

As America votes, how bad relatively is the Covid-19 pandemic in that nation?

“Though its 330 million people represent roughly 4.25% of the world’s population, the (USA) has recorded just over 20% of deaths from Covid-19, the disease caused by the coronavirus.” – *Washington Post*, 201009 <https://tinyurl.com/yy9bxet8>

“...cumulatively, 511,373 (469,578–578,347) lives could be lost to COVID-19 across the US by 28 February 2021,” says a major and accurate health research centre, IHME, in Washington DC.

“...achieving universal mask use (95% mask use in public) could be sufficient to ameliorate the worst effects of epidemic resurgences in many states. Universal mask use could save an additional 129,574 lives (85,284–170,867)...” <https://tinyurl.com/yys68ofm>

– The Institute for Health Metrics and Evaluation (IHME) is an independent global health research centre at U.Washington, and has been one of most accurate predictors of fatalities for the USA during Covid -19.

Don’t criticise the Australian government!

In the 2020 Budget ANAO – the audit agency which revealed the sports rorts affair and the \$30m payment for land in western Sydney valued at \$3m – sees funding fall from \$112m to \$98m in 2020-21.

This will mainly affect performance audits (down from \$33.4m in 2019-20 to \$28.9m in 2023-24).

The agency undertook 42 performance audits last year, but will complete only 40 audits in 2021-22, which will drop to 38 by 2023-24.

...and the ABC gets cut again!

The Guardian also points out that the *ABC*’s budget drops from \$880.6m in 2021-2022 to \$866.5m in 2022-2023, a 3.7% decrease in real terms from 2020-2021 to 2023-2024.

The broadcaster – whose 7.30 program consistently reveals government failures and mismanagement – cut staff and services after an \$84m indexation freeze announced in the 2018 budget.

The latest freeze comes on top of the \$783m in funding the *ABC* has lost since the Coalition came to power in 2014. So much for valuing the most reliable news source in Australia when fires, floods, famine, cyclones or virus pandemics beset the nation. <https://tinyurl.com/y56py3ck>

See a fuller listing of who gets more funding...and who doesn’t...at the end of this newsletter.

ACT refuses to populate lawless federal ID database with private photos

The ACT has refused to hand over private photos and information stored through its driver licence records to the national ID system because the federal government’s Big Brother database is literally lawless.

Queensland, Victoria, SA and Tasmania are already uploading their drivers licence data to the National Driver Licence Facial Recognition Solution, which Home Affairs, which runs it, calls ‘The Capability’, but which is in fact the ‘Inescapability’.

The government claims the system is “deliberately designed not to accept live video feeds such as CCTV” and that it “cannot be used for real-time monitoring or live facial recognition of people in public places”.

But that is a straight out lie. Maybe it can’t do those things now, but it could be upgraded to do both by the simple flick of software switches.

“It’s a national ID system worse than China’s,” CLA CEO Bill Rowlings says. “China does not have the percentage of the population with drivers’ licences that Australia has, nor similar high numbers statistically with passport photos and other data, which can all be centrally stored.”

The database is illegal, and cannot yet operate formally, because the draft federal law to allow it failed to pass the Australian Parliament. The government is currently redrafting its bill after it was dramatically knocked back by the Security and Intelligence Committee (PJCIS) last year for failing to provide safeguards, transparency or appropriate accountability.

Tasmania has recently uplifted its photos, as have Qld, Vic and SA. <https://tinyurl.com/y5wnqbsb>

Govt spends \$3m-plus to prosecute secretly

The government has spent more than \$3 million, so far, prosecuting Bernard Collaery and Witness K under secret trial rules of national security law.

The pair are accused of releasing details of the now-known fact that Australia bugged the Timor Leste Cabinet room to gain negotiating advantage over one of the world's poorest countries during the Timor Sea oil and gas treaty/deal.

Officials from the Attorney-General's Department (AGD) told Senate estimates last month that the cost of the external legal advice as well as government solicitor costs in the case had reached \$3,094,583.

The bill rose \$600,000 in the past three months, according to independent Senator Rex Patrick. "It just goes to the extraordinary cost to the taxpayer of this matter," Senator Patrick said. <https://tinyurl.com/y2h4vblz>

So far as is known, the government has not yet asked any commercial firm which may have benefited from the secret information to pay part or all of its legal bills.

Federal prosecutors and legal leaders are a disgrace to the nation

ABC journalist Dan Oakes will not be prosecuted over his reporting on alleged war crimes carried out by Australian special forces in Afghanistan.

The Commonwealth Department of Public Prosecutions said last month that there was no public interest in pursuing a prosecution...even though the CDDP believed there was a reasonable chance of securing a conviction against Mr Oakes over leaked classified documents that he used to report on alleged murders by SAS soldiers.

As Oakes said, "It has been a very difficult three years."

If there is no public interest in charging Oakes in 2020, there has never been any public interest in doing so.

Therefore, CLA says, the CDDP is either hopelessly inefficient and incompetent in taking three years to come to this conclusion...or, it suited the CDDP, the Attorney-General and the government to keep Oakes and all Australians in limbo to frighten off other whistleblowers.

If so, the people running Australia's federal legal system are a disgrace – to themselves, to their legal vows, and to Public Service codes of conduct under which they are supposed to operate.

They should charge themselves with abuse of power, CLA says. <https://tinyurl.com/y6otbxao>

Government makes good choice for Suicide Commissioner role

The federal government made an excellent choice last month in appointing Bee Boss as National Commissioner for Defence and Veteran Suicide Prevention (subject to legislation passing parliament).

Dr Bernadette Boss holds a PhD from the University of Sydney and has practiced as a barrister in Australia and the UK, primarily in family, criminal, administrative and human rights law. She is a former member of Civil Liberties Australia, before being appointed magistrate.

Since 2012, she has served as a magistrate and coroner of the ACT. A Brigadier in the Army Reserve, she served in East Timor, Iraq, and Afghanistan and was the first female commanding officer of Sydney Uni regiment. She has been awarded a Conspicuous Service Cross.

Dr Boss's new role is to be an independent examiner of what's going wrong in Australia's military forces, where suicide is rife. Apart from her legal, human rights and Army qualifications, she qualified first as a registered nurse in London, including a specialist ophthalmic nursing diploma.

See also: *Canberra magistrate Bernadette Boss complained Supreme Court made it impossible to protect children* <https://tinyurl.com/y6eygo65> https://en.wikipedia.org/wiki/Bernadette_Boss

Photo: CLA President Dr Kristine Klugman and Dr Bee Boss



Do we need a social vaccine?

Writing in *The Lancet* medical journal on 10 Oct 2020, editor Richard Horton in 'Reasons for Hope' tells the story of two Australian academics, Professors Fran Baum and Sharon Friel, who recently proposed the need for a social as well as a biological vaccine to solve the challenge of Covid-19.

He said that they had argued in the *Medical Journal of Australia* that we need to go beyond a biomedical vision for solving the global virus problems.

"By a social vaccine, they mean "a metaphor designed to shift the dominant biomedical orientation of the health sector towards the underlying distal factors that cause disease and suffering".

“They set our four foundational requirements for health—a life with security, opportunities that are fair, a planet that is habitable and supports biodiversity, and governance that is just. Each of these requirements determines the components of a social vaccine.

“A life with security demands a universal system to guarantee social protection, employment, and shelter; progressive taxation; and international treaties to ensure peace and security.

“Opportunities that are fair include (at a minimum) universal and free education; racial, sex, and disability discrimination laws; decent jobs; and environments that enable healthy choices.

“A planet that is habitable requires a zero carbon future; protection of biodiversity; and elimination of fossil fuel subsidies.

“Finally, governance that is just means a universal franchise; robust systems of political accountability; and strong civil society organisations, protected by legislation.

“They write, inspiringly, that, ‘A global social vaccine will enable a new way of living that is healthy, just, convivial, and sustainable, and will inoculate future society against a return to a world growing increasingly less healthy, sustainable, and equal,’ Horton wrote.

Haines trains her sights on prevaricating government over FIC

Independent MP for Indi, Helen Haines (photo), is behind a private member’s bill to create a federal integrity commission (FIC).

Her move comes after the Morrison government has procrastinated on a two-year-old promise, and the Attorney-General Christian Porter has sat on a draft integrity commission bill for nearly 12 months.

“There’s nothing so delicious as a scandal and boy, we’ve had a feast haven’t we?” Haines said.

Unlike the government’s toothless draft, Haines’ bill would encourage public hearings when in the public interest and allow anyone to refer a matter to the FIC.

The government has been using the excuse of a Covid-19 pandemic for not proceeding with its bill, seeming to confirm that it is unable to focus on more than one matter at a time. <https://tinyurl.com/y2jdzgco>
<https://tinyurl.com/yyoa7h58>



CLA asked for comment on new Senate Select Committee

Spanish journalist Antonia Di Lorenzo, from online platforms *ECigIntelligence* and *TobaccoIntelligence*, contacted CLA to ask for our comments on the appointment of a new Senate Select Committee on Tobacco Harm Reduction. Here’s what we replied:

“Any valid government committee that seriously considers possible physical harm to people’s health is welcome,” Civil Liberties Australia (CLA) CEO Bill Rowlings said.

“CLA believes governments would have more moral authority if they acted consistently. If the Australian government believes smoking and vaping is harmful to health – after undertaking valid scientific research – they should ban the products to protect Australians.

“But, after countless similar inquiries, tobacco and vaping products are legal in Australia.

“While the Australian government taxes tobacco, and profits from its sale, individuals should be free to decide whether to buy and consume the product.

“Instead, the Australian government is two-faced: it allows sales and gains income, but runs publicly-funded campaigns against smoking while imposing astronomical, punitive tobacco taxes, currently \$Aust 1575 per kilogram before imposing a further national Goods and Services Tax (GST).

“Each cigarette in Australia costs \$Aust 1.21 in tax alone, which is 85% of the retail price per cigarette. There is absolutely no doubt that alcohol can be harmful to a person’s health, yet the Australian government does not tax alcohol in a similar fashion, again showing its inconsistency.

“CLA’s experience, unfortunately, is that government committees never extend personal freedoms.

“Instead they find ways of cutting liberties to impose the moral code of a self-selected group who are obsessive about one issue or the other. Australia has no bill of rights, so that people cannot take any action to enforce their right to personal choice...against their own government if necessary,” Rowlings said.

Senate Committee: <https://tinyurl.com/y69bfsv4>

‘Australia’s offshore asylum centres have been a cruel disaster’

That was the headline in the *Guardian*, warning the UK about Australia’s approach to asylum seekers.

“Offshore processing costs Australian taxpayers more than 50 times as much as letting asylum seekers live in the community. For a time, this expenditure rose at a rate of 129% annually. The government has spent \$7.6bn to keep 3,000 people confined in abysmal conditions – a costly warning to others who might dare to seek Australia’s sanctuary.”

So wrote Jane McAdam, Scientia professor of law and director of the Kaldor Centre for International Refugee Law at UNSW, and Madeline Gleeson, a senior research associate at the centre and author of *Offshore: Behind the Wire on Manus and Nauru* (NewSouth Publishing, 2016).

“Australia has ‘gotten away’ with successive and continuing human rights violations because it has no constitutionally guaranteed charter of rights, nor any regional human rights treaty or court against or by which its conduct can be assessed,” the authors wrote.

“The UK, as a party to the European Convention on Human Rights, would not be able to evade its legal responsibilities in the same way.

“A successful refugee policy not only manages national borders, but it also protects people who need safety. Australia’s offshore processing regime has caused extreme trauma. It has cost billions of dollars that could have gone towards more effective and humane alternatives.

“It should not be replicated. Ever.” they wrote. <https://tinyurl.com/y3c6nk9v>

Parke–Sharma up the anti

Former Member for Fremantle and CLA member, Melissa Parke, last month accepted a settlement offer from sitting MP David Sharma after suing him for defamation.

She sued the Member for Wentworth for an April 2019 tweet by the MP, who is a former Australian Ambassador to Israel. He accused her of “antisemitism and trafficking in conspiracy theories”.

Parke had earlier accused Israel of a “fully fledged system of apartheid” in a speech to Palestinian supporters. (Parke earlier in her career had worked in the Gaza strip for the United Nations).

With each side claiming victory in the legal dispute – each paid their own costs – CLA member Peter Wesley Smith commented in *The Australian Jewish News*: “Why is it antisemitic to accuse Israel of engaging in apartheid? When is it not antisemitic to criticise Israel?” <https://tinyurl.com/y59n8m8t>

LNP on youth freedom

Oh dear! Queensland police would get extra powers to hassle teenagers 17 and under who are out at night and detain them at “community refuges” under a curfew proposal from the Liberal National Party.

Election law’n’order head auctioneer, opposition Leader Deb Frecklington, was planning a six-month curfew trial for “young people” in Townsville and Cairns if she is elected Premier.

It’s odds on that the “young people” would be disproportionately Aborigines, based on usual arrest patterns.

Children under 14 would have to be locked up at home before 8pm unless accompanied out by an adult.

Police would detain children 15 to 17 if they were out after 10pm without a “reasonable” excuse. <https://tinyurl.com/yxdre7et>

Prof tackled, fined for observing police ‘violently suppressing’ students

U. Sydney law professor Simon Rice (photo) says the NSW government needs to make rules around protests more consistent, after NSW Police last month swept his legs away, pushed him to the ground and slapped him with a \$1000 fine.

Prof Rice, who is the uni’s chairman of law and social justice, said he was observing students’ protest against fee rises when police acted violently towards him.

A uni spokeswoman said it was “very disturbed by the footage we’ve seen of today’s events”. “We encourage anyone who thinks that they were treated poorly by the police to lay a complaint,” she said.

Police said they issued 14 penalty infringement orders for breaches of a Public Health Order at the protest,

Prof Rice said there was “simply disproportionate use of force. The rule of law requires transparency and predictability in the use of power,” he said.

“On the one hand, we can go to the beach, we can go to Westfield, we can go to sports games. I was at Coogee last weekend with 2000 people. But we can’t march in protest. The state needs to clarify why some activities (are) favoured, and other activities violently suppressed,” he said. <https://tinyurl.com/y678hbvo>



Virus costs SNF another year in jail



‘Unbelievable’: Sue Neill-Fraser’s 2020 appeal hopes crushed

ADJOURNED Sue Neill-Fraser will spend her 12th Christmas in jail. Her hopes of fighting for her freedom next month are now officially crushed, with COVID-19 delaying her murder appeal hearing until 2021.

Sue Neill-Fraser’s appeal hearing, due in November 2020, is now slated for 1-5 March 2021.

Basically, Covid-10 has cost her at least an extra full year in jail.

Her hearing was to be held earlier in 2020, but her Melbourne and Perth pro bono lawyers could not travel to-from Tasmania without periods of quarantine, which they were not able to fit into their schedules.

So justice has had to wait, delayed again.

SNF is in the 12th year of a 23-year sentence for murdering her husband, Bob Chapple, on the yacht they jointly owned on Australia Day night in 2009 in Sandy Bay, Tasmania.

She is eligible for parole at 13 years.

In the past two years, Eve Ash’s *Undercurrent* and *60 Minutes* TV programs have carried admissions from a woman, Meaghan Vass, now in her mid-20s, who was homeless and 15 when she apparently deposited a large sample (“dinner plate size”) of her DNA on the deck of the yacht.

In SNF’s original trial, Vass denied she had ever been aboard the yacht.

Over the past two years, Vass has said she was on board, knows how Chapple met his fate, and knows the names of two males who were there at the time.

But still SNF remains in jail. – Directions hearing reports from Lynn Giddings and Ruth Lawton Graham.

LEFT: How *The Mercury*, Hobart, reported the directions hearing of 7 Oct.

Traffic law on cannabis to match health law?

Victoria could align its health laws with its traffic laws early in 2021, following a report on driving with cannabis in your bloodstream due to be tabled in parliament on 18 December.

It has been legal for five years in Victoria to take medicinal cannabis prescribed by doctors...but it’s illegal to drive with any trace of cannabis in your system. Reason Party Member of the Upper House, Fiona Patten, has long argued the legal dichotomy is unfair.

Labor MP Harriet Shing is leading a working group on this issue which will report by 18 December 2020. As well as Patten, it includes medical experts, road safety groups, Victoria Police and bureaucrats from the Justice and Transport departments.

Patten says about 4000 people in Victoria taking medicinal cannabis would benefit if the law was changed to reflect common sense treatment of cannabis the same as any other prescribed medicine. NB: Patten is a member of CLA. <https://tinyurl.com/y4jlypr7>

ODD SPOT: Red light cameras catch cops with their tests down

In another example of how police hate being caught out breaking the law, multiple SA traffic cops are to close 134 intersections every 28 days to test red light cameras for accuracy. You can bet the tests will be accompanied by traffic disruption and TV news cameras.

The testing has been forced on SAPOL by a recent Supreme Court ruling that overturned a man’s fine for running a red light because the camera had not been tested properly by police.

The court decision has thrown the current series of fines issued, but not paid, into contention: SAPOL issues about 1900 fines a month, which bring in revenue of \$1.1m to the government.

SAPOL has not explained why testing cannot be done in the dead of night, by police normally on duty at that time, to minimise traffic chaos. <https://tinyurl.com/y5zwvpcd>

Lack of scrutiny won’t pass the pub test

The newly-elected NT government has axed the committees it created to scrutinise proposed laws and reversed changes it promised would increase transparency and accountability.

Apparently, the decision to scrap the Scrutiny Committees was made because of reduced numbers in the Labor caucus which now has 9 Ministers, 1 Speaker only 3 backbenchers to do committee work.

But the move doesn’t pass the pub test, CLA believes.

Labor created committees to scrutinise draft Bills when it was elected in 2016.

The “scrutiny” committee emerged when Labor rolled the social and economic policy committees into one body in November 2019. It had three government and two non-government members, who considered submissions on proposed laws from non-government groups and members of the public. <https://tinyurl.com/yxbcet8u>

NT police officer committed to trial for murdering Indigenous teenager

Alice Springs local court judge John Birch has committed a Northern Territory police officer to trial for murdering an Indigenous person in what is believed to be the first such case.

Constable Zachary Rolfe will stand trial in 2021 for murder in the NT Supreme Court after a three-day committal hearing. Judge Birch withheld his reasoning for the committal so as not to prejudice the trial.

In November 2019, 19-year-old Kumanjaya Walker was shot dead in his bedroom in Yuendumu, an Aboriginal community 300km north-west of Alice Springs, during an attempt to arrest him.

Prosecutors have alleged Rolfe fired a Glock pistol three times at Walker. It is alleged the teenager had stabbed the officer with scissors.

Defence lawyers argued the police officer acted in self-defence when he fired the three shots.

Public protests over the killing took place in Alice Springs, Perth and Sydney in November 2019. A large group of Walker supporters gathered outside the court in October 2020 after the committal decision.

Constable Rolfe is suspended on full pay, and living in his home town, Canberra. He appeared during the recent committal hearing via video.

<https://tinyurl.com/yxt4xogv> <https://tinyurl.com/y2usff4a> <https://tinyurl.com/y294tca6>

Committee calls out CCC for failing to investigate police misbehaviour

A parliamentary committee has severely criticised WA's Corruption and Crime Commission for apparently ignoring police brutality, particularly against Indigenous people.

The CCC investigated only 15 of the 1315 complaints it received over the past four years.

Over 2019-20, the CCC decided 82% of allegations of police brutality called for no further action. Of the rest, the CCC referred most back to WA Police for investigation.

Tabling a report into complaints about the use of excessive force by police, committee's chair, Labor's Margaret Quirk, accused the CCC of tackling only “low hanging fruit”.

The report revealed "troubling evidence" Indigenous West Australians had given up reporting alleged use of excessive force by police to the CCC, and urged the corruption watchdog to increase their engagement with Aboriginal people.

Ms Quirk told Parliament the Aboriginal Legal Service gave evidence it was "disinclined to contact the CCC about alleged incidents of excessive use of force”.

"It had no confidence that the allegations would be acted upon," she said. <https://tinyurl.com/y33joxnw>

Earlier, the same committee failed to endorse Premier Mark McGowan's wish to re-appoint John McKechnie as head of the CCC. Instead, (David) Scott Ellis (photo) became acting Commissioner to 9 July 2022.

<https://tinyurl.com/y42wzsrp>



CCC refuses to hold police to account: committee

The joint committee of parliament inquiring into the Corruption and Crime Commission in WA believes that the *CCC Misconduct Act 2003* needs ‘complete overhaul’.

Why does it think that way?

“The Committee concluded even if there is a more robust internal police oversight the CCC cannot abrogate its responsibility. And there are certainly instances cited where this confidence in internal inquiries was misplaced,” the committee’s report said.

“What this report highlights is the huge disparity between the number of allegations which the CCC chooses to closely investigate and those, the vast majority, left to police to investigate internally.

“However thorough and professional police internal investigations may be, this is neither consistent with public expectations nor the statutory intent that the CCC play a central role.” . – JSC report into the CCC, report 2020.

Losing the plot?

The “CCC” in WA operates under the *Corruption, Crime and Misconduct Act 2003*...but has seriously neglected the “misconduct” element of its Act, critics say.

Police misconduct was the basis for the CCC’s formation.

The state government established the Kennedy royal commission in 2002 to examine whether any WA police officer had engaged in corrupt or criminal conduct.

The final report of the commission said:

... the full range of corrupt or criminal conduct from stealing to assaults, perjury, drug dealing and the improper disclosure of confidential information have been examined. [the Western Australian Police force] has been ineffective in monitoring those events and modifying its procedures to deal with that conduct and to prevent its repetition.[1]:pp 1–2

... The fact that there remain in WAPS a number of officers who participated in this conduct, and who not only refused to admit it, but also uniformly denied it with vehemence, is a matter of concern.[1]:p 4

A principal recommendation of the Kennedy RC was that a Crime and Corruption Commission be established as an oversight body. While there is certainly ample corruption in WA to be investigated, there is no proof that misconduct in WAPOL has diminished since the RC.

Critics says the opposite could be the case. <https://tinyurl.com/y685t9on>

Three Christmases in jail, without extradition conviction: longer than Assange

An Australia who lives in Perth will spend his third Christmas in a WA jail because of allegations made by US authorities...without a shred of proof before an Australian court.

Eugeni “Zhenya” Tsvetnenko (photo), 40, was charged by New York with wire (telecoms) fraud, conspiracy to commit wire fraud and conspiracy to commit money laundering in mid-2016.



He was arrested in Perth in December 2018 at the request of the USA. Without having to show any proof, Australia has jailed the man for two years. Three times he has sought bail, but Australian courts have refused, saying he is a flight risk.

However, his mother and father live in Perth, as does his ex-wife and the couple’s two young children.

Zhenya will not get a hearing to decide whether Australia should extradite him to the US until 22-23 March 2021 in Perth Magistrates Court. He has spent longer in extradition detention than Julian Assange.

His spokeswoman, Evelyn Duffy, said he was not in the USA when the alleged offences were committed. He did not try to flee when aware of the charges two-and-a-half years before arrest.

“The Extradition Act places enormous trust in foreign justice agencies because of our ‘no evidence’ model of extradition. This means that foreign justice agencies are not required to show there is sufficient evidence to justify proceeding with a case against an Australian citizen.

“This is a one-sided rule because treaty partners such as the United States require Australian authorities to prove they have enough evidence to meet the probable cause standard before they agree to hand over people in their jurisdiction.”

She said Tsvetnenko’s case was being investigated by the UN Human Rights Committee, with a petition lodged by human rights barrister Geoffrey Robertson arguing Zhenya’s imprisonment was cruel, unnecessary and breached Australia’s international human rights obligations.

His situation has shone the spotlight on Australia's outdated, one-sided and unjust extradition regime.

Concerned justice figures have long argued that several aspects of our Extradition Act 1988 must change, says Evelyn Duffy. NB: Duffy is a member of CLA

New drug facility/program opens for prisoners

In a first for WA, Casuarina Prison has opened a new Mallee Rehabilitation Centre as a treatment facility providing a therapeutic drug and alcohol program to dismantle cycles of substance abuse and criminal offending.

Mallee, which houses 120 men, is the first drug and alcohol treatment facility for male prisoners in WA.

The prison will partner with service providers, Palmerston Association and Wungening Aboriginal Corporation to deliver an alcohol and other drug (AOD) recovery program called *The Solid Steps Program*. <https://tinyurl.com/y2gm2zpj>

Shower-sneak cop with camera has charge dropped

Victoria Police sacked an officer after allegations he covertly filmed his wife's friend in the shower.

Even though there was apparently compelling evidence, VicPol dropped criminal charges against the disgraced senior constable. The alleged victim is furious, and considering launching civil proceedings.

When confronted with the video evidence, the officer sent an unqualified apology to the woman and admitted to his "disgraceful conduct", reports say.

The woman made an official complaint to police in June 2019, and the officer was charged with several offences in October. But police dropped the charges against the senior constable in May 2020.

The woman is still attempting to take out an intervention order against the disgraced officer.

A VicPol spokeswoman refused to explain why the charge was dropped. The officer was dismissed in September following a hearing by Professional Standards Command. <https://tinyurl.com/yytzr7qs>

Australian briefs

Law-to-die-by expected in 2021: The Queensland Law Reform Commission is developing legislation for voluntary assisted dying to go to the Attorney-General by 1 March 2021. A parliamentary committee report, released on 31 March 2020, recommended the government implement a voluntary assisted dying scheme. – Qld AG's annual report 2019-20



Christrup is new Solicitor-General: Attorney-General Selena Uibo has appointed local barrister Nikolai Christrup SC as Solicitor-General. He has Economics (1995) and Law degrees (1997) from NT University, winning awards in both categories. Christrup (photo) was a Supreme Court associate before working in private practice as a commercial litigator in Darwin, then being called to the Bar in 2004. He became Senior Counsel in 2018. He has lived in the Territory since immigrating to Australia as a 16-year-old in 1990. Christrup replaces Sonia Brownhill SC, who has been appointed an NT Supreme Court judge. – media release, AG 201008

Rape case 'go-slow' when police are charged? NSW Chief Magistrate Graeme Henson last month criticised NSW Police over a case in which two officers are charged with attempted rape of a schoolgirl and with producing child abuse material, accused of filming the alleged incident. Henson expressed his frustration when the prosecutor asked the case be delayed for at least three months. "You sound like a cracked record ... what a farce, it really is," he said. The prosecutor explained she only received a 2000-page brief of evidence and transcripts from NSW Police the day before the hearing. The pair were arrested in August despite reports of misconduct being submitted to the NSW Police Professional Standards Command in June. <https://tinyurl.com/y9rloxnx>

Support for legal cannabis on a high: Cannabis was the most commonly used illicit drug in 2019, with 11.6% of Australians using it in the previous 12 months. In 2019, 36% of Australians aged 14 and over had illicitly used cannabis at some point. Support for legalising cannabis continued to rise in 2019 (41%, up from 35% in 2016), reaching almost double the level of support in 2007 (21%). Cocaine consumption in Australia remains centred in NSW, particularly in Sydney. If police tested people coming out of high-rise buildings and legal offices in the Sydney CBD on Friday nights, they might secure even more drug arrests than lying in wait outside pubs in the suburbs, CLA believes. – AIHW National Drug Strategy Household Survey 2019 <https://tinyurl.com/ydz58hqh>

Who has most trade influence on Australia? Treasury officials told a parliamentary trade committee hearing last month that the top source of foreign direct investment into Australia was the USA (20.1%), followed by the UK (12.5%), Japan (11.4%), the Netherlands (5.4%) and Canada (4.6%). They said China was ranked sixth with 4.5% of the share of foreign direct investment, down 47% in just 12 months.

HK extradition treaty limboed: A federal parliamentary committee, with bipartisan support, has backed government action to suspend Australia's extradition treaty with Hong Kong. The Joint Standing Committee on Treaties believes China's new national security law has fundamentally altered Hong Kong's status and raised serious concerns about the independence of the judiciary, and abiding by the rule of law and other fundamental principles of justice. – committee media release 201007

Aid up to Pacific, down everywhere else: Australia is giving aid – “development assistance” – worth \$4 billion in the 2020 Budget. There will be another \$304m over two years, with \$211m of it in 2020, to help Pacific nations and Timor Leste with Covid-19. Our aid will be 0.21% of GDP, less than half what it was 50 years ago. The UN target is 0.7%.

This court can really become opaque: The NT has opened a specialised domestic violence court in Alice Springs. The room keeps survivors safe by removing face-to-face contact with accused abusers. With the press of a button, a clear window becomes opaque, preventing “opposing” sides seeing each other. There is a separate street entrance and waiting area with its own security. The court, presided over by judge Meredith Day Huntingford, is part of a \$15m renovation to Alice Springs local courts. <https://tinyurl.com/yxueqlyc>

Spin can't change nature: Despite the spin put on it by the Coalition and industry, coal seam gas is a fossil fuel. It is not a "transition fuel" and cannot therefore be legitimately used as a stopgap between fossil fuels and renewables. Neither is it a "firming fuel" or a "feedstock" – these are spin words designed to simply to distract from its nature. It is really just a money spinner both for multinationals and for politicians topping up their campaign war chests at the expense of our global climate. We need to reverse this. – Penny Rosier, North Epping, NSW

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

Police wrong pandemic choice; life ruined

Re the October CLArion newsletter: I too believe that to commit to police enforcement (during the pandemic) was a very bad decision. Poor Assange, what a bureaucratic ruination of a life. – Carlene Bott, Fisher ACT

Australia severely skimps on aged care

The government's proposal to give tax cuts to some higher income earners in the 2020 budget will come at the expense of services as taxation revenue is reduced. Jo Bjelke-Petersen must be laughing in his grave – we're almost there at his flat tax dream. We've heard from numerous economists that these tax cuts won't stimulate the economy. Most of the savings given to high-income earners go into the bank or pay off the mortgage. We could be giving a living income to everyone, and saving the humiliation the unemployed have to go through dealing with Centrelink, while producing a more efficient safety net. Aged care services also obviously need more funding and pulling back from the privatisation which has been a disaster. Economist Ross Gittins said recently: "Countries with well-functioning aged care – such as the Netherlands, Denmark, Sweden and Japan – spend between 3% and 5% of gross domestic product, whereas we spend 1.2%". The government's priorities are skewed to big businesses, many of which have done very nicely out of the existing stimulus packages. They, and high-income earners, don't need more largesse. How about looking after those who need it? – Kathryn Kelly, Chifley ACT

Unstoke, hose down, please PM

‘China tensions alarm Germany’ and “China poses greatest threat: MI5 chief” (Age, 16/10) suggest that powerful white nations are ganging up against China’s rising military and economic power. Such tensions could easily lead to World War Three and Australia would be the first casualty. It is advisable for the Prime Minister to put every effort into hosing down causes of such a war instead of stoking the fire. – Bill Mathew, Parkville, Vic.

Invited to comment on the WA Budget, the CLA Director said:

It's a confident Budget, on the whole. However I cannot agree that creating 800 more police (1100 increase from Labor) and spending millions on tooling them up will make WA 'safe and strong'. The reverse is true. Critically, our government needs to take more notice of the evidence that addressing social inequalities and the economic causes of crime provide a more powerful and effective form of justice than increasing police power. WA's crime rate has been dropping since 2012. Violence against women is the one category of offence that has been increasing, not decreasing, over that time. Instead of targets for police powers, there should be targets for justice outcomes that all communities desperately need, such as police targets to increase the rate of successful prosecutions for violence. That would mean ensuring well investigated briefs of evidence. Financing WA police to look more ferocious makes them look scary...and stupid. In support of civil liberties and freedoms – Margaret Howkins, Director CLA in WA, Maylands

Hear no evil

It is wildly improbable that any priest will face a legal dilemma as a result of Queensland (or any other) legislation requiring the reporting of child sexual abuse disclosed in the confessional (CLArion, October, p8). For example, Bishop Pat Power and Father Frank Brennan have both said publicly that they have

never had a confession of child sexual abuse in their decades of priesthood. Other priests with whom I have discussed the issue have said the same. Hence the “dilemma” of choosing between reporting under state law or observing the confessional seal under Canon law does not arise because there is unlikely to be anything to report. These legislative exercises were just stunts, designed to allow politicians to pretend they were addressing a problem, one which does not exist. – Stephen Brown, Forrest ACT

How good is Jacinda Ardern!

Words like “kindness, positivity, respect and empathy” are not those usually used to describe the qualities of our politicians or those in the US, who instead choose rudeness, obstinacy, inequality, secrecy and division. NZ people have watched her daily COVID briefings, rather than commercial news, to gain information. Here we get political spin. Her “wellbeing budget”, introduced last year, emphasises happiness over capitalist gain, and their economy is not judged by how well rich people are doing, or the size of their deficit. Her core objectives that “everyone deserves a job, somewhere to live, someone to love and something to hope for” would be branded as “radical left” policy here and in the US, but encapsulates the recipe for a unified and harmonious country. – Alan Marel, North Curl Curl, in *SMH*.

Voting for big parties denies fresh blood

The best to be said of the ACT election result is it could have been worse. The tragedy is it could have been so much better. Canberrans' adherence to the big parties denied us the chance of fresh blood and fresh ideas. Would the outcome have been different if more people had used the excellent "Smartvote" system developed by the ANU? – Fred Pilcher, Kaleen ACT

We need an ICAC to restore trust

Ebony Bennett (‘Need for an ICAC is stronger than ever’, 17 October 17, Canberra Times) makes a convincing case for why a federal ICAC, with teeth, is needed now more than ever. She wrote: "Corruption is, by its nature, secretive." It is two years since Attorney General Christian Porter promised an ICAC. The proposed delayed model has serious flaws. Numerous recent scandals Australia-wide have emphasised the necessity of an effective federal ICAC. Just as importantly, we need a national human rights act. Without accountability and transparency, our democracy loses the trust of the people. – Dr Kristine Klugman OAM, president Civil Liberties Australia

CLA report – main activities for October 2020

Tasmania:

Analysed for the first time the government responsiveness to petitions tabled in lower house of state parliament showing 3 out of 4 do not receive a response (as is promised by the parliament). Letter to three political leaders highlighting the problem and proposing solutions.

Queensland:



Congratulations to long-time CLA member Kay Danes who is now, officially, Dr Kay Danes. She received her PhD last month for “A qualitative inquiry into the evolving professionalisation of the Australian Humanitarian Sector”, undertaken with South Cross Uni’s School of Law and Justice. In 2014, Kay Frances Danes was awarded an OAM for social justice and human rights work. She has written five books, including a number outlining the troubles she and her on-leave SAS Warrant Officer husband Kerry suffered during imprisonment in Laos on dubious charges for nearly a year. For the past few years, the pair have been actively battling alleged discrimination and mistreatment by the Australian Army.

Western Australia:

- WA Director of CLA, Margaret Howkins, wrote a CLA submission, requested by the Standing Committee (SC) on Environment and Public Affairs, to support tabling of the ‘Let’s Stop Police Investigating Police’ Petition in October. That committee passed the CLA submission to the Joint SC on the Corruption & Crime Commission (JSC). The JSC had carried out an Inquiry ‘Hearings’ (during October) to assess how many complaints of police misconduct the CCC investigates. The JSC’s Findings and Recommendations reflected points raised in CLA’s submission. (Hearings included questioning the Police Union, WA Police, the CCC and WA Aboriginal Legal Service).
- Christmas Eve tabling: WA government has stated that it will respond to the JSC on the CCC Findings and Recommendations on 24 December! This is disappointing. The report makes shocking reading –

see items above – for any WA citizen who believes that since 2004 the CCC has been ‘oversighting’ police misconduct independently. Responding to the report on Xmas Eve is miserable...unless they plan to announce a new anti-corruption body in the model of the UK’s Office of Police Conduct’, a Xmas gift, for peace on earth and better justice for all in WA in 2021.

- As CLA director in WA, Howkins wrote to the four cross-party members of the JSC on the CCC, congratulating them on their astute questioning in the hearings’ and the long-needed recommendations in the report. The chairperson, Margaret Quirk, responded immediately with thanks for CLA in WA’s support. The other three are Jim Chown, Alison Xamon and Matthew Hughes.
- Received letters and a petition of 19 names from a CLA prisoner member at Acacia prison. Prisoners are seeking support for the setting up of a judicial commission in WA similar to NSW, Victoria and the NT. WA was considering having one about 10 years ago but nothing happened. Currently, if you wish to make a complaint about a member of the judiciary or registrar, you must complain in writing to the Chief Magistrate. You cannot, however, use this procedure if you want to complain because you think: the decision in your case was incorrect or unfair, or the magistrate/registrar didn’t handle your case properly. The CCC don’t respond to such complaints.
- Director Howkins met with Nolan Hunter, CEO of Kimberley Land Council to talk about CLA’s PIP campaign and lobbying for a human rights act in WA and nationally. Mr Hunter is soon to become Amnesty International’s first Aboriginal Peoples’ Advisor.
- CLA WA social gathering was due on 29 October.

South Australia:

Collaborating with longtime CLA member Dr Sarah Moulds, who is organising a forum in Adelaide: *Time for a human rights framework for SA*. Thurs 10 Dec (UN International Human Rights day) 10-3pm.

ACT HQ report:

Meetings with CLA members Mark Jarratt and Tony Murney re security issues.

Meeting with Australian Privacy Foundation (Prof Roger Clarke, Linda Spinaze) and Dr Des Griffin of NSW

Zoom with CLA member WA Sandra Nelson re current issues

Teleconference with Nolan Hunter, CEO of Kimberly Land Council (President Dr Kristine Klugman, CLA Manager federal human rights campaign Chris Stamford, and CEO Bill Rowlings)

AGM of Vintage Reds with guest speaker CLA member Bill Bush, Friends and Family of Drug Law Reform

ACT CLA members social gathering, 25 Oct 2020, being Covid-19 conscious. *Photos below.*



Left: Adele Stevens and Howard Hanley.

Right: Victor Stevens and Mary Samara-Wickrama.

Below right: Arved von Brasch, Chris Stamford, David Jenkins.



Book launch Paperchain Bookshop CLA member Gerry Gillespie’s book *The Waste Between Our Ears: The Missing Ingredient to Disrupt Climate Change Is in the Trash*.

Continuing extensive activities for a national human rights act: sending letters and emails to report on progress to MPs, lobbying for inclusion in federal platform for a commitment to introduce a human rights act.

Collaboration/mentoring with ANU law students, Law Reform & Social Justice Human



Rights Project in researching and writing on current topics:

- **Vaccination**: Could/should the anticipated Covid-19 vaccination be mandatory in Australia? Expert Tim Vines, past VP of CLA, about to be awarded PhD in health issues.
- **Whistleblower protections**: Examine whistleblower legislation in the ACT, and suggest improvements. Expert: David McBride, currently facing charges over SAS Afghanistan misbehaviour issues.
- **Can a government agency order you to walk clockwise** around Lake Burley Griffin? (Note; they made their signs advisory, but should they have done so? Mix of medical and emergency legal powers: could they have made the directions mandatory?). Expert Phil Schubert past CLA Treasurer and principal of Blumers Lawyers.

Media

- CEO Bill Rowlings' comment for Antonia Di Lorenzo, of *ECigIntelligence* and *TobaccoIntelligence* online news outlet, on new Australian Senate [Select Committee on Tobacco Harm Reduction](#) (see item above). 26 October 2020
- CEO Bill Rowlings quoted in article on anniversary first progressive homosexual law in Australia, Don Dunstan legacy: <https://www.sydneycriminallawyers.com.au/blog/don-dunstan-a-past-beacon-of-light-in-a-barren-political-landscape/> 24 October 2020.
- 'Voices fall on deaf ears: Government gives cold shoulder to petitioners', by David Killick. Long interview CLA Director Tasmania Richard Griggs in *The Mercury*, Hobart, on handling of public petitions by the Tasmanian Parliament. 22 October 2020 (see under 'Tasmania' above).
- CEO quoted in "WA hard border: police 'exploiting the privacy' of travellers in emergency situations", *The Guardian* (Australia): <https://tinyurl.com/y5qhn62> 18 October 2020



Submissions

Tasmania: Letter to government/opposition re: handling of public petitions in the lower house (Griggs) 19 October.

Tasmania: Submission to the Department of Justice re: Youth Justice Amendment (Searches in Custody) Bill (Griggs) 27 October.

INTERNATIONAL

US insists on human rights in trade

The US State Department has issued voluntary guidelines for American companies which export surveillance products.

The aim is "to prevent their products or services being misused by government end-users to commit human rights abuses."

The Americans claim China is exporting snooping capabilities to authoritarian regimes around the world, as part of its Belt and Road Initiative.

The new US guidelines impose human-rights due diligence duties, in line with the UN Universal Declaration of Human Rights, UN Guiding Principles, the International Covenant on Civil and Political Rights and other international standards.

They list "red flags" that exporters should pay close attention to including laws and regulations in the importing countries, and potential curbs on civil society and non-government organisations.

The exports covered include remotely controlled recording devices to include sensors, biometrics equipment, internet surveillance and location tracking tools, plus data analytics software, including predictive models. <https://tinyurl.com/y5yucyrs>

ODD SPOT: Kamala Harris, VP candidate, during debate with VP Mike Pence:

“We will unleash a criminal justice reform. We will get rid of private prisons and cash bail and we will decriminalise marijuana and we will expunge the records of those who have been convicted of marijuana. This is a time for leadership.” <https://tinyurl.com/y28odb4a>

Prison hulks? Transportation? Where/when has this happened before?

British humanitarian groups and charities reacted angrily last month to leaked documents suggesting the government has been working actively on “detailed plans” that include cost estimates of building asylum detention camps on the south Atlantic islands of Ascension and St Helena, as well as Moldova, Morocco and Papua New Guinea.

There was also discussion of placing refugees on large ferry ‘hulks’ as a prelude to transportation.

The chief executive of the UK’s Refugee Action, Stephen Hale, said: “The government’s speculative plans to round up human beings and confine them to prison boats or camps on remote islands are inhumane and morally bankrupt ...”

Minnie Rahman, public affairs manager at the Joint Council for the Welfare of Immigrants, said the proposals were “cruel and farcical”, adding: “These proposals are so ridiculous, they’re almost laughable.” The documents reveal that trials had taken place of a blockade in the English Channel similar to Australia’s controversial “turn back the boats” tactic. Seven thousand migrants have arrived in the UK in small boats across the Channel so far this year, up more than three times the number for all of 2019.

CLA believes no Australian Indigenous groups have been consulted about whether they would welcome the refugees’ transportation to Australia. The last time a similar scheme took place, they were also not consulted. <https://tinyurl.com/y565pr9>

Has the NYT fallen for fake news delivered by hoaxer?

A trial this month in an Ontario court of 25-year-old Shehroze Chaudhry (photo: MEMRI JTTM pic) will see him try to defend a charge that he made up the story of himself as a former ISIS member living freely in Canada after being quoted as executing men “while warm blood sprayed everywhere”.

The trial will have ramifications in Canada, because of debates in parliament about “ex-ISIS killer” Chaudry living freely on the nation’s streets.

The trial outcome will also cause turmoil within the *New York Times*. Chaudry was a prime – but uncorroborated – source (under the name Abu Huzayfah) for a major podcast series *Caliphate* which has roiled an uneasy peace between the new school – old school journalists of the esteemed US media institution. <https://tinyurl.com/y5bjhreb> <https://tinyurl.com/yyk2yv4>



Open parole board would make justice more transparent

A parole board in the UK may hold hearings to decide whether dangerous prisoners should be released in public, opening up the current closed system.

The Ministry of Justice is consulting with stakeholders about whether to hold parole board hearings in England and Wales to a wider audience.

Martin Jones, the board’s chief executive, has supported such a move, adding that such hearings should be open to the public so “justice can be seen to be done”. Jones said the system could be modelled on the Canadian processes in which parole cases were open to the victims, the public and the media.

In May 2018 parole board rules were changed to allow it to produce summaries explaining why decisions had been taken, and it has since issued more than 3000 to victims, the media and others who have requested them. <https://tinyurl.com/y38qlx95>

Brits ponder whether their cops should have carte blanche

MPs have voted in favour of a “Shag for Truth” law but at least 45 MPs have tried to have the law stopped. The Covert Human Intelligence Sources (Criminal Conduct) Bill allows ANY state organisation to carry out rape, murder and ANY criminal act in the pursuit of undercover operations.

As objectors have pointed out this would even apply to health inspectors....and to those who form long-term alliances and have babies with women from protest groups they want to infiltrate (this has already happened in the UK).

“We’re sleepwalking into a Stasi State and MPs are too spineless to stand against it,” says Lyn Edwards, *CLArion* correspondent in the UK.

Govt wants to absolve its agents of crimes

There's a mini rebellion under way among Labour MPs in the UK Parliament over plans, usually bipartisan in security matters, to give MI5 spy agency informants the right to commit crimes with immunity, and to absolve British soldiers from overseas war crimes.

MI5 allows officers and informants to take part in criminal activity if the offences are proportionate to the evidence gained, but at the end of last year a judicial body ruled only narrowly that this was legal.

Government ministers want to put the policy on the statute books for the first time, but human rights groups say there is too much ambiguity in the bill because it does not explicitly rule out serious crimes such as murder, torture or sexual violence.

The proposed presumption against prosecution for British troops serving overseas applies to offences such as war crimes and torture. Critics say it breaches international humanitarian law. The government says it is designed to end vexatious litigation against the armed forces. <https://tinyurl.com/y5cfs8aq>

Sweeping changes needed over search warrants

The Law Commission of England and Wales is recommending sweeping changes to search warrants.

A new report released last month wants changes to obtaining medical records, remotely stored digital data and possibly how journalists' materials are handled.

The 573-page report also proposes improving privacy safeguards to balance new, proposed investigatory powers, Owen Bowcroft reported.

"Search warrants are a vital tool for the effective investigation of all forms of crime – including murder, terrorism, fraud, rape and child sexual abuse – and the protection of the public from harm," the study notes.

"At the same time, search warrants are one of the most intrusive powers of the state, the execution of which not only amounts to an interference with an individual's privacy rights, but may significantly adversely impact on an individual's life and lead to the collection of large volumes of personal material."

In 2016, the National Crime Agency found almost four in five search warrants had serious deficiencies.

As part of the reforms, the Law Commission suggests that only magistrates who undertake specialist training should have the power to authorise a search warrant.

Ian Murray, executive director of the Society of Editors, said that it was an established custom that special protection was afforded to journalistic material, and that an exemption for confidential journalistic material remained essential to protect the public's right to know. <https://tinyurl.com/yxgeqr3z>

ODD SPOT: 23,000 Americans die each year by firearm suicide

Over the past decade, the US firearm suicide rate has increased by 19%, according to Everytown for Gun Safety, an anti-gun lobby. The suicide rate for children and teens has increased by 65% over the same period. Armed forces veterans have a firearm suicide rate 1.5 times higher than non-veteran adults. Men, white Americans, and those living in rural areas are disproportionately affected. Men represent 86% of firearm suicide victims; they are six times more likely than women to die by firearm suicide. Male firearm suicide rates are especially high for males 65 and older. For women, firearm suicide rates are highest in the 40-to-60 age range. About 23,000 Americans die by firearm suicide every year, at a rate per 100,000 population, about 10 times that of Australia. <https://tinyurl.com/y25lfd5b>

NZ's long wait for referendum results on smoking and euthanasia

Some of New Zealand's most experienced public health experts have thrown their support behind legalising marijuana, an issue the subject of a referendum during this month's general election.

Preliminary results from the referendum won't be known until 30 Oct (after this CLArion went to press). Final results won't be known until 6 November, as will results for the concurrent euthanasia referendum.

In an editorial in the *NZ Medical Journal*, specialists from addiction treatment, public health, health promotion and epidemiology urged New Zealanders to tick yes in the referendum.

The referendum is a "once-in-a-generation opportunity" to legalise cannabis, and promote health equality, the editorial said.

The latest New Zealand Health Survey found that 15%, or 590,000 New Zealand adults used cannabis in the past 12 months. <https://tinyurl.com/y4cejyh5>

If Kiwis approve the dying-with-dignity law, the country's End of Life Choice Act would likely come into force on 6 November 2021. <https://tinyurl.com/y4pa2t4u>

Doctors call for rights appeal system under Covid-19

“Psychiatrists are familiar with the necessity of weighing up an individual's right to liberty, against the risk that an individual may pose to themselves, to others, and to the wider public, as a result of mental ill health.

“However imperfect, legal safeguards are in place for detention in health-care settings in the UK — via the tribunal and appeal process in the Mental Health Act, or via independent advocates via the Mental Capacity Act 2005. It would not be ethical, or legal, to detain individuals without such a legal system being in place.

“It is deeply concerning that no similar legal or appeal system is in place for those detained under the (UK) public health measures enacted in response to the COVID-19 pandemic.

“Such legal safeguards do not need to prevent swift action from taking place where necessary; however, as doctors, we must ensure that health-care interventions (including public health interventions) are appropriately balanced against individual rights to various freedoms and that appropriate legal safeguards are in place to prevent the exercising of unchecked power.”

– letter from four doctors to *The Lancet* 8 Oct 2020 <https://tinyurl.com/y6hvj5bf>

International briefs

3 arrested over slaughter of 1m people: Three men suspected of involvement in the 1994 Rwanda genocide were arrested in Belgium last month, among a series of captures linked to the 100-day bloodbath in which as many as 1m people were killed. The Belgian federal prosecutor's office said that two suspects remained in detention while the third was put under electronic surveillance. The office declined to provide details about the identities of the men, who were charged with serious abuse of human rights. <https://tinyurl.com/y3pd2phj>

Anklets and app aim to tackle criminals: Burglars on parole will be tracked round the clock, potentially for years, the UK police minister Kim Malthouse (photo) said last month. Six police forces will trial electronic ankle tags, with satellite tracking capability, on convicted burglars released from prison so local burglaries can be checked against their movements. A burglar released on parole halfway through a four-year jail term could be tagged for two years under the plans, which were revealed in the sentencing white paper. Anyone refusing to wear the ankle bracelets would have to go back to jail to serve out their full sentence. The minister believes the scheme would not breach human rights as using tags for home detention curfews was established practice. <https://tinyurl.com/y5e7gru5>



Bid to hold Syria responsible for sarin gas attacks: Three NGOs have filed a criminal complaint to a special German war crimes unit over sarin gas attacks in Syria, in 2013 and 2017, in a bid to hold Bashar al-Assad's regime accountable for allegedly using chemical weapons. They have undertaken a two-year investigation into two of the claimed worst chemical weapons attacks in the decade-old war: the use of sarin gas on the Damascus suburb of al-Ghouta in 2013, which killed more than 1500 people, and the northwest village of Khan Sheikhun in 2017, which killed about 100. <https://tinyurl.com/y363rsx5>

Mentally ill chained – report: Hundreds of thousands of people in 60 countries are still being chained, according to a comprehensive new study by Human Rights Watch. Their report says that men, women and children are regularly shackled or locked in confined spaces across Asia, Africa, Europe, the Middle East, and the Americas. The report, *Living in Chains: Shackling of People with Psychosocial Disabilities Worldwide*, examines how people with mental health conditions are often shackled against their will by families in their own homes or in overcrowded and unsanitary institutions because of widespread stigma and a lack of mental health services. – *Guardian* report <https://tinyurl.com/y4efk8ud>

DATES:

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/yx2dtjvv> <https://tinyurl.com/sdue78q>

2021:

19-21 Nov, Hobart 2020 (deferred to 2021): Australasian Association of Bioethics & Health Law Conference, Hobart Function Centre, 1 Elizabeth St. Info: <https://tinyurl.com/y25tn84z>

2022:

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

Who did well in the 2020 Budget, and who didn't?

It pays to be a security, intelligence or police agency...

The Law Council of Australia has analysed parts of the October 2020 federal Budget.

Civil Liberties Australia says the figures show that it pays to be a “security” agency, and it doesn't pay to have anything to do with integrity or holding the government to account...such are the depths to which governance in Australia has fallen.

Here are snippets from the LCA report on the Budget:

Item – new legislation: Allow companies to hold virtual Annual General Meetings – *Note: Civil Liberties Australia has been holding its AGMs this way since 2009* – and to execute documents electronically.

\$173.5m over four years from 2020-21 to strengthen the capacity of **national security agencies** to meet the government's national security objectives. The specific measures relating to this funding are not for publication “due to national security reasons”.

\$15.6m over four years from 2020-21 (and \$2.6m/year ongoing) to enhance the government's capability to identify, assess and address **national security** related issues for critical technologies...establishing a Critical Technologies Policy Coordination Office within the Dept of Prime Minister and Cabinet, enhanced international engagement and expanded role for the Dept of Defence in assessing trends.

\$1.4 BILLION over 10 years from 2020-21 to the A. **Signals** Directorate, A. Cyber **Security** Centre and **Defence** to identify cyber threats, disrupt foreign cyber criminals and increase partnerships with industry and other governments.

An extra \$201.5m over four years from 2020-21 (and \$40.5m a year ongoing) to implement the 2020 Cyber **Security** Strategy to keep Australian families and businesses secure online, including:

- \$128.1m over four years for AFP, Home Affairs and the A. Transaction Reports and Analysis Centre (AUSTRAC).
- \$37.7m over four years for the Dept of Industry, Science, Energy and Resources (DISR) to support industry and academia to develop innovative approaches to improve cyber **security** skills and long-term workforce planning
- \$19.1m over four years from 2020-21 for Home Affairs...including expanding outreach to Australian industry on cyber **security**, support to victims of identity theft and cybercrime and enhancing cyber security awareness among households and small businesses
- \$8.3m over two years from 2020-21 for DISR to improve the cyber **security** resilience of Australia's small and medium enterprises
- \$8.3m in 2020-21 for Home Affairs to strengthen protection of Australia's critical infrastructure assets

Oversight

\$300.2m over four years (including \$24.1m in capital funding) to the **AFP** to maintain frontline policing, enhance the AFP's surge capacity, and provide for a healthy and agile workforce.

\$104.9m over four years (including \$48.9m in capital funding) to the **Australian Transaction Reports and Analysis Centre** (AUSTRAC) to strengthen its capacity to combat serious financial crime and to protect Australia's financial system from criminal activities.

\$15.6m over three years from 2020-21 from the Confiscated Assets Account under the **Proceeds of Crime** Act 2002 to fund crime prevention and law enforcement initiatives.

\$35.0m over four years from 2020-21 to extend the **Safer Communities Fund** (providing) grant funding to local government and community organisations to address crime and anti-social behaviour and to protect schools and community organisations that are facing risks from racial or religious intolerance. The cost will be met from within the Confiscated Assets Account under the Proceeds of Crime Act 2002 (Cth).

NOTE: The Proceeds of Crime Acts are a profit centre for governments around Australia, so much so that they are hiring extra public prosecutors to turn a bigger profit. Much of the money – which CLA calls the “government's brown paper bag” fund – goes to councils for CCTV and surveillance. Inevitably, more disbursements are handed out in the 6-12 months before a federal election.

\$55.6m in 2020-21 to reactivate the **detention facility** at N-W Point on **Christmas Island** to lock up unlawful non-citizens, including people released from prison but unable to be deported due to COVID-19 international border restrictions.

\$10.6m over five years for projects to prevent modern slavery under the National Action Plan to Combat **Modern Slavery** 2020-25. Includes research and projects to develop supply chain resilience in detecting, preventing and remedying instances of modern slavery. \$1 million in 2020-21, and between \$0.7m – \$1m in forward estimates, run by Home Affairs.

Who gets more money!

The **Australian Law Reform Commission** allocated expenses up by 16% from actual expenditure in the previous financial year to \$2,717,000.

Australian Commission for Law Enforcement Integrity allocated expenses increased by 50% from previous year to \$ 22,394,000.

Commonwealth Director of Public Prosecutions up 5% on previous year to \$104,081,000 (which, of course, allows them to hire more prosecutors to secure more “brown paper bag” money for handing out).

Inspector-General of Intelligence and Security (IGIS) up 91% from previous year to \$14,493,000. *CLA says it is noteworthy that the Attorney-General Christian Porter has recently appointed a long-standing colleague from WA into this role. The cost of the role has suddenly almost doubled on that of a year ago.*

Who gets less money!

Office of the Australian Information Commissioner (OAIC) down 0.3% from previous financial year to \$23,565,000. *NOTE: This is the agency that handles **FOI appeals**.*

Australian National Audit Office funding **down 4%** from the actual expenditure in the previous financial year to \$76,471,000. *Note: ANAO is the **ONLY** agency that independently holds the government and the bureaucracy to account, consistently and without any political bias overtones.*

Australian Human Rights Commission allocated expenses for the AHRC **down 2%** from actual in the previous year to \$23,052,000.

Commonwealth Ombudsman funding **down 2%** from the previous year to \$46,865,000...but it gets \$1.6 million in 2020-21 (including \$0.9 million in capital funding) to oversee use of the new Telecommunications and Other Legislation Amendment (Assistance and Access) Act 2018 (Cth) by law enforcement agencies.

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) Closing date for this issue was 27 October 2020.

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