

Three CLA OzDay letters seeks justice for diverse people

Civil Liberties Australia issued three 'Australia Day letters' in 2021.

Under the decades-long tradition, CLA writes 1-2-3 letters to mark the day by requesting government attention to matters overlooked or not yet considered.

In 2021, the letters covered:

- To Kevin Andrews MHR, asking him to move a "rescission" private member's bill on the one passed two decades ago, which prevents the parliaments of the ACT and the NT passing a bill to legalise euthanasia, or dying with dignity as some people call it. The federal law effectively makes 600,000-plus citizens of the Territories second-class citizens, because they do not have the same voting rights as their State counterparts.
- To the Attorneys-General and Corrections Ministers of all Australian jurisdictions, asking them to formally review the censorship of mail to/from prisoners, including "protected" mail to their lawyers and educational mail.
- To the WA Police Commissioner (and the WA Minister for Police) requesting a formal apology to the people "falsely and irresponsibly named" as "persons of interest" by WA detectives during the more than two decades hunt for the Claremont serial killer of young women (Bradley Edwards has recently been convicted and sentenced to life in prison). CLA suggests WA Police/the Minister should also apologise to the civil liberties movement in WA, and should ban the right of WA Police to "name" persons of interest – and potentially save \$1-2m a year in compensation payouts.

The full letters can be read on the CLA website: <https://www.cla.asn.au/News/> If/when replies are received, they will be posted there also.

NT politicians want all Australians to have equal rights

All four of the Northern Territory's federally elected members believe the NT should be able to make its own laws on assisted dying...

...but a bill passed by the Commonwealth in 1997 is still preventing them, and the ACT, from doing so.



The NT's two senators — Labor's Malarndirri McCarthy (right, and the Country Liberal Party's Sam McMahon (left, SBS pic) — say the federal government should not have the power to stop territories from making laws on the issue.

Senator McCarthy described the move as an "unacceptable impingement" on the Territory government's ability to make laws for their people. "It is absurd that the NT and the ACT cannot make laws for their own jurisdictions, and that Northern Territory legislation can be overridden at the whim of the federal government with no consideration paid to the best interests of local people," she said.

"Whether or not you support euthanasia — and I recognise the complexity and sensitivity of the arguments for and against — it is beyond time to allow Territorians equal democratic rights to their fellow Australians by repealing the Andrews Bill." <https://tinyurl.com/yyoolpy4>

State of the nation on euthanasia:

In 2021, Victoria has euthanasia law in place and WA's new law begins on 1 July. The Queensland*, Tasmanian and SA Parliaments are set to debate similar laws this year, and indications are that they will follow the Victorian lead after earlier failed votes to do so.

Surveys of Australians attitude to doctor-managed euthanasia have been taken for the past 70 years: basically — depending on the question asked — support has risen from about 50% in the 1950s to about 75% at least now, with some recent surveys showing support as high as 88% and fairly uniform across major religions.

*The Qld Law Reform Commission report on the matter is expected in March 2021.

ACT MP also pushes for ‘right-to-vote’ in the capital

The Member for Fenner, Dr Andrew Leigh has been vocal on the issue of territory rights for years.

He moved in federal parliament in 2018 to rescind the Andrews’ law.

“Territories should indeed be able to legislate on issues such as voluntary euthanasia, which is currently restricted under the legislation,” Leigh told CLA.

“We Territorians deserve to have our democratic voices heard, and the ACT parliament has certainly demonstrated itself fit to handle a difficult challenge such as voluntary assisted dying.

“...if anyone looked around the parliaments around Australia, they would (not) say anything other than that the ACT Legislative Assembly is easily the intellectual equal of any other parliament around Australia, and so should have the right to legislate on voluntary assisted dying...

“Reasonable people can differ on the substantive issue of euthanasia. But Territorians should support territory rights.

“The position of Senator Malarndirri McCarthy, Senator Dave Smith and member for Solomon Luke Gosling, is to have reservations about voluntary euthanasia, but to support territory rights.”

Leigh pointed out that the ACT Labor reps in parliament – himself, Alicia Payne and Dave Smith – all support territory rights and for the ACT to be able to make its own laws.

By contrast, he said, the ACT’s only Liberal rep, now Minister for International Development and the Pacific, Zed Seselja, supports the government position of denying full rights to ACT residents. <https://tinyurl.com/yysc9jkb> <https://tinyurl.com/y57y6oh8>

Human Rights Council questions Australia’s commitment

Many countries are questioning Australia’s commitment to human rights, particularly since our federal and state politicians refuse to raise the age of criminal responsibility for children from 10 to at least 14.

Countries are also questioning why Aboriginal Australians, at 3.3% of the population, comprise 28% of people in jail. There are also queries on why Australian soldiers have not been brought to account for alleged murders committed in Afghanistan starting some 18 years ago.

The questioning is part of the HRC’s regular universal periodic review, in which all countries are examined in turn about every four years on their commitment to human rights.

Non-government agencies, including CLA, toil away for two years to present the HRC inquisitors with a more down-to-earth view of the nation’s “achievements” than the whitewashed version proffered by the Attorney-General’s Department and the Dept of Foreign Affairs and Trade. <https://tinyurl.com/yx8ua4mq>

Seminal series aims to ‘rescue’ Indigenous kids from racist lock-up

Guardian Australia has been running a telling series, *Childhood in custody*, to examine the over-representation of Indigenous kids in the juvenile “justice” system in Australia.

For example, about 1000 children are locked in jails on any night. Of them, about 54% are Indigenous kids, even though Indigenous children comprise just 6% of 10-17-year-olds.

A 2018 study found that almost every child in detention was “severely impaired” in at least one brain function, be it memory, language, attention or executive function – which limited their ability to plan and understand consequences, the *Guardian* reported.

Indigenous children were disproportionately targeted by punitive policing.

Indigenous kids: trapped behind bars <https://tinyurl.com/y68ufof2>

Indigenous kids: rounded up by WA cops <https://tinyurl.com/y6za8jof>

Aussie polities lack Dutch courage

In a directly parallel example of fraud by a government on its people, the Dutch government has resigned due to a scandal over benefits...but the Australian government has not.

The Dutch tax organisation wrongly accused more than 20,000 families of fraud over child benefits.

The government resigned a month before parliament was due to break up ahead of general elections due on 17 March.

Prime Minister Mark Rutte’s cabinet will act in caretaker mode until a new coalition is formed.

“The government was not up to standard throughout this whole affair,” Rutte said at a media conference.

“Mistakes were made at every level of the state, with the result that terrible injustice was done to thousands of parents.”

By comparison, under Australia's Robodebt scandal, there were 470,000 wrongly-issued debts and the government was forced to repay \$1.2 billion. Absolutely no-one has resigned: not the PM, not the Minister in charge, not the head bureaucrat, not even a lowly scapegoat.

Where is political Australia's Dutch courage? <https://tinyurl.com/y675fynb> <https://tinyurl.com/yyp9okot>

X-rays turned kids into men: now they seek compensation for adult jail trauma

Ali Yasmin is the lead candidate in a class action by 122 Indonesians detained or prosecuted as adults by Australia for people smuggling offences...even though they were children.

The Indonesian kids were boat crew – often rice cooks or the equivalent of bailer boys, paid a pittance – on boats smuggling people to Australia around a decade ago.

When arrested, they spent time on Christmas Island and in WA adult jails, despite identifying as children, some just 14 years old. Australia prosecuted Yasmin, picked up in 2009, and others based on now-discredited wrist X-rays, which lawyers for Australia claimed in court proved the children were adults.

Yasmin spent two years in a maximum security prison, with adults. In 2012 he was deported to Indonesia because of doubts about his age, and in 2017 his conviction was overturned.

In 2012, the Australian Human Rights Commission ruled that Australia had committed “numerous breaches” of international human rights law between 2008 and 2011 by giving “little weight to the rights of this cohort of young Indonesians” as prosecutors and police faced pressure to “take people smuggling seriously”, according to Paul Karp, reporting in *The Guardian*.

The cases are due back in the federal court on 21 February for a case management hearing.

Disclosure: Lead lawyer for the former children is Sam Tierney (photo), CLA's treasurer, from law firm Ken Cush & Associates in Canberra.

The Australian government is denying the children's allegations, fearing a massive compensation payout. <https://tinyurl.com/y4lj4983> <https://tinyurl.com/y2b4ea2p>



ODD SPOT: Australian extremists revealed...including their political links

A revealing and analytical article by Anne Davies in *The Guardian* outlines the genesis of some far- and ultra-right movements and websites in Australia. Trumpian in their use of social media, the groups are linked closely to elements at the conservative extremity of the Coalition parties, Davies says. They use sweet-sounding organisation names to attract attention and online click-throughs; data they collect on website visitors can be distributed to MPs of their choosing. Their “truths” include anti-mask wearing and Covid-testing result criticisms, as well as regurgitating material from other Melbourne-based groups which claim Covid-19 is a global plot to subjugate the world. It's a great piece of investigative journalism by Davies. <https://tinyurl.com/y3wudggm>

Government fudges public ‘service’ numbers

About a fifth of federal workers are employed on external contracts or through labour-hire firms, meaning the public service is being privatised by stealth.

Billions of dollars go to private sector conglomerates that should be used to employ and train young Australians for public service, CLA says.

The latest workforce figures provided by the government's key departments show a notable reliance on contracted or labour-hire employees to get around policies restricting the number of staff the public service can retain, the *Canberra Times* reported.

The Department of Veterans' Affairs had a labour-hire or contracted workforce of 42%, compared with an average 17% across all departments providing figures.

Defence and the Attorney-General's Department had 24% and 21% respectively. <https://tinyurl.com/yyz8dvn6>

Defence Regs need major overhaul: chance to sign petition

CLA member Dr Kay Danes and her husband, Kerry, have launched a parliamentary petition over the treatment of members of the ADF under formal grievance and inquiry powers.

You can sign the petition here: https://www.aph.gov.au/petition_list?id=EN2256 It closes on 10 Feb 2021.

The Danes (photo) say reforms to the redress of grievance (RoG) and Defence inquiry processes are urgently needed. Currently the mechanisms are seriously flawed, and often result in significant professional employment failures that create mental trauma and reputational harm to serving ADF members, they say.

“Retiring ADF members carry unresolved grievances into life beyond service which will impact the Government’s efforts to realistically reduce the number of suicides currently plaguing the ADF veteran community,” Dr Danes (photo left) said.

Kerry Danes (right) is a 42-year ADF veteran who retired in 2018 after joining the SAS in 1981. He was Regimental Sergeant Major of the Special Forces Training Centre, and of 1st Commando Regiment, as well as serving in war zones and diplomatically.



The petition wants changes to Defence (Inquiry) Regulations 2018 so that Defence Inquiries are subject to legal technicalities, rules of evidence, principles of open justice and common law. They also want Defence Inquiry officers to undertake legal training; witness testimony taken under oath/affirmation; the introduction of an appeal process outside the chain of command and a corrective action policy to ensure procedural fairness, along with access to genuine mediation for ADF members to resolve workplace complaints.

CLA has long campaigned for a total overhaul of Defence Regulations. For example, only officers are consulted as to whether the regs are appropriate: ordinary soldiers have never been able to have a say about the the rules that bind their everyday life, in peace or in war.

DV down, child problems up...and crime clearance rate goes backward

Domestic violence cases in Queensland magistrates courts dropped 6.6% in 2019-20, while child protection applications rose 12.2%.

Overall, civil claims dropped a whopping 22.7%, while the adult criminal case clearance rate dropped from 98.5% the year before to 82.9%.

“...magistrates...implemented technology solutions that enabled the continued operations of the Court during this time. These solutions will endure for a long time to come,” Queensland’s chief magistrate Terry Gardiner reported last month.

The state’s Magistrate’s Court Services sees more than 800 staff delivering legal decision-making and coroner services in 52 metropolitan, suburban, regional and remote centres across Queensland. – MCSQ annual report 2019/20.

Indigenous people want to be paid the wages they earned

More than 2000 Indigenous West Australians have registered interest in a class action against the WA government over allegedly stolen wages.

Shine Lawyers has lodged legal action in the Federal Court. The WA bid follows a similar case with the Queensland government which settled for \$190 million.

Indigenous leader Warren Mundine said that, during the Aboriginal protection era, many indigenous Australians worked hard but were not paid their wages.

“The moneys owed to them was paid to the Protector of Aborigines in each state,” he said. “The recovery of wages earned by indigenous Australians, but never paid to them, is a major area of unfinished business.

“A scheme set up by the WA government returned to them only a few thousand dollars each for a lifetime’s work. It was an insult.” <https://tinyurl.com/ybx8kva8> <https://tinyurl.com/ycquxy2h>

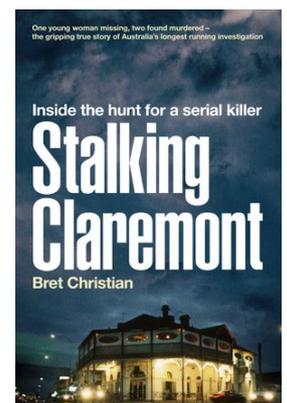
‘Stalking Claremont’ tells gripping tale of suburban serial murderer

Perth publisher, editor and righter of wrongful convictions, Bret Christian, has produced a seminal book on the Claremont killer, Bradley Edwards.

A WA judge this year sentenced Edwards to life in prison.

For a quarter of a century, Christian has been editor and publisher of the local newspapers in whose area the gripping true story of the notorious serial murders swirled. Bradley killed three young women in just 18 months from January 1995, with all of them disappearing from nights out in inner-suburban Claremont.

It became the nation’s longest, most expensive investigation. It was possibly the most bungled.



The massive WA Police manhunt focused first on taxi drivers, then the outspoken local mayor and next a quiet public servant, all innocent but pilloried by out-of-control, irresponsible police naming them as “persons of interest”, destroying reputations left, right and centre.

The mayor, Peter Weygers, was also president of the then-leading local group, the WA Council for Civil Liberties. Police effectively destroyed his life and that of the organisation, and set back the cause of civil liberties in Perth for more than two decades.

WAPOL has never apologised to anyone.

The blurb says *Stalking Claremont* is a riveting story of promising young lives cut short, a city in panic, an investigation fraught by oversights and red herrings, and a surprising twist that no one saw coming.

‘Stalking Claremont’ 400pp, \$16.99. <https://www.harpercollins.com.au/9781460709023/stalking-claremont/>

Election ‘auction’ ups the numbers of police...again

In a bid to buy police union and conservative votes, the WA Labor government is promising an extra 800 police if re-elected next month.

The promise comes at a time when crime statistics generally are down, at their lowest in decades. The blatant police pork barrelling includes a \$1.8m advertising campaign as a reminder to voters.

The more-police campaign will run over the next four years, with up to 400 officers being trained each year...that’s to ensure the law-and-order political auction covers the next election period as well.

WA Premier Mark McGowan said he wanted to make sure the WA Police Force is diverse and experienced and has people from different age groups, different backgrounds and from different regions.

Of course, he and his government have had a full four years in power already when they could have done exactly that. Presumably, according to the recent words of the Premier, WA does **not** currently have a “diverse and experienced police force, with people people from different age groups, different backgrounds and different regions”. <https://tinyurl.com/y3jcfjxw>

Consulting on a wing and a prayer

The NSW Department of Customer Service is reviewing the Data Sharing (Government Sector) Act 2015 under a “Request For Analysis” process.

“They aren’t asking for submissions, but offering 45-minute interviews,” says Roger Clarke of the Australian Privacy Foundation.

“This might be to avoid burning up the limited time and resources of public interest advocates, or to avoid receiving anything expressed in ways that they haven’t been able to control.

“No mention is made of summaries of the interviews being made, or checked with the interviewees. No commitment is made to reflect the comments of interviewees even in a published report, let alone in the conclusions of the review and any recommendations for change it might make.” <https://privacy.org.au/policies/consultations/>

Australian briefs

Info/privacy committee set up



NSW has a new Information and Privacy Advisory Committee chaired by NSW Information Commissioner Elizabeth Tydd. Other members are Privacy Commissioner Samantha Gavel; NSW Chief Data Scientist Ian Oppermann; CEO of Australian Institute of Health and Welfare Barry Sandison; Dep Sec at the Dept of Communities and Justice Paul McKnight; Director of the Allens Hub for Technology, Law and Innovation Lyria-Bennett Moses (photo); privacy advisor Malcolm Crompton; and principal of Data Synergies Peter Leonard. <https://tinyurl.com/y9oklfzd>

Banks/finance to be ‘examined’ yet again...but action is lacking

The Australian Law Reform Commission is undertaking a Review of the Legislative Framework for Corporations and Financial Services Regulation. It is part of the government’s response to the Royal Commission into Misconduct in the Banking, Superannuation and Financial Services Industry released in February 2019. The ALRC plans interim reports on the Corps/FinServices review in November 2021, September 2022 and August 2023. The final report and recommendations are due on November 30 2023. Recent reports indicate the federal government has ignored – and failed to implement – about half the Banking RC recommendations.

Search for money pays off

Google Australia collected roughly \$4.25 billion from Australian advertisers in 2019, and paid about \$100 million in taxes on a reported profit of about \$823 million (a tax rate of about 12% in raw figures). <https://tinyurl.com/y4uzj5tr>

Serco may run Acacia prison to 2036

In another announcement just before Christmas, the WA Government revealed the private sector firm Serco will continue to run Perth's Acacia Prison under a new contract starting on 16 May 2021. Serco has been running Acacia for 15 years – not without major controversy at times. Two five-year extension options under the new contract could extend this private, behind-closed-door rule out to 2036. Corrective Services Minister Francis Logan: "The new contract has a requirement for increased prisoner program delivery and I look forward to seeing how Serco will meet that new standard." So does CLA. We continue to receive complaint from prisoners at Acacia of interference to the supposedly protected correspondence with legal practitioners. CLA is ensuring the information reaches lawyers and the government for formal follow up. <https://tinyurl.com/y3z4wwxb>

ICAC boss lasts less than three years

Ken Fleming QC has resigned from his job as the first Independent Commissioner Against Corruption in the NT. He finishes up in July 2021. He only started in the job in July 2018, so the resignation has come as a bolt from the blue. The government is holding a national recruitment process. – media statement, ICAC NT 20210118 The ABC reported that Fleming's tenure has been controversial. "In late 2019, he relinquished his oversight role in an investigation following the shooting death of 19-year-old Kumanjaya Walker at Yuendumu, after making controversial comments. In September 2020, Fleming flagged the release of a 'major report' in November 2020 that 'may just fill all of your expectations and longing'. But the report, including what it related to, is yet to be made public. <https://tinyurl.com/y3ju7dk8>

Members' letters

End incarceration of refugees

The recent death of yet another individual in detention highlights again the cruelty of our refugee system under which some people have been held in prison for over 11 years. We have become desensitised to the inhumanity and regularity of our abuse of innocent people who have come to us seeking refuge. To add to our glorious record, we had two Australian-born children trapped in prison on Christmas Island for yet another Christmas and we have hundreds of refugees staring down the barrel of another year in prison for doing nothing other than pleading with us for help. What say you Australia? What have we become? Gerry Gillespie, president, Rural Australians for Refugees, Queanbeyan NSW.

China thrills, Europe kills...and Australia loses out

The federal government's move to tear up research agreements with China is unwise (*Age* 28/12). Most research at universities is blue sky or basic research. Real world applications are not immediately evident. More than 1000 years ago, Chinese alchemists found that when three commonly available ingredients are mixed together, they could burn or explode. The Chinese used the discovery for fireworks. It took another 500 years before Europeans used gun powder in cannon and in guns which changed the nature of warfare. This is the story of most inventions. The real loser in banning co-operative research with China will be Australia. One would hope that the government will change its mind. – Bill Mathew, Parkville Vic

Perhaps unqualified to begin with?



In support of the proposition that retiring MPs should receive more money, Peter Loney's comment that "many members of Parliament have great difficulty finding work of any type" suggests three things ('Politicians lose bid for retirement pay boost', *Age*, 31/12). First: That one would expect them to be strong supporters of increasing the JobSeeker payment to an amount that allows the recipient and his/her dependent children to live above the poverty line. Second: That if our MPs are indeed unemployable when they retire, they may have been curiously unqualified when elected. Third: Perhaps those finding it hard to find work should look at acquiring some skills and qualifications. – Juliet Flesch (photo), Kew, Vic

Exposing crimes that leaders wanted to keep hidden

I wholeheartedly agree with your editorial (*Age* Opinion 6/1). Brave journalists are the custodians of a democracy. Julian Assange exposed war crimes and crimes against humanity committed by the US and its allies in the Middle East. If (we) consider such actions of a journalist are a crime, we are doomed as a democracy. – Bill Mathew, Parkville, Vic

America the grave...

Fingers crossed for our friends, the USA. Regardless of what happens, Trump followers will use the situation as an excuse for more of the same. In all honesty, I can't see anyone or anything solving the problem – the rot has gone too deep. America was a worthwhile experiment... – Fred Pilcher, Kaleen ACT.

Rob aces Margaret's lack of painting talent

What a farce in Australia – the elite rewarding the elites – long will it reign! If Margaret Court has been elevated in the Australian Honours list for hatefully quoting the Bible, what about lovely and supportive Evonne Goolagong, and lovely world no 1 current tennis hero Ash Barty: long may she reign!

The Senior Australian of the Year was Dr Miriam-Rose Ungunmerr, lovely lady from Daly River, NT, and a friend of mine since the 1970s when she did some training based at Kormilda College in Darwin. I don't think anyone in Canberra recognises that she painted the stations of the cross – Aboriginal version – adorning the walls of the Catholic cathedral in Darwin. Doubt she played tennis but.... – Rob Wesley-Smith, Darwin NT (*Ed: Rob is possessor of the Colar of the Ordem de Timor – top recognition for services to the nation, given by Timor Leste*).



CLA's main activities for January 2021

Activity centred around lobbying and meetings re a national human rights act and the Australia Day letters. We continue to support Sue Neill-Fraser in Tasmania and await her appeal against the miscarriage of justice, once Tasmania and WA have lifted Covid-19 bans on travel between the two states. SNF's pro bono barrister Tom Percy is based in Perth.

January was an excellent opportunity to get to know ACT Ministers newly appointed to their portfolios: CLA President, Dr Kristine Klugman, CEO Bill Rowlings and Manager of CLA's federal Human Rights campaign, Chris Stamford, met in person and by electronic means with a range of people, including:

Emma Davidson Greens, ACT Minister for Health Justice (and other portfolios), in person. We discussed: Minimum age of criminal responsibility: Greens/Labor commitment: timeframe? Progress in 2021, possibly implementation in 2022.

How does your portfolio relate to others: e.g. Justice, Health? Information exchange re CLA's campaign for a National Human Rights Act, and Acts in states that don't have one.

Shane Rattenbury ACT Attorney-General and leader ACT Greens, in person (photo, with Chris Stamford on left):



Right to Appeal? Progress in incorporating the second appeal right legislation in ACT is likely

Age of criminal responsibility: Greens/Labor agreement? Timeframe: see above.

CLA's campaign for a national human rights act, plus states Acts. CLA proposes major review/update of ACT HR Act, for delivery in 2024 on the 20th anniversary of passage of the first HR law in Australia. Relationship of ACT to federal Greens in policy terms

Prisons: mail censorship: ACT jail model as a model? Discussion on separate tribunal in ACAT or as part of ACT Human Rights Commission to deal with liberties and rights complaints and issues.

Tara Cheyne, Labor, ACT Minister for Human Rights (first Australian Minister for Human Rights in any jurisdiction), by Webex:

How your portfolio interacts with the ACT Human Rights Commission? As above, increasing the scope of the ACT Human Rights Commission, as above. What a proposed well-being budget in 2022 will mean for social capital.

Raising the age of criminal responsibility

Options for cementing a federal Human Rights Act on the national agenda

Personal objectives as minister, including rights of Territory citizens and euthanasia/dying with dignity laws.

Connie Bonaros MLC, SA:

Discussion on the SA BEST position on a HRA for both South Australia and federally? Support for SA Greens- Mark Parnell's proposed model? Main obstacles to a Human Rights Act in SA?

Has COVID changed human rights discussions in SA (re the SA COVID-19 response committee).

Dr Simon Longstaff Ethics Centre on HRA and associated matters, by Zoom:

The Beechworth Principles and a federal integrity commission: relationship to a national HRA. Discussion on the need for an ethical infrastructure to enforce accountability. What political actions are necessary to achieve a HRA and federal ICAC. The question of basing Australia's fundamental freedoms document on liberties and rights as known and observed for tens of thousands of years by Aborigines and Torres Strait Islanders.

Hon Prof **Colleen Lewis**, ANU Australian Studies Institute, by Zoom: discussion on academic or journalist expressions in *CLArion* and politics of accountability.

Australia Day letters: see first item in this newsletter.

NOTE: This issue of CLArion is noticeably shorter than those in recent years. This is deliberate and in response to feedback from members, who have suggested concentrating more on CLA activities, which this issue does.

AGM and voting

January is the prime time each year for scrutinising the member database, updating memberships, and checking that all is in order with membership records. As part of that process, the CEO and the Webmaster have also actively engaged in preparing for and running the electronic AGM. Most members will have received notice by now of the timing for the election, and further emails will follow. Please vote – online, it can only take a few moments – as we need to make sure the numbers voting meet the formal requirements under our constitution.

During January, the Webmaster checked and verified all links on the CLA website.

INTERNATIONAL

'Religious law' out of place in secular society: President Klugman

CLA President Dr Kristine Klugman has welcomed the news that Argentina's parliament last month legalised abortion.

The Argentinian senate voted in favour 38-29, with one abstention. Terminations are now legal in the first 14 weeks of pregnancy.

In South America, abortion has been legal in Cuba since 1965 and Guyana since 1995. Uruguay decriminalised abortion in 2012, and Mexico City and the Mexican state of Oaxaca also allow terminations.

In Brazil, the supreme court will rule shortly on a 2018 legal challenge that would decriminalise abortion in the first weeks of pregnancy, the *Guardian* has reported: <https://tinyurl.com/yd4dyaah>

"It's good to see more women worldwide coming out from under the yoke of religiosity," Dr Klugman said.

"Religions have the freedom, of course, to decide their own internal rules for themselves. But they should not be free to impose their religious rules on ordinary people who are not religious, even if most people profess just one religion in statistical surveys.

"Similarly, in Australia, it's wrong that we have a federal law which bans ACT and NT citizens from even voting on whether to adopt euthanasia law.

"That bigoted law – against the democratic rights of Territorians – was passed by the federal parliament in a bout of religious bias.

"The Australian parliament should overturn it as soon as possible to restore full Australian voting rights to the citizens of the territories," Dr Klugman said.

"There's no reason, other than bigotry, that people in the ACT and the NT are deprived of the full rights enjoyed by all other Australians living in the states."

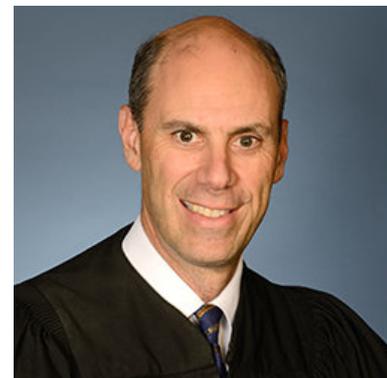
(1) *Euthanasia Laws Act 1997* (Cth) amends the *NT (Self-Government) Act 1978* and the *ACT (Self-Government) Act 1988* (Cth) to remove the power of the Parliament of those territories to legalise [euthanasia](#). The Bill was introduced in 1996 into the Australian Parliament by [Liberal Party](#) backbencher [Kevin Andrews](#) as a [private member's bill](#). – Wikipedia <https://tinyurl.com/yafyqjn6>

Abortion opponents fight back in South America

In Honduras, legislators are pushing a constitutional law through Congress that would make it virtually impossible to legalise abortion there – with three-quarters of MPs being required to pass a legalising bill. In Honduras (population 10 million), the number of 10- to 14-year-old girls who gave birth in 2020 increased to more than 800 nationwide, an average of 16 a week. <https://tinyurl.com/y5vx4tdz>

How Judge Boasberg ruled on the Trump case trying to overthrow the 2020 US election result:

"Plaintiffs' aims in this election challenge are bold indeed: they ask this Court to declare unconstitutional several decades-old federal statutes governing the appointment of electors and the counting of electoral votes for President of the United States; to invalidate multiple state statutes regulating the certification of Presidential votes; to ignore certain Supreme Court decisions; and, the coup de grace, to enjoin the U.S. Congress from counting the electoral votes on January 6, 2021, and declaring Joseph R. Biden the next President ...



In addition to being filed on behalf of Plaintiffs without standing and (at least as to the state Defendants) in the wrong court and with no effort to even serve their adversaries, the suit rests on a fundamental and obvious misreading of the Constitution.

It would be risible were its target not so grave: the undermining of a democratic election for President of the United States. The Court will deny the Motion." - [District Judge James E Boasberg](#).

– This item originally appeared in an article by Roger Fitch Esq, “reporting from a wounded Washington” on *Justinian*: the Australian legal magazine for news on lawyers and the law (<https://justinian.com.au/>)

ODD SPOT: Legacy in America – shootings double, murders up 44%...

In New York City, shootings doubled in 2020 over the previous year, reaching 1531; murders rose 44% to 462, a trend not slowing down in 2021, according to police data. In the last six months, from 1 July 2020 to 10 Jan 2021, at least 20 of the murder victims were 18 or younger, and 15 of those teenagers died of gunshot wounds. <https://tinyurl.com/y2qk2ko6>

Brits review their legislated rights that Aussies don't have

The British government's is undertaking a formal “reviewing” its Human Rights Act now that the protections of the European Commission of Human Rights no longer overlay protections for British citizens.

A review panel last month called for submissions from organisations and the public, saying it expects to report in mid-2021.

“This may sound pretty harmless, but it's part of a concerted attack on our ability to stand up to power,” according to the interim director of Liberty UK, Gracie Bradley (photo).

“For years, ordinary people have been able to enforce their rights and challenge governments and public bodies when they get it wrong. But plans announced over the past year are focused on limiting our ability to hold the powerful to account,” she said.



“Our laws and legal processes help people stand up to power and challenge governments and public authorities when they get it wrong.

“That means legal processes like ‘judicial review’, which gives ordinary people the ability to challenge governments and public bodies in court if they don't uphold their duties. For instance, it's thanks to a judicial review case that the Ministry of Defence now owes (British) soldiers a duty of care no matter where in the world they are stationed,” she said. – media release 210116.

Australia does not have a national Human Rights Act.

Police investigating police find only 1 in 10 guilty enough to be sacked

In figures mirroring the Australian experience, fewer than one in 10 British police officers who have potentially committed gross misconduct are dismissed, according to the *Guardian*.

Independent Office for Police Conduct (IOPC) figures show 641 officers in England and Wales may have so seriously breached standards that they were liable to be sacked between 2015 and 2020. Just 54 (8.4%) were fired after disciplinary action was conducted internally.

Another 848 officers were found to have a case to answer over possible misconduct, but in total only 363 of the misconduct claims have so far been upheld following IOPC recommendations.

There were official warnings in 151 of these cases, and 16 retirements or resignations. Many more disciplinary cases against officers occur without the involvement of the IOPC. <https://tinyurl.com/y3xvka06>

Aussie ‘justice’ company accused of ‘modern slavery’ recruitment

A company “integral to the Australian justice system” has forced migrant workers in the United Arab Emirates to pay millions in illegal fees to recruitment agents to secure jobs, the *Guardian* claims.

An investigation into G4S’s recruitment practices found that workers from south Asia and east Africa were made to pay up to \$3000 to recruitment agents working for the British company to get jobs as security guards for G4S in the UAE.

“Forcing workers to pay recruitment fees is a widespread practice, but one that is illegal in the UAE, Qatar and Saudi Arabia. The practice allows companies to pass on the costs of recruitment to workers from some of the poorest countries in the world, leaving many deep in debt and vulnerable to modern forms of slavery, such as debt bondage,” the *Guardian* reported.

In November 2019, Norway’s Council on Ethics, which monitors investments for the Norwegian government pension fund, excluded G4S from its investments after the council advised that the firm’s recruitment practices contributed to “an unacceptable risk” that the company was contributing to “systematic human rights violations”.

It is not known whether the Australian and NZ arm of G4S has similar policies on recruitment.

G4S says this of itself: “Over the past 25 years, our services have become an integral part of the Australian justice system, including correctional facilities, courts, police custody, electronic monitoring, prisoner transport and offender rehabilitation.” – G4S website 20210119 <https://www.g4s.com/en-au>

In response to the *Guardian*’s claims, a G4S spokesperson said it had adopted an “employer pays” principle in the UAE, where it uses recruitment agents it selects them using a code of conduct, “which includes a strict requirement not to charge migrant workers any recruitment fees”.

G4S did not say whether this policy was in place before the *Guardian* article appeared. <https://www.g4s.com/en-au>

One US state to end ‘pay-cash-or-go-to-jail’

Illinois is poised to become the first US state to end wealth-based, pre-trial detention.

The proposed law would mean people accused of crimes, who are legally considered innocent until proven guilty, don’t await trial in jail just because they can’t afford to pay a bond, sometimes hundreds of thousands of dollars.

Research shows people jailed pretrial are more likely to plead guilty, to be sentenced to jail time, and to receive longer sentences than people who are released. Black and Latino defendants are less likely than whites to be released without financial conditions.

Under the new act, a judge can still detain someone pretrial, if they are charged with specific felony offences, like domestic battery, murder or some gun crimes, and they pose a physical threat or are likely to intentionally skip court. In all cases, a judge must impose the least restrictive conditions necessary.

The state of New Jersey significantly reduced its use of cash bail in 2017. The rates of court appearances and rearrests remained about the same and the number of people held in the state’s jails decreased by about 44% from 2015 to 2018.

When signed by the governor, J.B. Pritzker, the provisions outline in the law must in place by 1 Jan 2023.

<https://tinyurl.com/y5dhgbeo> <https://tinyurl.com/y39q4y3m> <https://tinyurl.com/yxw4f98w>



International briefs

New Zealand euthanasia law starts late this year

NZ will have euthanasia (or dying with dignity) legal rights when its End of Life Choices Act 2019 comes into full effect, expected to be on 5 November 2021. The Bill passed parliament 69–51 in November 2019, and was “certified” at a binding referendum held alongside the 2020 general election.

Govt lies to citizens about C19 app tracking by police

Singapore’s mobile phone Covid contact tracing data is also accessed by police, the government has admitted. Originally, citizens were told that the data would be used for anything other than the virus tracking. But parliament was told last month it could also be used "for the purpose of criminal investigation". Close to 80% of residents are signed up to the TraceTogether program, which is used to check in to locations. TraceTogether, which uses either a smartphone app or a bluetooth token, also monitors who people have been in contact with. <https://tinyurl.com/y6a5qcub>

Israel is an apartheid regime: claim

In a controversial report released last month the Israeli organisation B’Tselem, which documents human rights violations, claims Israel is not a democracy but an apartheid regime. <https://tinyurl.com/y5ghwmpf>

DATES:

2021:

Early 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. Info: <https://tinyurl.com/u99bbks> Public Law and Inequality, major international conference to mark 60th anniversary of ANU Law and 30th of the Centre for International and Public Law at ANU Guest speakers include Prof Julie Suk of the City U. of New York and Prof Asmi Wood of ANU <https://tinyurl.com/vfmsqaz>

2022:

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

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 23 December 2020.

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