

## What do you think of the ‘National Cabinet’?

We’re anticipating much debate once the virus crisis has settled down about whether or not the ‘National Cabinet’ has a place in Australia’s future.

Is it good/bad? Has it ‘worked’ in part or full? Is it ‘legal’ (it’s not Constitutional)?

If it’s needed in an emergency, shouldn’t we debate and legislate for it, with proper definition of powers, roles, regulations and restrictions?

Has it emasculated the ‘real’ federal cabinet and therefore our Australian democracy?

Does it dispense with the whole notion of the Senate – under the National Cabinet, do the ACT’s Chief Minister Andrew Barr and the NT’s CM Michael Gunner (photo) get equal say with Premiers Gladys Berejiklian of NSW and Daniel Andrews of Victoria?

Members, please send us your thoughts, in one sentence, a series of dot points, or a full article, to CLA.



## Insiders’ Speers: ‘rumblings of discontent’

Commenting in an ABC news article, *ABC Insiders* host David Speers said:

“Not that everyone is keen to see this National Cabinet process continue any longer than it absolutely must. There are already rumblings of discontent from those who feel sidelined. “The normal cabinet process has to resume as soon as possible,” says one member of the Morrison Government cabinet who understands the need for a different set of arrangements during this crisis but is wary of it continuing.

“The concern is that the National Cabinet does not represent the different interests and perspectives of the elected Federal Government, which the Federal Cabinet typically does.” <https://tinyurl.com/yc6zwp5r>

## Trust emerges as key indicator of recovery

Trust is rising to the top of issues around climate change, bushfires, viruses and political management.

The major changes in society needed in future can occur only if the people of any nation trust their leaders, experts are saying.

“Given the systemic failure of governments around the world to anticipate and address...great risks, and a consequent decline in public trust and disdain for truth, transparency and accountability in politics and some media, we feel there is an urgent need for sweeping political reform, including new ways to confront corruption by vested interests and the influence they exert over governments.”

So said former Liberal Opposition Leader Prof John Hewson in a report by his Commission for the Human Future group released last month. <https://tinyurl.com/yan9wz6r>

## Polls up due to Covid-19 but likely temporary

Measures of ‘trust’ in the Prime Minister rose in news polls published during April from a very low figure.

But the Australian Election Study after the 2019 election showed the lowest numbers on record for ‘trust’. The inexact news polls don’t actually measure ‘trust’, but some notion in between “who do I prefer at the moment, the PM or the Leader of the Opposition” and “is the government more or less on the nose than it was last month?”

It’s likely the news polls’ trust measure will drop if anything goes wrong with the virus containment in Australia, and especially if software app personal details are leaked, stolen, mislaid or stuffed up.

CLA believes the trend of diminishing trust in politicians, as formally measured after each federal election by the Australian Electoral Survey, is likely to continue downward as life heads towards normality.

## Restoring trust and respect is a key aim

Civil Liberties Australia has embarked on a long-term strategy to restore trust and respect to the political landscape in Australia.

We are campaigning actively for the federal parliament to grant all citizens two key mechanisms that would ensure that the federal politicians and government are more answerable and responsive to the people.

One is an ICAC with teeth. The other is a Civil and Political Rights Act (CPR). Together, they potentially comprise twin trust promises to the people

The ICAC is aimed at ensuring politicians do not rot their powers, and do not cheat on their entitlements. “An independent national corruption body, with proper teeth even greater than existing ICAC-style bodies, is urgently needed to provide the first mechanism,” CLA President, Dr Kristine Klugman, said.

She said Australians also need a separate way to make sure the people’s own principles and high values were maintained, not those of politicians and government departments and agencies as in recent decades.

“To guarantee the people’s high personal standards and values and our traditional liberties are maintained, we need a statutory Act of parliament providing us with the protective mechanisms that Canadians, the British, the Kiwis and Americans have.

“Only Australia lacks the commonplace, everyday safeguards in the nations we compare ourselves with.”

During the health lockdown in April, CLA has spoken with many selected key players who can help drive forward the initiatives. In all cases, the response has been positive.

“We have Skyped, Zoomed and Webex-ed frequently,” Dr Klugman said. “In fact, with everyone in lockdown we were able to ‘meet’ with busy people more easily and more productively,” she said.

The CLA Twin Trust campaign is being led by the President and member Chris Stamford.

## ‘Politicians stolen our right to trust them’: Pres

The demise in respect for politicians is directly linked to the fact that they are no longer trusted, CLA’s President, Dr Kristine Klugman, says.

“No-one believes what they say, because it very frequently turns out to be a lie, or a white lie, or a calculated smokescreen. One of the most basic fundamentals of governance and leadership used to be that we could trust what our PM and Ministers said.”

But that’s no longer the case, Dr Klugman said. “They have stolen our right to trust them.

“When we go to the next federal election, in about two years’ time, we the people should demand that the next government gives us an ICAC with teeth, and a rights charter with

fundamental safeguards for all Australians, but particularly the powerless on the bottom rung of society,” Dr Klugman said.

The virus crisis has shown how fragile the lives of those Australians have become, she said.

## Elderly are in the front line for ‘lockup’ strategy

A danger is emerging that older people could be treated as second-class citizens in the Covid-19 crisis.

Already in Australia aged-care homes have seen residents virtually “locked up”, rather than go into lockdown. The situation became so bad that the Prime Minister and Premiers had to issue an urgent plea last month to ‘free the elderly’.

In the UK, the government is reportedly considering a “blanket ban” to prevent older people leaving their homes during the coronavirus crisis. Health Minister, Lord James Bethell, twice refused to deny that older people will be told to stay in extended lockdown in response to questions in the House of Lords.



“I was very concerned by the government’s refusal to answer my question,” said Lord David Blunkett (photo), a former Home Secretary. “Older people must not be subjected to arbitrary incarceration as well as isolation.” <https://tinyurl.com/yb5lk6n7>

**Quick release:** CLA successfully helped a person in quarantine be released from hotel quarantine due to mental health issues. The person emailed CLA as a last resort late one night, when his formal application had been ignored for three days. CLA was able to escalate the matter to Premier level within 12 hours, and the man was released to a different form of isolation. We are not able to give the full details because the person involved has withheld his permission.

## Will you download and install the app for Covid-19 proximity?

The federal government has launched a contact tracing app to help curb Covid-19’s spread in Australia.

However, rather than collecting location data directly from mobile operators, the proposed TraceTogether app will use Bluetooth technology to sense whether users who have voluntarily opted-in have come within nine metres of one another, a report in *The Conversation* said.

Contact tracing apps generally store 14-21 days of interaction data between participating devices to help monitor the spread of a disease. The tracking is usually done by government agencies. This form of health surveillance could help the Australian government respond to the coronavirus crisis by proactively placing confirmed and suspected cases in quarantine.

The app has been available in Singapore since 20 March, and only 20% of people have downloaded it.

“A pandemic-tracing app would need to have a limited lifetime, even if the user forgets to uninstall the Covid-19 app after victory has been declared over the pandemic. It must not become the de facto operational scenario – this would have major societal ramifications,” the two authors wrote. <https://tinyurl.com/y848b3vs>

One authors is Katina Michael, a professor in the School of Computing and Information Technology at the University of

Wollongong. She is formerly the IEEE Technology and Society Magazine editor-in-chief. Since 2008 she has been a board member of the Australian Privacy Foundation, and also served as vice-chair. The other author, Roba Abbas, is a lecturer at UW.

## Andrew Wilkie MHR tells the PM ‘No’ to app

Probably the most knowledgeable federal parliamentarian on security issues, Andrew Wilkie, has made it crystal clear why he won’t be rushing to download the Covid-19 app.

Basically, he doesn’t trust the government and its cyber spooks, particularly their ability to contain leaks and avoid hacks.

The former Army officer resigned as an intelligence analyst from Australia’s Office of National Assessments over misinformation given out by then-PM John Howard on Iraq’s supposed weapons of mass destruction in Iraq. You can read his letter to PM Scott Morrison here: <https://www.cla.asn.au/News/former-spook-insider-wilkie-tells-pm-no-to-app-download/> NB: Wilkie is a CLA member.

## Virus scourge looks set to kill privacy

Little by little, centimetre by centimetre, software by software, app by app, Covid-19 is locking on to our personal privacy and sending it into possibly terminal decline.

Queensland and Sydney uni students, as well as those at ANU in Canberra, are the latest to be infected.

They are fighting proposals to hold exams remotely using third-party software that will film their photo ID, match biometric data, and monitor them through their own camera, microphone, screen and keystrokes.

Students must download ProctorU software to their personal computers in order to complete upcoming online exams while meeting social distancing requirements.

The Sydney U’s student newsletter, *Honi Soit*, reported that downloading the software for ProctorU gives offshore exam proctors access to personal information and data on students’ computers. Though ProctorU claims it “does not use any student’s personal information for any reason other than the proctoring of online exams,” proctors can access far more information if they so choose, since sitting through an exam with ProctorU involves handing over control of personal computers to proctors.

*Honi Soit* reported that one Sydney student commented: “a person in their right mind wouldn’t ordinarily tolerate this level of privacy breach.” <https://tinyurl.com/yazgymdd>

## Privacy pros condemn ‘spying’ on students

“The extraordinary aspect of this ‘proctology’ push by universities is that the unis gave no thought to consulting their students in advance of mandating they install prying software on to their personal computers,” Dr Kristine Klugman, President of Civil Liberties Australia, said.

“It shows just how little understood, even by highly educated people, is the principle of civil liberties.

“At civil liberties’ most basic level, no-one – governments, bureaucrats and universities included – can interfere with your space or your headspace without reason and without justification. And most certainly not without asking your permission in advance,” she said.

Dr Monique Mann (photo), chair of the surveillance



committee at the Australian Privacy Foundation and a lecturer at Deakin U, said she was concerned by the platforms' vague description of artificial intelligence.

She said all universities should prepare privacy assessments of their software and submit them to their state or territory privacy commissioner before they are used for students.

"I would certainly want to know what information they are collecting about my students, how are they making inferences on the behaviour of my students, how long is it being retained, and what other purposes is it being used for?" she said.

Richard Prangell, a board member at Electronic Frontiers Australia, said students shouldn't be expected to install monitoring software on their own computers for the benefit of their university.

"Keystrokes, screenshots, audio and video can capture all kinds of private, and often unintended information about a student and perhaps even other members of their household." <https://tinyurl.com/yc8ataf9>

## Ever-expanding police numbers up again; prisons costs rise 6.1%

There were 72,175 "sworn" police officers in Australia at 1 July 2019.

While most public services have been in decline, police numbers continue to rise.

"Nationally, 92.0% of the 75,974 police staff were operational ("sworn"). That is an increase from 90.5% in 2012-13," the 2020 Report On Government Services, known as ROGS, revealed in February. <https://tinyurl.com/y9ulczle>

Police and prisons are very expensive.

Total government expenditure for the justice services sector – police, prisons and courts – (less revenue from own sources) was \$18.4 billion in 2018-19, around 7.5% of total government expenditure covered in the ROGS report each year.

Police cost most: 65.0%, followed by corrective services 25.9% and courts 9.1%. Corrective services costs have grown at 6.1% over the past five years, which the Qld Productivity Commission has pointed out in its 2019 report is unsustainable.

Nationally, expenditure per person on justice services was \$732 in 2018-19. <https://tinyurl.com/y7ovddu7>

Taxpayers are paying – and paying relatively more every year – for police and prisons. For example, taxpayers pay about \$110,000 a year to keep each prisoner in jail in Australia.

It's time for widespread debate on whether these people and expenditures are delivering improving or declining value for taxpayer money.

## 200 Aussie care organisations hold government to account

More than 200 not-for-profit and community organisations – including Civil Liberties Australia – have backed a widespread call for the Australian government to strengthen human rights protection in laws, policies and practices.

In a document called 'Australia's Human Rights Scorecard', the group dissects Australia's boastful claims and compares them with the reality of discrimination and disadvantage throughout the nation, including in relation to Aboriginal and Torres Strait Islander peoples.

The scorecard and accompanying report will be presented to a UN Human Rights Council four-yearly assessment of Australia in a process known as the Universal Periodic Review (UPR).

Prepared by early 2020, the documents establish a benchmark for how human rights looked in Australia before the Covid-19 crisis exacerbated inequalities and spawned a host of new human rights challenges.

"The human rights taken for granted are suddenly front and centre in public consciousness – essential rights like healthcare and education are coming under enormous strain and structural economic inequalities will hit disadvantaged communities hard. This report provides a snapshot of the existing problems and is a stark reminder that Australians will not face this pandemic on equal footings," report co-author Edwina MacDonald of the Human Rights Law Centre said.

"This UPR mechanism is about the only chance concerned Australians have to cut through the bluff and spin of pseudo-fibs constantly concocted by the Australian government, and to have a worldwide body examine the bluster for the fluff which much of it is," CLA President, Dr Kristine Klugman, said.

"It's an imperfect mechanism, but it's the best chance we have to hold the federal Executive accountable. That's the job the Parliament should do, but it is failing," she said.

<https://www.hrlc.org.au/news/2020/4/9/upr-human-rights-concerns-Covid-19-crisis>

## High Court not sitting; jury option dropped

The High Court has already said it won't sit until July at the earliest. It is hearing special leave applications and urgent matters by video, but the non-sitting means top justice must perform be much delayed...by months extending into years, possibly.

In the ACT, the option of jury trials have been abolished by government decree: the validity of that move is more than likely to end up in the High Court...some time in the distant future.

## High Court too clever by half

The High Court is too clever by half. Exactly half, in the AFP journo raids/Smethurst decision.

### The High court said, on the Annika Smethurst case:

"As the decision turned upon the validity of the warrant used to conduct the search of Ms Smethurst's property, there was no requirement for the High Court to engage with broader questions of the adequacy of public interest considerations within Australia's national security legal framework and whether the power under which the warrant was issued breached the implied freedom of political communication," the Law Council of Australia said. <https://tinyurl.com/y9zdtfgp>

What Australia wanted to know – journalists, media consumers, lawyers, lower court judges, police and spooks, Ministers and others – is whether the law allows the black hats to raid the white hats when they are doing investigating on behalf of the people, putting things at their simplest.

What a twee, wimpish High Court Australia has that always tries to find ways of NOT answering the genuine and important questions the people want answered.

Instead, it self-serves its own hyper-legalistic interests at great expense and usually after an excessively long time deliberating.

The Smethurst case decided in mid-April 2020 first entered the court for judgement in June 2019.

Come on girls and boys of the Big Bench, you can – and ought to – do better, much better, CLA says.

Even that bastion of the status quo, the Law Council of Australia, was critical of the decision, and the government: "The law continues to leave journalists and media organisations exposed to possible police investigation and prosecution," LCA President Pauline Wright said. <https://tinyurl.com/y9zdtfgp>

## Come on Kiefel, cough up!

While we're on about it, how about the Chief Justice publishing her more than a year old ruminations on an important topic: what she thinks of the human rights legal regime in Australia?

Why is she keeping it secret?

About 15 months ago, Susan Kiefel CJ (photo) gave a speech in NZ...but she has allowed her thoughts to be kept hidden from the Australian people. Here's what the High Court website says about the speech:



*“Human rights without an enacted statement of rights“*, Legal Research Foundation Conference; farewell conference to mark the retirement of Dame Sian Elias GNZM (31 January - 1 February 2019), Auckland University, New Zealand, 1 February 2019, (to be published together with other conference papers at a later date) <https://tinyurl.com/y8vtgyog>

There has been no public publishing, even though there has been public delivery of the speech...in NZ, at a pals conference of old legal mates of somebody retiring.

Australians who pay her salary have a right to know what the CJ of Australia thinks of Australian human rights law. Those thoughts should not be kept secret from us, or be reserved for private publishing.

Publish, or be damned, CLA says to the Chief Justice.

### Is the HC sending a message?

The High Court's ruling in the case of Cardinal Pell is a low-water mark for the state of the law – and justice – in Victoria. The court found 7-0 that top legal minds in the state did not know their stuff.

Pell was acquitted, after serving time in jail, despite clear and thunderous findings of the original trial judge and the positive guilty pronouncements of two of three appeal judges, both of whom used to be highly respected in Victoria. The High Court has not enhanced their ongoing reputation.

CLA wonders if the High Court's very blunt judgement is an indirect commentary on the integrity and legal propriety of the police, prosecutors, lawyers and judges in Victoria in light of the Gobbo fiasco?.

### Singapore digital deregulation text kept secret

The text of Australia and Singapore's digital economy agreement (DEA), locked down in March, remains secret – the full text won't be released for months.

The agreement, which replaces the e-commerce chapter in the Singapore-Australia Free Trade Agreement, has been rushed through. Civil society fears the unseemly haste is to please the big tech companies like Google, Facebook, etc, which creates a bad precedent for similar chapters in other agreements.

The Singapore DEA deregulates cross-border data flows and likely reduces the ability of both current and future Australian governments to regulate big tech companies in the public interest. This is despite a series of scandals about data privacy and data abuse by those companies and despite current and emerging recommendations from the ACCC, which recommended more, not less, regulation of the big tech companies.

The DEA will go before JSCOT, the Treaties committee of federal parliament...which may not sit before 2021, given Covid-19. JSCOT cannot change the text of the DEA. – AFTINET advisory, 31 March 2020.

### ODD SPOT: It's the little things that hurt

We received the vote of one of our members 10 days after the closing date for postal voting. You could say it didn't matter: the vote was entirely positive, like all the other votes of members,

and the one vote would not have changed the outcome or the percentage voting, recording at 43%. But it does matter!

The vote was that of Sue Neill-Fraser, prisoner, of Risdon jail, Hobart Tasmania.

We purposely posted votes to our prisoner members four days earlier than the supposed mail-out date, knowing mail to/from prisons was slow. But prisoners in WA jails were able to turn around their forms, in return addressed and stamped envelopes, in plenty of time.

How come a Tasmanian prisoner was not able to do so? This outcome hurts us, as CLA.

Can you imagine the hurt it inflicts on Sue?

### Premier abandons moderation for election bid

In an appalling volte face, Queensland's Premier, Annastacia Palaszczuk, has announced a new "tough on bail" approach and "police blitz on bail" against juveniles because she thinks she might lose the next election.

It is due on 31 October 2020.

"These are changes our MPs in Cairns, Townsville, Rockhampton and the Gold Coast have advocated and the government has acted," the Premier said. Guess where there's very risky seats for the Labor Party?.

She promised "tougher action on bail" and "crime action committees in 10 locations, community-based". Translation: let's let loose the vigilantes.

In the same media release, she claims that there has been a 12% reduction in the number of youth offenders in the state... and that she's spent more than \$500 million to curb youth crime since 2017.

So, by the very words of the Premier, her youth campaigns are either working...or she has wasted \$1/2 billion dollars of Queenslanders' taxpayer money in three years.

<http://tinyurl.com/racrqdb>

### Another Aboriginal death raises new questions

A coroner investigating the death in custody of Aboriginal woman Tanya Day has referred the case to the Director of Public Prosecutions to determine whether criminal negligence has occurred.

Day died in hospital on 22 December 2017 of a brain haemorrhage sustained when she fell and hit her head in the cells of Castlemaine police station 17 days earlier. She was in the cells because she had been arrested for public drunkenness, after being removed by police from a V/Line train from Bendigo to Melbourne.

Coroner Caitlin English said she made the recommendation after considering the evidence surrounding the 55-year-old Yorta Yorta woman's death.

"I believe an indictable offence may have been committed in connection to Ms Day's death," English said.

She recommended the Coroner's Act be amended to give coroners more control over the investigation, conducted by police, that informs an inquest.

She also recommended that a falls risk assessment be placed in the Victoria police manual's guidelines for holding people in custody, that police training be updated with reference to the Royal Commission into Aboriginal Deaths in Custody, and that both Victoria Police and V/Line transport training manuals be subject to an independent human rights review.

She also repeated an earlier recommendation, made at the first hearing of the inquest in December 2018, that the crime of public drunkenness be abolished in Victoria, to which the Andrews government has already agreed. <http://tinyurl.com/qv88d9v>

## VAD for terminally ill should be legalised

Queensland should legalise voluntary assisted dying for terminally ill adults, the state's health committee has found.

A year-long investigation to gauge public opinion on voluntary euthanasia has determined most Queenslanders are in favour of it. It is the first time the state has ever considered voluntary assisted dying. Currently, there's no option to help terminally ill Queenslanders who choose to die.

The committee found that every four days in Queensland, a terminally ill person takes their own life. "This must stop," the committee chair and Labor MP Aaron Harper wrote in a report tabled in parliament on Tuesday. "Suicide should never be the only option for Queenslanders suffering at end of life.

"This is just one of the many reasons the majority of our committee chose to support a recommendation for more choice for people suffering from an advanced progressive or neurodegenerative condition, through access to a voluntary assisted dying scheme." – AAP <https://tinyurl.com/r5ox4p9>

## Rayney barred in inconsistent WA legal ruling

Lloyd Rayney can no longer practise law after he was struck off the West Australian roll last month after a five-year battle with the Legal Profession Complaints Committee of WA.

The State Administrative Tribunal in 2018 found Mr Rayney guilty of professional misconduct for secretly recording his wife, Corinne's, conversations before her still unsolved murder in 2007, and then lying to a magistrate about it.

The SAT said Rayney "lacked honesty and candour", finding he deliberately disposed of a dictaphone containing the recordings after police had issued a search warrant at their Como home.

Last month a full bench of the Supreme Court of WA ordered Rayney's name removed from the legal roll.

Rayney had been charged and twice acquitted of murdering his wife. The WA Police made one of Australia's biggest defamation payouts after a sergeant had publicly named Rayney on TV news as the "prime and only suspect" in his wife's murder.

The astonishing part of the Rayney decision, CLA says, is that another lawyer continues to practise in Perth after being jointly responsible with two police officers – according to the Corruption and Crime Commission of WA – for Andrew Mallard spending 12 years wrongly in jail.

That lawyer paid just a \$10,000 fine and was allowed to go back into the lawyering business. Apparently he didn't lack "honesty and candour"...yet Mallard ended up in prison wrongfully convicted.

The jumped-up self importance and inconsistency of Australia's legal profession boards is notorious, and is a disgrace to the profession, CLA says. Rayney's case joins a long list of similar findings impossible to follow if justice is what the boards are meant to dispense. Why lawyers should be allowed to self-regulate is a great mystery.



NB: Mallard died in a vehicle accident in Hollywood USA almost exactly a year ago. Those who got him out of jail included current WA AG John Quigley, his chief of staff Colleen Egan (photo), barrister and former WA Governor Malcolm McCusker and HC judge James Edelman. <https://tinyurl.com/ychyhwth>

## Women's prison returns to state control

WA has a "new" women's prison, or one back in public hands.

The prison is renamed the Melaleuca Women's Prison, giving WA's Corrective Services greater prisoner management options and more chances at rehabilitation, a media release says. <http://tinyurl.com/u6z83ja>

The 260-bed prison reverted to the state when private operator Sodexo's contract, due to end in 2021, was terminated early.

## ODD SPOT: Virus trumps liberties and rights

WA's laws are typical: instant on-the-spot \$1000 fine, \$5000 for businesses if someone is only 1.4m apart from someone else.

Authorising electronic monitoring in your own home while in self-isolation, and 12 months' imprisonment or a \$12,000 fine for avoiding electronic monitoring. You must admit to and detail any recent travel.

Emergency authorities – think police, military, park rangers, council workers – can order you to not take any road or route, and can close off waterways. All of the above for the next 12 months, passed into law with no practical debate. <http://tinyurl.com/slbcxtp>

## 'Streamlining' police complaints...but the whole system need changing

A judge who has reviewed SA's Police Complaints and Discipline Act has recommended ways to streamline and improve how complaints against police are handled.

Retired District Court Judge Gordon Barrett, who was appointed in November 2019, has made 35 recommendations to open access to the complaints mechanism, and improve independent oversight of investigation, timely resolution of complaints, good communication of the processing and outcome of complaints, and transparency in the system.

His recommendations include:

- giving the Office for Public Integrity the right to refer a matter on its own initiative to SAPOL's internal investigation service for assessment;
- giving ICAC the power to report to Parliament on its assessment and oversight of complaints made under the Act;
- establishing an abbreviated disciplinary proceeding, and a common database which illustrates the incidence, disposition and outcome of complaints and reports; and
- amending the Act to force the Police Commissioner to release a public statement outlining details of an officer's admitted or proved conduct, while not disclosing the officer's identity.

SA Attorney-General Vickie Chapman will respond formally "in due course".

CLA says the proposed changes tippy-toe around the huge problem of police investigating police. To be fair to citizens, any police complaint investigation must be by an external agency, from interstate or overseas.

Police must be prevented from resigning when they first come under investigation, so the police force itself wears appropriate opprobrium for the actions of its employees.

There must be full disclosure, including the name rank and serving areas of any officer found guilty. It is important to reveal where the officer served so that other occasions of his/her transgressions may come to light. <https://tinyurl.com/y8dutyxc>

## Australian briefs

**Tradies needed in prisons:** Roebourne Regional Prison is among jails across WA calling for experienced tradespeople to join Corrective Services to help prisoners' rehabilitation. The state government announced last month that there were 125 vocational support officer roles available at 14 WA prisons in occupations including baking, metal fabricating, gardening, food preparation and painting. The medium security prison on the outskirts of Roebourne requires inmates to work or study, and has a strong focus on trade and workshop skills as part of the vocational training offered. <https://tinyurl.com/y9tt6hu5>

**Virus kills news outlets:** "At least 51 news media outlets and newsrooms have closed since the beginning of the coronavirus crisis in Australia: many are local newspapers that were already struggling," Margaret Simons reported in the Guardian Oz last month. <https://tinyurl.com/ybpg7cjc>

**WA opts for research on the incapacitated:** WA is introducing new laws so patients can participate in research and experimental treatments. The state says it is to help combat Covid-19. Before the new power, guardians could decide about medical treatment, but not including participating in medical research. This restriction effectively means critically ill, or incapacitated, Covid-19 patients could be denied access to cutting edge trials or treatments, the government claimed. CLA points out the same laws could be used to experiment on mental patients, people with dementia and the like. <http://tinyurl.com/wyzo7ok>

**Virus provides quick boost to police numbers:** The NT has graduated 56 police six weeks early due to Covid-19. The constables are deployed to Alice Springs (31), Katherine (16) and Tennant Creek (9) and will target alcohol-related violence, among other issues. A further 12 Aboriginal Community Police Officers will graduate at the end of May. NT Police are undertaking an 'Accelerated Recruitment Program' of 30 "experienced police officers from interstate", the media release by Police Minister Nicole Manison said on 200417. CLA hopes these "experienced" police do not include those run out of the police forces of other jurisdictions for misbehaviour, or worse.

**Was 2018 alleged rapist allowed to roam free for two extra years?** A police officer in WA was apparently allowed to resign when first caught by internal affairs in 2018. Last month he was charged with 18 new counts, bringing the total number of rape charges he faces to 84, alleged to have occurred between "2010 to the present". Detectives have said there may be more.



The 50-year-old, yet-to-be-named man from Kelmscott was arrested in March 2020. Police will allege he preyed on women, including in some cases plying them with a date rape drug, since 2010. CLA would like to know whether the former police officer has been free in the community between 2018 and his March 2020 arrest. Why wasn't he charged in 2018 when WA Police seemingly allowed him to resign? <https://tinyurl.com/y93boqwk>

## Comments by CLA's members

Covid-19 contributions this month (mostly in letters to editors):

### Abundance of caution is, by definition, over the top

Responding to the latest government bureaucrat doctor (without patients) "abundance of caution" announcement...An "abundance of caution" is not risk management, it is risk aversion. The ALARP (as low as reasonably practicable) principle of risk management is conspicuously absent from the various ever-expanding, costly Covid-19 countermeasures of dubious legality and utility introduced by government. The only means of reducing risk to zero is not to perform the activity (e.g. banning driving would reduce the road toll to NIL). What level of risk is acceptable, and how will "success" be defined? Without such parameters, the end point can't be specified. Population health is not the alpha and omega of liberal democracy. Freedom of association and economic activity are also valuable social goods. This situation is redolent of the memorable quote

by a U.S. Army Colonel in the Vietnam war "We had to destroy the village to save it". – Mark Jarratt's letter in *The Australian* 31 March 2020.

### Death lurks in crowded spaces

With respect to the issue of release of prisoners discussed in the April 2020 *CLArion*, we can learn something from the 1919 influenza pandemic. In the overcrowded NSW mental hospitals in 1919, 180 patients died from flu, a death rate of about 2.5%. In the same year 6387 people died from flu in the state, a death rate of about 0.3%. The case fatality rate for US Army soldiers in camps was around 5% in 1918, when the pandemic started. While it is true that mental patients were somewhat older and more likely to have serious medical conditions, deaths from the so-called Spanish flu tended to be concentrated among younger people. I suggest that involuntary crowding together was the significant factor. – David Roth, ACT.

### Prioritising health, education and people's safety

As an older person, I am grateful for the steps taken to protect my health. But I am also concerned that economic recovery should not fall on the shoulders of young people, who are already bearing an unfair burden. We need to rebuild an economy which is environmentally sustainable, builds self-reliant and diverse industries, promotes science, research and development – and an economy that is not based on multinational profit-making and greed. Less focus on war and armaments and more on peace, people and the environment. – Anne Sgro, Coburg North Vic.

### Rein in corporate excesses

In a preamble to her main point, CLA's Julia Anaf castigated the Institute of Public Affairs, IPA, and its boss John Roskam for calling for corporate tax cuts and cutting regulatory red tape. Then she writes: "By 2017, 71 of the world's largest economies were corporations, and only 29 were national governments. We all need to fully understand the reality of these global and national power dynamics to help us remain especially vigilant if we are to fight for a post-Covid-19-19 world that we would wish for." – Julie Anaf, Norwood SA, in *The Saturday Paper*, 11-17 April 2020.

### Release the refugees

Calling the riot squad into the Villawood Detention Centre highlights the urgent and pressing need to release all refugees and detainees into the community for the protection of the entire community. Sending the riot squad into a cramped and crowded situation, to threaten people with batons, is the opposite of what is required. Threatening frightened people with assault will not solve anything.

It demonstrates a total over-reaction and lack of respect for general public safety and the safety of refugees. There is no reason why refugees cannot be released into community care. Especially after the enormous border stuff-up and on-going deaths from the Ruby Princess. Now Border Force is endangering even more people using the riot squad as the vector. We must let the refugees out of detention! – Gerry Gillespie, Rural Australians for Refugees, Queanbeyan NSW.

### Medevac refugees confinement is tragedy

The genuine fear of Covid-19 among refugees detained in PNG must surely be compounded among those medically evacuated to Australia from Manus Island. These people have been confined in a Melbourne hotel following the repeal of the medevac laws in December 2019. Their continued detention and consequent physical and mental distress in a high-risk environment is a tragedy waiting to happen. What hope for them left in limbo? – Vicky Marquis, Glebe, NSW.

### Government's own goal

Re: 'Virus tracking app may be mandatory' (Cba Times, April 17). The idea of alerting people to their exposure to risk seems

good in principle. However, such a proposal by a government with a track record of systematically diluting our civil liberties should sound alarm bells. Here, after all, is a government that secretly contemplated using the resources of the Australian Signals Directorate against Australian citizens, then raided the homes and offices of journalists who dared to disclose this information publicly. Can any government that defends its agents' rummaging through the underwear drawer of a female journalist be trusted? – Peter Grabosky, Forrest ACT.

### Thanks for nothing

Virgin is seeking a taxpayer subsidy. I'm all for that. Let's give them back all the tax they paid last year.

– Fred Pilcher, Kaleen ACT.

### Not above suspicion

So the Morrison government, with the King of Robodebt, Stuart Robert, leading the charge, would like people to voluntarily install a coronavirus tracking app on their phones despite privacy concerns? If only they had a deep well of public trust and goodwill to draw upon. If only there hadn't been a proposal for the Australian Signals Directorate to spy domestically on Australians for the first time and then a witch-hunt to find the whistleblower who exposed it.

If only the government hadn't tried to silence charities from lobbying it for policy changes by imposing onerous reporting requirements on them. If only it hadn't sicced the Electoral Commission onto GetUp – twice – to attempt to silence it. If only Peter Dutton, you know the actual bloke in charge of all this security apparatus, hadn't wanted to financially punish people on Newstart exercising their legal right to freedom of assembly and freedom of political speech because they took part in climate protests.

If only this government wouldn't harangue people with the tired cliché that they "have nothing to fear if they've nothing to hide" whenever citizens object to ever more invasions of privacy in the name of more intrusive security, while steadfastly resisting a powerful ICAC even though, you know, "they've got nothing to fear if they've got nothing to hide". – David Jenkins, Casey ACT.

### The app dilemma

The proposal to track interactions using phones is, in theory, a good idea. Sadly governments have so damaged their credibility with regard to honesty and their technical ability to protect data, few people would trust them with their lunch money, let alone their private data. Mandating the app would only generate the usual slew of blockers and workarounds. – Fred Pilcher, Kaleen ACT.

*Bill Mathew has been very active recently...*

### Good walk spoilt. Beware the (Covid) 19th hole!

Banning golf in Victoria is draconian ('Fair way to go before golf's back', 30/3, *Age*). Golf is a non-contact sport. The only time there is any personal contact is at the end when the players shake hands. This practice must be banned. The rest of the time, players are several metres and up to 100m apart. Of course, clubhouse access and socialising must be banned during the Covid-19 emergency. The two irresponsible golfers who skipped isolation to play golf should not be a reason to ban golfing in Victoria. It should be remembered that for many elderly golfers, golfing is the only exercise they have to keep fit and healthy. – Bill Mathew, Parkville Vic.

### Editorial condemns police blitz on park goers

To *The Australian*: Your front-page report 'Police state: blitz on park goers' and your powerful editorial 'Guard against march of Big Brother' (1/4/2020) give some hope that we have not yet reached a police state. Every NSW policeman and his leader should be questioned as to how it can be that a man lying in the sun away from others is breaking the law and how it can be

wrong for a family to drive to their holiday home a few kilometres away. Such policing is anathema in a free society. A free news media is the guardian of democracy. Your editorial confirms we have some hope of keeping that freedom alive during and after the Covid-19 emergency. – Bill Mathew, Vic

### An abuse of power

Your editorial 'AFP raid on wrong side of the law' (*The Australian* 16/4) shows how easy it is for a nation to become a police state with the blessing of a democratically-elected government. The government's weakness is reflected in how the AFP Commissioner is failing to rule out charges against Annika Smethurst and two ABC journalists. This is outrageous in light of the High Court's ruling. We must also remember another Australian citizen, Julian Assange, who languishes in Britain's notorious Belmarsh Prison and the government's inaction on that issue. The Prime Minister has many questions to answer before the next election. – Bill Mathew, Parkville Vic.

### Wet markets essential

John Davenport (Letters, April 16) condemns the WHO for its endorsement of reopening wet markets in China. "Wet market" is a term used in parts of Asia to describe fresh produce (including seafood and meat) markets, which may, or may not, sell wild animals. Just as WHO does not have the power or authority to shut down a farmers' market in Canberra, so it cannot force the closure of the Wuhan Wet Market. WHO is a standard setting, information sharing and capacity building organisation. WHO can, and does, make recommendations on health standards to be observed in running a wet market, especially in the handling of meat and fish.

Wet markets are essential in the provision of cheap, locally sourced, fresh produce. I agree with Mr Davenport that wildlife markets, with caged animals, are horrendous and every effort should be made to stop them. However, to blame WHO for their continuation is to cast a stone in the wrong direction. – Jennifer Ashton, Ainslie ACT.

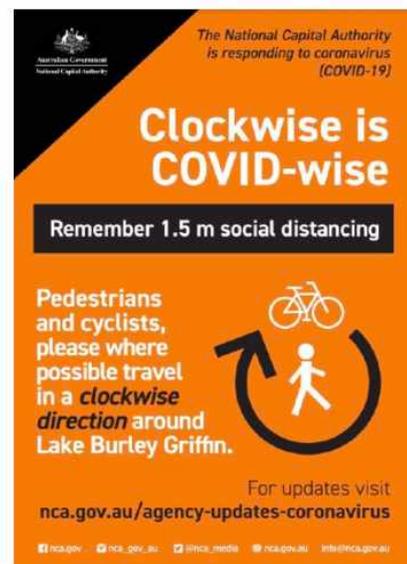
### Govt tells you which way to turn:

Article by CLA CEO Bill Rowlings in the *Canberra Times* about the National Capital Authority trying to tell people which way to walk (see sign). <https://tinyurl.com/ybxqxcyb> or <https://tinyurl.com/y8ys2rwr>

Comments by members:

**Stupendous edict:** Well done, Bill! It's good to know that the ACT government still has its priorities right. It seems they think mowing parks and green spaces, fixing footpaths and following state of the art urban planning principles are so last century. Mind you, devotees circumambulating the Great Stupa in Kathmandu are expected to walk clockwise. Those who walk counterclockwise are considered to be non-Buddhists, possessed by a demon or, rarely, practitioners of a highly advanced but controversial left-handed tantra. These people must be catered for! – Pauline Westwood, Dickson ACT.

**Which way will the flurries turn?** Congratulations on getting the *Canberra Times* article up. I look forward to what I am sure will be a flurry of responses. – Chris Stamford, Chapman ACT.



The new signs. Picture: Supplied

## CLA report – main activities for April 2020

Like all people and organisations, activities have been amended to comply with the Covid-19 restrictions. Thus we have held meetings by Skype, Zoom and Webex teleconference.

### Meetings:

Re national Civil Liberties & Political Rights (CPR) Act: present Bill Rowlings, Chris Stamford, Kris Klugman

- Mark Dreyfus MP
- Julian Hill MP
- Mick Gentleman Police Minister ACT
- Andrew McLachlan, Senator SA

Letters to MPs for the Civil and Political Rights (CPA) campaign

- Richard Marles MP
- Andrew Giles MP
- John Quigley AG WA

Skype/Zoom consultations:

- Melissa Parke, member Perth WA
- Tony Murney, new member ACT
- Richard Griggs (Director Tas); Rajan Venkataraman (VP), both Tasmania
- Margaret Howkins (Director, WA)

Physical meetings held with members:

### Articles in April:

See CLA website: A great many excellent articles were posted in April <https://www.cla.asn.au/News/>

### Media:

- ‘Electronic tracking devices among new coronavirus powers for WA security agencies’ (SBS, interview Rajan Venkataraman): <https://www.sbs.com.au/news/electronic-tracking-devices-among-new-coronavirus-powers-for-wa-security-agencies>
- Interview with the *Tasmanian Times* (Rowlings); Covid-19 impacts on prison population: 25 March
- Interview with Aaron Fernandes, *SBS News* (Venkataraman): cited on nightly news, SBS Radio and website, 9 April 2020
- Interview with Naman Shah, Monash University student newspaper (Venkataraman); Covid-19 and the prison population: 16 April 2020
- Comments to Paul Gregoire (Rowlings); published by Sydney Criminal Lawyers (and picked up by other publications) ‘[Morrison Insists on Mobile Phone Tracing App Before Controls Can Be Eased](#)’: 17 April 2020
- Interview with Grahame Dickson, for the *Social Detectives* documentary series (Venkataraman); Covid-19 and the future of civil liberties: 17 April 2020
- Radio interview with Jenna Clarke, *The West Live* (Venkataraman); Covid-19 and the contact tracing app: 20 April 2020
- Media release on use of facial recognition technology for ‘proctoring’ remote University exams (Klugman): 21 April 2020
- Article pulling the nose of orders to walk/exercise clockwise only (Rowlings) <https://tinyurl.com/ybxqxcyb>

— from VP/National Media Spokesperson Rajan Venkataraman

**Tasmania report & Submissions:** (all submission this month were made in Tas):

Open letter to the Parliament of Tasmania on the establishment of a Covid-19 multi-party select committee of Parliament (Griggs) 9 April 2020.

Suspension of the Personal Information Protection Act – letter to the Tasmanian Attorney-General (Griggs) 21 April 2020

Suspension of the Personal Information Protection Act – letter to the Tasmanian Premier (Griggs) 22 April 2020

– from Directors Richard Griggs and Rajan Venkataraman.

**WA report,** from Director Margaret Howkins:

Wrote article expressing prisoners’ fears of catching Covid-19. Prisoners in WA and in other states had raised issues in letters to CLA of over-crowding, lack of hygiene resources and an absence of health crisis information from authorities. Bill Rowlings added regulatory information from the UN, Nelson Mandela Foundation, OPCAT and local human rights oversight agencies. The article was edited by Bill and is available on CLA’s website.

I mailed printed copies to 11 WA prisoners, the Office of the Inspector of Custodial Services and the Custodial Services Minister. Responses assured CLA that custodial staff were on duty 24 x 7 and rigorously implementing strategies to prevent themselves being ‘carriers’ of the disease. Distancing measures were also being implemented by relocation of prisoners where safe to do so.

Skyped with MP Sandra Nelson (CLA member) in the NT along with CLA exec in Canberra. We discussed her possible involvement with CLA campaigns in future.

Responded to prisoners’ letters requesting CLA membership. I enclosed the Queensland Prison Review Report + how to find the list of new pro bono lawyers becoming available in WA in July. (Community Legal Centre: 31/33 Moore St. Perth WA 6004). Two groups of prisoners at Acacia Prison have formed Committees to seek support from correctional authorities for educational initiatives (making of a DVD) + action to combat the harshest parole conditions in Australia. WA doesn’t reward ‘good behaviour’. This leaves prisoners psychologically despondent, with a sense of helplessness.

Teleconferenced with the WA Australian Lawyers for Human Rights co-convenors seeking clarity on the ALHR steering committee’s strategy for getting rights legislation up in WA. I decided not to join the steering group but to keep in touch bi-monthly. WA ALHR will campaign over eight years whereas CLA in WA is canvassing (and educating) numerous groups and individuals to support a national initiative right now.

Wrote to Australian Asbestos Diseases Society and the Office of the Inspector of Custodial Services (OICS) requesting teleconference meetings.

Teleconferenced with the OICS (Inspector Eamon Ryan & Officer Cliff Holdom) to offer a CLA independent observer for all (or most) custodial inspections in WA. Their response was encouraging. In addition, CLA was invited to forward summaries of letters from prisoners around WA expressing bullying or harsh, stress-provoking conditions and practices occurring in their prisons. Names of prisoners kept strictly anonymous. Forewarned is forearmed for the OICS when inspecting.

Clear, succinct, superbly structured reports coming in from Law student (CLA ‘intern’) Linda Diep. She has been tasked with researching 2007 opposition to a rights act in WA. Reports from CLA national project leader Chris Stamford that other Law ‘intern’, Owen Kipling, has prepared useful preliminary background material, and is turning that into targeted lobbying documents.

Zoom meeting with new CLA member Lacy Gow and CLA executive in Canberra to discuss possible contributions Lacy could make to current CLA initiatives, including the campaign to end PIP (Police Investigating Police).

**NT report:** – from NT Director Caitlin Perry (photo)

*Heavy handed policing (and Armying) in the NT:*

In a jurisdiction with astronomically high rates of incarceration, the last thing we need is another pathway to jail, but the NT government is following the leader with plans to impose harsh financial penalties and even jail for spitting or coughing on health workers, teachers, police et. No-one wants to be spat on or exposed to risk of transmission of disease...but is jail time really the answer?

Heavy handed policing anywhere, anytime, is wrong and can escalate rather than resolve an issue. Heavy-handed policy during the Covid-19 pandemic has the potential to erode the community's willingness to adhere to the restrictions imposed to prevent spread of the disease. An example of the lack of judgement of NT Police was allowing ADF officers to co-patrol a bottle shop in Tennant Creek to enforce local alcohol restrictions – a task usually handled by local, and locally-known, PALIS (police auxiliary liquor inspectors). Having Army people there also even upset the bottle shop owner! Police eventually admitted it was a mistake to do so. <https://tinyurl.com/y7xva6u9>

*NT election 2020:*

The NT Election will go ahead on 22 Aug 2020 but there is concern about the capacity to do so. "Running elections in the Territory, particularly in remote areas, is challenging at the best of times," NT Electoral Commissioner Iain Loganathan said. "It's even going to be more challenging with the pandemic and the restrictions in place." <https://tinyurl.com/yasjdrsx>

**CLA people:** Bill Stefaniak has announced he is standing for the ACT Leg. Assembly in the scheduled 17 Oct 2020 election, for his own new Belco Party (short for Belconnen, a major satellite suburb centre of Canberra). He is a former Liberal Attorney-General, Minister for Police and Justice, Minister for Education, and Opposition Leader. Born in Canberra, he studied Law at ANU and became Appeal President of the ACT Civil and Administrative Tribunal. He was a Major in the Army Reserve and a noted local and parliamentary Rugby player. He has been a member of CLA for more than a decade.

## INTERNATIONAL

### **Long-range outlook? NPR asked Dr Paul Farmer**

"We'll get through it where there are resources. We have tools that were unimagined during the 1918 flu epidemic. We have resources people would not have dreamed of 102 years ago.

"I know Chinese authorities have been criticised for trying to tamp things down. But they actually published the genome [for the novel coronavirus] and within days that meant people in scientific institutions were pursuing vaccine development and therapies." <https://tinyurl.com/ybg663wj>

Farmer (photo) is the world's guru on health and human rights. He is a physician and anthropologist as well as professor and chair of the Department of Global Health and Social Medicine at Harvard Medical School. He received the US National Academy of Sciences' 2018 Public Welfare Medal.



## **Sky-pry surveillance put on hold**

Baltimore Police are trying to use the 'cover' of the Covid-19 pandemic to introduce aerial surveillance.

Last month a judge temporarily blocked the reconnaissance missions after a community think tank and two Baltimore residents challenged the surveillance program.

The planes, their pilots, analysts and hangar space were originally approved for a six-month trial, to be funded by wealthy philanthropists Laura and John Arnold through their Arnold Ventures.

The technology is capable of capturing images of 8500ha of the city for a minimum of 40 hours a week.

The lawsuit argues that the planes would violate the residents' constitutional rights to not be searched without cause and to freely associate with others.

Baltimore police officials have stressed that the surveillance footage would be used only after a serious crime has been reported – not to track vehicles or people during a police chase.

But many others remain skeptical of the eyes-in-the-sky approach, worrying it will infringe on their rights and be used more broadly than in the narrow set of crimes officials have identified. <http://tinyurl.com/r7orgru>

## **Modern slavery jumps more than 50% in a year**

Potential modern slavery victims identified in the UK rose by 52% in 2019 to a record high of 10,627.

The 2019 figures was up from 6986 in 2018.

Officials decided there were "reasonable grounds" to believe 8429 were victims of modern slavery, meaning they were provided with at least 45 days of specialist support including in some cases accommodation. Just over 1000 of the referrals were determined not to be cases of modern slavery.

But all 8429 are awaiting a "conclusive grounds" decision, the next stage in the process. This means around 80% of 2019 referrals are awaiting a conclusive decision, compared to just 38% of referrals for 2018 as of 10 February 2020.

Modern slavery includes human trafficking, slavery, servitude or forced labour. <http://tinyurl.com/stttwoj>.

## **Court sentences four journalists to death**

A Yemeni court under the control of Houthi rebels has sentenced four journalists to death for spying.

The four were among 10 journalists detained by the Iran-backed rebels and accused of "collaborating with the enemy" – the Saudi-led coalition that has been at war with the Houthis since 2015.

Amnesty has called the charges "trumped up", alleging the detained reporters were beaten, deprived of water and forced to hold cinder blocks for several hours.

The four sentenced to death were reported as Abdel-Khaleq Amran, Akram al-Walidi, Hareth Hamid and Tawfiq al-Mansouri.

Sitting in the rebel-held capital, Sana'a, the court convicted the six other journalists on similar charges, including "spreading false news and rumours", but ordered their release after time served.

Defence lawyers were not permitted to attend the trial. The verdict can be appealed. <https://tinyurl.com/tdsmh7a>

## **ODD SPOT: Size the leader to fit the crisis**

'It's past time to elect leaders who are fit to handle the crises we face, instead of hoping for problems small enough to fit the leaders we have'. – Rhiana Gunn-Wright, director of climate policy at the Roosevelt Institute USA. <https://tinyurl.com/ya8ujegs>

## Uzbeks lose liberties under virus crackdown

Uzbekistan is stepping up measures to stem panic, Agnieszka Pikulicka-Wilczewska reports.

Managing or storing materials to create panic is punishable with a fine of up to 89,200,000 UZS (more than \$14,500) or three years' in jail. Sharing hoarded materials can mean up to five years jail.

Disseminating false information about the coronavirus carries a possible punishment of two years prison labour, while publishing "fake news" in the media risks up to three years in jail.

The financial repercussions are high, given that the minimum wage in Uzbekistan is \$95 a month.

If you violate quarantine rules you can go to prison for up to 10 years.

Uzbekistan has made great rights and liberties strides over the past few years: formerly banned news sites and social media platforms have been unblocked and citizens have been able to criticise the government and voice their concerns. But Covid-19 is driving Uzbek rulers back to old ways. <https://tinyurl.com/tj3mjt5>

## Last Saud princess pleads for freedom

Princess Basmah bint Saud bin Abdulaziz al-Saud, a human rights advocate and the last of King Saud's 108 children, has alleged that Saudi Arabia is holding her and a daughter without charge in Riyadh.

The arrests have not been explained, despite repeated pleas to the kingdom's royal court, and to her uncle, King Salman, she says.



She used *Twitter* to plead for freedom and claim her deteriorating health was now "very critical". She said she was being held in al-Hayer prison, and claimed to have done no wrong.

Princess Basmah (photo) and her daughter were apparently detained by nine men when trying to leave Saudi Arabia for Switzerland in March 2019 for urgent medical treatment: her private jet was not allowed to leave.

The princess, 52, advocated reform and greater women's and humanitarian rights during a brief media career in London. She also is the author of *The Fourth Way*, a book including a proposed modern constitution for Middle Eastern and other nations.

She had called for Saudi Arabia to change to a constitutional monarchy from its current status of an absolute monarchy. She also urged restraint in the Saudi-led war in Yemen, a very sensitive subject. <https://tinyurl.com/yc4ndrly>

## Police arrest pro-democracy figures

Hong Kong police arrested fifteen prominent pro-democracy figures last month.

They include Martin Lee QC, who helped draft Hong Kong's Basic Law, and human rights barrister, Dr Margaret Ng. In October 2019, the pair was jointly awarded the International Bar Association's Human Rights Award for their lifelong commitment to the defence of freedom, democracy and the rule of law.

Pro-democracy entrepreneur and media tycoon Jimmy Lai was also among those arrested.

Hong Kong authorities claim the arrests relate to organising and taking part in 'unauthorised assemblies' on 18 August, 1 October and 20 October 2019 in contravention of Hong Kong's Public Order Ordinance.

"We consider that the arrests violate the right to peaceful protest, which is protected under the Joint Declaration and the Hong Kong Basic Law. These instruments guarantee Hong Kong residents the rights to freedom of speech, of the press and of publication; freedom of association, of assembly, of procession and of demonstration until 2047," the Law Council of Australia said. <https://tinyurl.com/ybjkrl5m>

## Whistleblower gets \$17m after seven years

An English judge has awarded former EY partner Amjad Rihan (photo) \$17m in damages after he was forced to quit for exposing money-laundering at Dubai's largest gold refinery.



High Court Justice Sir Timothy Kerr accepted that global professional services behemoth Ernst & Young had colluded with Dubai authorities to cover up damaging findings that gold refiner Kaloti Jewellery International was involved in laundering billions in cash.

One neat trick was apparently to trade in solid gold bars coated with silver to avoid export controls.

EY had repeatedly breached the code of ethics for professional accountancy firms, the judge said.

Rihan led a 2013 audit commissioned by the Dubai Multi Commodities Centre, the government body responsible for regulating and promoting a gold market with billions of dollars of turnover annually.

The EY audit found Dubai's largest gold refiner to have committed "zero-tolerance breaches" of DMCC's own guidelines...but these were rewritten before publication in order to avoid releasing the audit's negative findings.

According to Paul Dowling, a solicitor from law firm Leigh Day who represented Rihan: "This important judgment sends a clear message to would-be whistleblowers that they do not have to tolerate unethical conduct within their organisation, no matter how high up the chain it goes."

If only that were true, CLA says. Rihan – and his family – have been through seven years of mental hell for being an honest man, a diligent employee and an ethical accountant. <https://tinyurl.com/y7od56hl> <https://tinyurl.com/yd4msavh>

## Court finds Peru detained, raped LGBT person

The Inter-American Court of Human Rights has found Peru responsible for the arbitrary detention and rape of an LGBT person, a now-transwoman, who was then a gay man, named Azul Rojas Marín.

She was stripped, hit and raped with a truncheon by three officers while in custody in 2008, her legal team said. The court said it was an act of torture in the first ruling on a complaint of torture involving the LGBT community.

Peru's government has not responded to the ruling, made in March 2020. <http://tinyurl.com/qlrd5ke>

## 73,000 troops let loose 'on poor people'

More than 73,000 extra troops are being deployed across South Africa until the end of June to enforce a lockdown aiming to stop the coronavirus spread, President Cyril Ramaphosa announced last month.

South Africa at 22 April 2020 had 3465 confirmed coronavirus cases, second only to Egypt in Africa - and 58 deaths amid a savage lockdown.

Restrictions include no jogging outside, no sales of alcohol or cigarettes, no dog-walking, no leaving home except for essential trips and prison or heavy fines for law-breaking.

Critics say the country will resemble a military state. The middle class, which hasn't suffered any harassment by the army, is sitting comfortably, while poor people are literally dying at the hands of brutal soldiers, they say. <https://tinyurl.com/ycsoou52>

### International briefs gone viral:

**Security kills more than virus:** Security forces enforcing the lockdown in Nigeria to curb the spread of Covid-19 have killed more people so far than the virus itself, the country's official human rights body reported on 16 April 2020. "There were 8 documented incidents of extrajudicial killings leading to 18 deaths", it said. According to figures released the same day, 12 people in Nigeria had died of Covid-19, out of a total of 407 confirmed cases. <https://tinyurl.com/ydgylvbx>

**No more betel juice:** One of the first things banned nationwide in PNG when the virus crisis threatened was sale of betel nut (officially, Areca catechu) or buai in Tok Pisin, the local lingo. The fruit pulp, wrapped in betel leaf and taken with slaked lime, can be chewed for hours, results in a slight stimulative effect... and constant spitting. It also leads to cancer of the tongue, mouth and throat...but that's quite another health crisis. <http://tinyurl.com/wad9mua>

**Fake news to cop big fine:** The United Arab Emirates will fine people up to 20,000 dirhams (\$8650) if they share medical information about Covid-19 that contradicts official statements. The UAE government made the health ministry and other state health institutions responsible for distributing "true" health information and guidelines to the nation. <https://tinyurl.com/ybp9nusv>

**Migrant workers suffer most:** A mushrooming of infections in Singapore among its huge migrant worker population is threatening success in fighting the coronavirus. About 80% of all cases are linked to dormitories housing low-paid migrant workers from South Asia. Singapore has sealed off multiple dormitories, as the government carries out extensive testing and tries to move healthy workers out. Questions are being raised about why more wasn't done to protect them. – BBC <https://tinyurl.com/y8ppz79y>

**Virus no bar to abortions:** A US federal judge has barred the state of Tennessee from preventing abortions during a temporary ban on non-essential medical procedures to slow the spread of Covid-19. US district judge, Bernard Friedman, said the defendants didn't show that any appreciable amount of personal protective equipment (PPE) would be saved if the ban was applied to abortions. Judges have ruled to allow abortions to continue in Arkansas, Oklahoma, Ohio and Texas. <https://tinyurl.com/ychnzwmwy>

### International briefs

**Journalist shot dead in bike ride-by:** A Mexican journalist has been shot dead in broad daylight as violent crime in the country and attacks on the press continue. María Elena Ferral (photo) was shot eight times by a masked pillion rider as she left a notary public's office in Papantla, a city plagued by organised crime in



the Gulf coast state of Veracruz, Reporters Without Borders said. Ferral reported for the Veracruz newspaper El Diario de Xalapa and founded the news website Quinto Poder de Veracruz, where she investigated sensitive issues such as crime, corruption and the police. <http://tinyurl.com/u7tq4q4>

**'Freed' far from home:** Chinese human rights lawyer Wang Quanzhang, who was jailed for four and a half years for subversion, has been released from prison but barred from reuniting with his wife and son in Beijing amid the coronavirus pandemic. His wife, Li Wenzu, fears that the authorities are using the pandemic as an excuse to hold him under de facto house arrest indefinitely. She said Wang has been released from prison but authorities had sent him to his home town, Jinan, in the north-eastern province of Shandong (400km south of Beijing) for quarantine. <http://tinyurl.com/sreso32>

**44 found dead in prison cells:** Forty-four suspected members of jihadist group Boko Haram, arrested in Chad recently, have been found dead in their prison cell, apparently poisoned, Chad's chief prosecutor announced last month. Autopsies on four of them revealed traces of a lethal substance which had caused heart attacks in some and severe asphyxiation in others, he said. The dead were among a group of 58 suspects captured during a major army operation around Lake Chad in March 2020. <https://tinyurl.com/y9yk6mpa>

**Diplomatic switch-back is likely:** The Kiribati party that switched recognition from Taiwan to China last year has recently lost its majority in the parliament over its handling of the move. In the second round of parliamentary elections, the governing party and allies won 22 seats out of 45, dealing a blow to President Taneti Maamau, who previously enjoyed a comfortable majority of 31. The rest of the seats were won by members or allies of two other parties: one of which has pledged to switch back to Taiwan, and another made up of MPs who left the governing party to create a new opposition party over Maamau's handling of the switch. Kiribati and Solomon Islands broke away from China late in 2019. <https://tinyurl.com/yd4x53oc>

**Saudi civil liberties campaigner dies in jail:** Leading Saudi human rights campaigner Abdullah al-Hamid, a founder of the Saudi Civil and Political Rights Association, has died in prison, activists say. He had been in a coma after suffering a stroke. Dr al-Hamid, 69, and another activist, Mohammed al-Qahtani, were convicted at the same time and sentenced to 10 and 11 years respectively for a raft of offences, including "inciting disorder". Campaigners say Saudi Arabia has one of the worst records for human rights in the world, with freedom of expression severely curtailed and critics of the government subject to what they say is arbitrary arrest. <https://tinyurl.com/yak6zofw>

**Blogger flogging comes to an end:** Saudi Arabia is to abolish flogging as a form of punishment, according to a legal document seen by media outlets, the BBC has reported. The directive from the kingdom's Supreme Court says flogging will be replaced by imprisonment or fines. It says this is an extension of human rights reforms under the country's de facto ruler Crown Prince Mohammed bin Salman. In 2015 when blogger Raif Badawi was subjected to the punishment in public, for cybercrime and insulting Islam, he had been due to receive 1000 lashes in weekly beatings but global outrage and reports that he nearly died put a stop to that part of his sentence. <https://tinyurl.com/y78xsden>

**DATES:** *PLEASE check against Covid-19 lockdown cancellations (or e-conferences instead)*

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

**21 May, Brisbane:** Religious freedom, religious discrimination and the rule of law: Prof Carolyn Evans of Griffith U. at Supreme Court 5-6.45pm. Details: <https://law.uq.edu.au/event/session/13472>

**21 June, Hobart:** Tentative date for the postponed AGM of the Sue Neill Fraser Support Group. Info: [rosiecc@bigpond.com](mailto:rosiecc@bigpond.com)

**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>

**20 Aug, Brisbane:** Forensic evidence in criminal proceedings, Prof Gary Edmond UNSW, Supreme Court 5-6.45pm. Details: <https://law.uq.edu.au/event/session/13484>

**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>

**6 Dec, Christchurch NZ:** Date by which Scott Watson's next parole bid must be heard. Watson was convicted of a double 'yachtie' murder in 1998 in a case that has generated great controversy as to the safety of the conviction: <https://tinyurl.com/yx2dtjv> <https://tinyurl.com/sdue78q>

**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>

...leading into...

**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 (CIPL) 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.

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CLArion is the monthly e-newsletter of Civil Liberties Australia A04043, Box 3080 WESTON CREEK 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)

ENDS ENDS END

### Future election dates in Australia:

Three elections are scheduled for Australia later this year.

The Covid-19 situation may force the 2020 elections to be held completely by postal or electronic balloting.

A federal election for the House of Representatives (without an election for half the Senate) could be brought forward, even into late 2020, if the ruling Coalition parties believe they have become much more popular because of their handling of the Covid-19 emergency.

While such an early HoR elections would break a half-century of tradition, nothing can be ruled out in these interesting times.

NT:	22 August 2020
ACT:	17 October 2020.
Qld:	31 October 2020
WA:	13 March 2021
Australia:	likely between 7 Aug 2021 and 21 May 2022 (but could be earlier, much earlier)
SA:	9 March 2022
Tas:	by 14 May 2022
Vic:	26 November 2022
NSW:	25 March 2023