyRI had been developed to allow government authorities to share information about welfare recipients to curb abuse. (It sounds remarkably similar to the Australian government's 'robodebt' program, CLA notes).

The Dutch government outsourced the program to a private organisation, called The Intelligence Agency, Chis Stephens reported. They use an algorithm to identify recipients who may

be involved in fraud or abuse of the benefits, then transfer the data to the relevant government authority.

The case is one of the first rulings on using technology to monitor welfare recipients. The UN special rapporteur on extreme poverty and human rights, the Australian Prof Philip Alston, noted that the decision will set a precedent for other jurisdictions. – RB <https://tinyurl.com/tbxlvq2>

## Surveillance cameras dob people in for arrest

London's Metropolitan Police Service are deploying "live facial recognition" (LFR) technology throughout the UK capital to target known suspects by street-strewn surveillance video.

They are using NEC's NeoFace Watch system, which checks live footage in real time for faces against a police watch list database of facial images.

Police say they will target people for major crimes. And they probably will, at first, but once entrenched the system will become 'big brother' camera surveillance on anyone in any police database anywhere in the world, CLA believes.

Police in the field will always be the ones to take the decision whether to act, they say. But CLA observes that any officer who failed to act if tipped off to a 'match' would have a lot of explaining to do to his/her superior officers. <https://tinyurl.com/rqbo3vk>

## Trump approves landmines...again

US President Donald Trump has lifted restrictions on the deployment of anti-personnel landmines by American forces.

The decision reverses a 2014 Obama administration ban on the use of such weapons, which applied everywhere in the world except for in the defence of South Korea.

Rachel Stohl, an arms control expert at the Stimson Center think tank in Washington, called the decision "inexplicable". Stohl said the decision put lives at risk and was another example of the Trump administration "defining its own rules and ignoring global standards of behaviour".

In 2017, more than 7,000 casualties were caused by mines and other explosive remnants of war, including nearly 2,800 deaths, according to the Landmine Monitor.

More than 120,000 people were killed or injured by landmines between 1999-2017, according to the same group. Nearly half the victims are children, with 84% being boys. Civilians make up 87% of casualties.

The use of anti-personnel landmines has been banned by 164 countries, and yet they're still being used in conflicts around the world. There are an estimated 110 million anti-personnel mines still in the ground with more being laid every year.

The true number is almost certainly higher due to cases going unreported. <https://tinyurl.com/tuu8ynl>

## Govt should control postings

Government should regulate to control the algorithms that promote content such as posts, videos and adverts on social networks, the UK government's advisory body on AI ethics has recommended.

The British government should also consider requiring social media platforms to allow independent researchers access to their data if they are researching issues of public concern, the Centre for Data Ethics and Innovation suggested. That could include topics such as the effects of social media on mental health, or its role in spreading misinformation.

New regulations should also mandate creating publicly accessible online archives for "high-risk" adverts, mirroring those voluntarily created by the social networks for political adverts, but expanding their remit to cover areas such as jobs,

housing, credit and age-restricted products, the CDEI said. <https://tinyurl.com/tgm4xkj>

## Senate tries to hold back Trump

The US Senate voted last month to require that President Trump seek congressional authorisation before taking further military action against Iran.

Senate Democrats and eight Republicans combined to rein in the president's war-making powers weeks after he escalated hostilities with Tehran. The 55 to 45 vote came just over a week after the Senate voted to acquit Trump of impeachment charges.

It happened nearly six weeks after the president moved without authorisation from Congress to kill a top Iranian security commander.

But it was a mostly symbolic rebuke of the president, as support for the measure fell short of the two-thirds supermajority needed to override a promised veto by President Trump. The US House of Reps passed a similar measure in January on a nearly party-line vote that also fell well short of that margin, the NYT reported. <https://tinyurl.com/uky7psv>

## ODD SPOT: Israel elections bugged

A software flaw exposed the personal data of every eligible voter in Israel — including full names, addresses and identity card numbers for 6.5 million people — raising concerns about identity theft and electoral manipulation, three weeks before the country's national election. The security lapse was tied to a mobile app used by Prime Minister Benjamin Netanyahu and his Likud party to communicate with voters, offering news and information about the March 2 election. Until it was fixed, the flaw made it possible, without advanced technical skills, to view and download the government's entire voter registry, though it was unclear how many people did so. How the breach occurred remains uncertain, but Israel's Privacy Protection Authority, a unit of the Justice Ministry, said it was looking into the matter — though it stopped short of announcing a full-fledged investigation. <https://tinyurl.com/sqhb1w7>

## Judges turn blind eye to privacy

There's a real-life exhibition at the Tate Modern art gallery in London — it's the lives of the people living down under its high-in-the-sky viewing platform.

The unpaid "performers" seeking privacy in their Neo Bankside flats have just lost a Court of Appeal case.

They wanted the Tate to cordon off parts of the viewing platform, or erect screening. The Tate argued their platform provided patrons "a unique, free, 360-degree view of London", and residents could simply "draw the blinds".

Judge Mann said the four complaining residents should "lower their solar blinds" or "install privacy film or net curtains". Master of the Rolls Sir Terence Etherington said: "The court has dismissed the appeal on the basis that overlooking does not fall within the tort of nuisance". <https://tinyurl.com/w75k626>

## International briefs

**Swiss vote for sex diversity:** Voters in Switzerland have voted 63.1% to 36.9% to make discrimination on the basis of sexual orientation and sexual identity illegal. The nation's LGBTQIA community had argued Swiss law on the issue lagged far behind other countries in Europe. Opponents of the new law argued it could restrict free speech. In Switzerland, discrimination because of race or religion is already illegal. – ML <https://tinyurl.com/rqgjvqt>

**Learning about global rights:** Applications are open until 30 March 2020 for the next academic year of the [European](#)

[Master's Programme in Human Rights and Democratisation \(EMA\)](#). It is both a residential and an exchange programme: the first semester from September 2020 to January 2021 is held at the [Global Campus of Human Rights](#) premises in Venice and the second semester from February to July 2021 takes place in one of the EMA participating universities in the European Union. In November 2020, the Global Campus is due to complete the establishing of a human rights education centre at the National University of Timor Leste. Info: <https://gchumanrights.org/ema>

**No news is bad news:** "The state of the (newspaper) business is dismal. Roughly a quarter of the newspapers in the United States, most of them weeklies, have been shut down since 2004, and about 50% of newspaper jobs have been eliminated in that time. "

**LA eliminates drug convictions:** Los Angeles is planning to dismiss nearly 66,000 marijuana convictions, years after the state voted to legalise the drug. The county is working with a not-for-profit technology organisation, Code for America, to use algorithms to identify eligible cases within decades-old court documents. Prosecutors recently asked a superior court judge to dismiss 62,000 felony cannabis convictions for cases that date back to 1961. The district attorney's office also sought the dismissal of approximately 4,000 misdemeanour cannabis possession cases. <https://tinyurl.com/uvpkm4a>

**Trade runs into Pacific doldrums:** Major Pacific Island countries are resisting the \$1.4 trillion, 31 million person PACER-Plus trade agreement involving Australia, NZ and 12 other countries. PNG and Fiji, comprising over 80% of the GDP of the Pacific island nations, still have not signed, which severely weakens the agreement. They say the deal does meet their development needs. A trade-related committee of federal parliament is holding hearings to work out what's going wrong. <https://tinyurl.com/ruvztat>

## DATES:

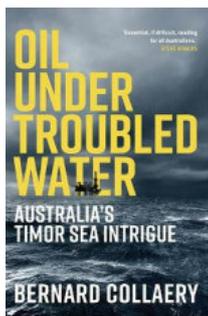
**MARCH:** See hearing dates item above re inquiry into 2019 federal election

**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>

**3 March, Melbourne:** Launch of research, Positive Interventions for Perpetrators of Adolescent (PIPA) Violence in the home. 8.45-10am, Capitol Theatre, 113 Swantston St. Register: <https://tinyurl.com/wdktx88>

**5-7 March, Brisbane:** Aust. Bar Assn and Qld Bar Assn. conference. Keynote by Malcolm Wallis of the Supreme Court of Appeal South Africa. Details: <https://tinyurl.com/sfgfz4m>

**10 March, Canberra:** Bernard Collaery in conversation with Andrew Wilkie (MHR Clark, Tas, and a CLA member) on Collaery's new book, *Oil Under Troubled Water. Australia's Timor Sea Intrigue*, which relates the history of Australian government dealings with East Timor. In May 2018 Collaery and 'Witness K', an Australian Secret Intelligence Service agent, were charged with conspiracy to breach the Intelligence Services Act 2001. Their secret trials continue. Venue: Manning Clark Hall room, Cultural Centre Bldg 153, Tangney Rd, ANU. 6-7pm, book signing from 5.30pm.



**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-3515188k>

**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>

**30 April – 1 May, Brisbane:** Qld Community Legal Centres state conference. Info: <https://tinyurl.com/u373elw>

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

**June, Perth:** Curtin Law School will host the 2nd Practical Human Rights symposium. CLA is expected to present on options for a WA human rights charter, which is an endorsed policy of the WA Labor government.

**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>

**5-10 July, Rhodes, Greece:** *Themes in Democracy – Liberty, Justice and Human Rights*. Hellenic Australian Lawyers Assn Intntl conference. Keynote High Court judge Stephen Gageler. Details: <https://hal.asn.au/rhodes2020/>

**13-14 July, Brisbane:** Australasian Law Reform Agencies conference. Info: <https://tinyurl.com/wpl6gwz>

**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 and Prof Asmi Wood of ANU <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.

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*CLArion* is the monthly e-newsletter of Civil Liberties Australia A04043, Box 7438 FISHER ACT 2611 Australia. Responsibility for election comment in *CLArion* is taken by CLA's Public Officer, Bill Rowlings, of Fisher, ACT. Please feel free to report or pass on items in *CLArion*, crediting CLA and/or the original source. We welcome contributions for the next issue: please send to: [Secretary\(at\)cla.asn.au](mailto:Secretary(at)cla.asn.au)

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