

Where the money for human rights and national culture goes...

The federal budget in May dictated a 15% increase in ASIO staff numbers, up 279 people to 2152. The 20-year increase in ASIO is 226% (ASIO numbered 660 when the “9/11” aircraft attacks took place, in 2001). ASIO’s total budget last year was \$520 million. The government projected a total, 10-year increase for ASIO of \$1.3 billion including some for artificial intelligence.

The government allocated funds for an extra 290 staff for the AFP. <https://tinyurl.com/hs6n457j>

The government has approved \$500m for expanding the War Memorial. Would you like a new submarine? How many? We’re buying 12 at \$7.5 billion each, with their cost still rising annually (other countries pay about \$2bn each for their subs).

...but don’t ask why Australia has to suddenly spend billions catching up on failed, decade-long underfunding in aged care, and disability care, or in the number of trained nurses and doctors, or why the National Archives doesn’t have enough cash to do its job, or why we can’t afford an Integrity Commission or to expand the Australian National Audit Office.

To say that federal government priorities are wrong is the understatement of the 21st century, so far.

Rule by alarm! Firing up the masses!

In the above vein, long-time Canberra observer and columnist Jack Waterford wrote last month:

“...it would have made no real difference to the government's bottom line had it given \$1 billion extra to the ABC or \$50 billion to universities. Not doing so is not an unfortunate consequence of fiscal restraint, having to make hard choices in difficult times, or of having found more important priorities.

“The meanness is, as it has been since the start of the pandemic, ideological, designed to punish parts of society where opponents of the government – particularly those who habituate wine bars and cafes – are thought to be concentrated.

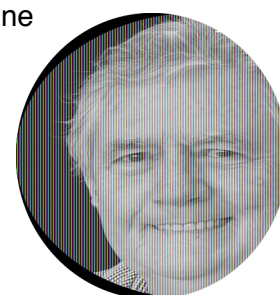
“Likewise with spending extra billions on security intelligence with the AFP and ASIO – it ticks boxes among those who like to think society is under threat from outsiders, and regular alarms from its leaders are great campaign fodder.” <https://tinyurl.com/v5299fc7>

Board changes, Rowlings new President

Civil Liberties Australia’s co-founder and President for 19 years (2003-2021), Dr Kristine Klugman, has stepped down from leading the organisation.

She has received dozens of complimentary emails, letters and best wishes, from “ordinary” CLA members, Directors and Ministers and leaders of other organisations. Fortunately, she has agreed to remain an adviser to CLA as Past President and Board Member.

The Board elected the other co-founder, Bill Rowlings (photo), as President. His duties as Secretary-Treasurer will be managed by long-standing Board Member, Frank Cassidy.



The two Vice-Presidents elected are Rajan Venkataraman of Hobart, who continues in the role, and Margaret Howkins of Perth, who comes to it on top of her heavy workload in the West.

Govt gives itself power to jail a person forever

The federal government can now indefinitely detain refugees, potentially for forever.

The Migration Amendment (Clarifying International Obligations for Removal) Bill 2021 became law last month, bypassing a federal court ruling that prevented the government from doing precisely what it now can do.

The new law allows for the government, where it had cancelled the visa of a refugee but could not send them back to their country of origin because they would face persecution there, to detain them indefinitely.

The independent MP Andrew Wilkie told parliament: “I disagree with the whole notion of disrespecting the rulings and the intent of the federal court. I think it is poor practice that whenever the federal court rules against the government, the government just keeps changing the law until it finds a workaround for the federal court.” <https://tinyurl.com/ys3m4ec7>

Special: SHOW TRIALS – POLITICAL PROSECUTIONS – WHISTLEBLOWING

Leigh leads the Labor legal charge

Labor's four representatives from the ACT last month for the first time jointly stated their objection to the treatment of ACT lawyer Bernard Collaery and ACT resident Witness K by the Morrison Government.

The four are the Member for Fenner, Dr Andrew Leigh; Member for Canberra, Alicia Payne; Member for Bean, David Smith; and ACT Senator and Shadow Minister Katy Gallagher.

Most people know Leigh, a former ANU Economics Professor, for his accurate and intriguing treatises and pontifications on matters fiscal, but he also has a quality Law degree and worked for Minter Ellison as well as being an associate to judge Michael Kirby for two years at the High Court.

"The way the Morrison Government has dragged out legal proceedings in the ACT Supreme Court is unjust. They must explain why it is in the public interest to proceed with these prosecutions," the four said..

"Federal ACT Labor representatives call on the Commonwealth Government to uphold its duty to be a model litigant. From trying to effectively prevent Mr Collaery from choosing his own legal counsel to closed courts and delaying tactics, the government has gone to absurd lengths to pursue these prosecutions.

"The new Attorney-General (Michaelia Cash) must do what her predecessor failed to do: explain to the Australian people why it is in the public interest to proceed with these prosecutions, which have already cost taxpayers almost \$4 million." – media release, Labor 17 May 2021.



Photo shows Collaery speaking outside the courts on that day.

Profits privatised...and jobs for the boys later

K and Collaery (see above) are accused of misdeeds in revealing information during international court action by Timor Leste over treacherous oil-gas negotiations by Australia in the early 2000s.

Spooks raided K's and Collaery's homes in Canberra in 2013, confiscating computers, papers and passports.

No-one in government then or now has been raided, or charged with the now long-admitted, morally reprehensible bugging in 2004 of the TL Cabinet ante-room by Australia's ASIS spooks to gain an advantage in clinching the oil deal...which was so bad it was eventually overturned due to unfairness.

K has decided to plead guilty – to end the government-manufactured mental torture he has been under for eight years – and is due for sentencing in June 2021.

Collaery is still fighting the case, but no-one can report details because the federal government (notably Christian Porter when he was AG) invoked the National Security Information Act which set out who can reveal what, and who can attend the closed hearing, with the court giving the greatest weight to the opinion of the AG about what is of national security importance.

The act grants the federal government a secret show trial.

Prof Clinton Fernandes says, in pointing out how the company Woodside benefited from Australian government largesse, including allegedly information gathered during the TL oil-gas negotiations: "In Australia, the 'national interest' has instead amounted to the socialisation of costs and risks, and the privatisation of profits, with taxpayers getting a trickle of revenue in return."

Several of the government players went on to work for or serve on boards with Woodside in later years.

<https://tinyurl.com/435mpkbs>

Govt may be held to account on Collaery

Grant Donaldson, who is the new Independent National Security Legislation Monitor (INSLM), may investigate the use of national security laws in the Collaery prosecution, according to a Law Council of Australia policy advisory.

Collaery is facing five charges of alleged breach of the Intelligence Services Act. He is currently appealing decisions that parts of his trial be conducted in secret.

INSLM Donaldson told Senate Estimates that, after Collaery's prosecution ends, he will consider the appropriateness of the issuing of certificates by then-Attorney-General Christian Porter (*a process which allowed the secret trial to happen at all - Ed*).

The consideration will be whether the legislation aimed at protecting Australia's national security was used proportionately. That consideration will be eagerly awaited by lawyers and the public who have felt disquiet over the way the prosecution has proceeded." – John Purnell, editor *ACT Bar Journal* and CLA member 'Guilt' with no trial resolution continues...



AAPP keeps protests going over show trials

The Alliance Against Political Prosecutions – of which CLA is a member – turns out to protest at the ACT Supreme Court whenever Collaery, K or former ADF lawyer David McBride of alleged special forces murders in Afghanistan fame (39 people dead, 25 Australian special forces people with questions to answer) are up before the court.

The trials are political prosecutions – show trials, as the Australian government would describe them if held in China, Russia or North Korea.

The Board of CLA decided at its May meeting to provide seed funding of \$1000 to help AAPP get on its feet. At the 17 May protest in Canberra, former CLA President Dr Kristine Klugman was lead speaker (*photo left*), addressing the crowd before the Human Rights Law Centre's Kieren Pender and Collaery himself. Dr Klugman called for a 'qui tam'-like system of paid reward for whistleblowers to be introduced to Australia.

The inaugural members of AAPP are Australia East Timor Friendship Association, Civil Liberties Australia, PEN International, Friends of Lacluta (Vic), Humanists Australia, Independent and Peaceful Australia Network, International Association of People's Lawyers (IAPL), Just Peace (QLD), Lawyers for Peace, Medical Association for the Prevention of War, Timor Sea Justice (VIC), Monitoring Committee on Attacks on Lawyers, Timor Sea Justice Forum (NSW), Queensland Timor Sea Justice Group, Wage Peace, and Whistleblowers Australia. Membership is expected to expand.

Probably better chairing, more qualified by far...and cheaper than billionaire Stokes

The Australian War Memorial paid the billionaire Kerry Stokes \$80,537 to be chairman of its council and to run its four (4) council meetings in 2019-20.

Mr Stokes supports Ben Roberts-Smith VC, whom an Army Major General (who is also a NSW Supreme Court judge) Paul Brereton, has apparently listed as one of a group of special forces soldiers who could face murder-manslaughter charges for their alleged actions while operating in Afghanistan. Stokes employs Roberts-Smith in a very senior role with Stokes' Seven Media group, but the VC winner is not working for about six months so he can concentrate on suing *Chanel Nine*, the *SMH* and *The Age* for defamation.

Tony Abbott, former Prime Minister, received \$33,932 for being an AWM council member from mid-September 2019 to 30 June 2020. This AWM payment is on top of a fully-funded and equipped Sydney office, car and driver, etc, for serving as PM.

CLA's retiring President, Dr Kristine Klugman, who is an extraordinarily talented meeting chair, and who has a PhD in Politics, an MA in Community Studies and a BA in History (and has written four published histories) is offering to chair the AWM for a mere \$52,000 a year.

She was the first female president of the Australian Museum (Australia's oldest), on the interim committee which established the National Maritime Museum, and secured the land and building to enable the Museum of Fire in Penrith NSW to go ahead. She has received an OAM for services to education and the community. And she's younger than Stokes too.

National Rugby League's 'rule' may run foul of hung jury problems

The National Rugby League has agreed Jack de Belin can play again after 2 1/2 years stood down.

The NSW Origin – that is, state representative – forward was the first player stood down by the NRL's 'no fault stand down' policy introduced in March 2019 before that football season began. He has not played since, barred by the NRL on suspicion of possibly being guilty of a serious crime.

De Belin was charged with aggravated sexual assault of a 19-year-old woman in December 2018. He denied the allegations and pleaded not guilty at two trials, both of which resulted in a hung jury.

Late in May 2021, after the second trial lapsed, the NSW DPP decided to not hold a third trial.

The NRL policy allows for the automatic suspension of players charged with serious criminal offences that carry a jail term of 11 years or more. The NRL is afraid its reputation will suffer.

“The current de Belin situation has made a mockery of the NRL’s own reputation-saving ‘guilty until proven innocent’ approach to the law,” CLA’s President Bill Rowlings said.

“I acknowledge that the situation leaves the alleged victim who made a complaint to police with no outcome whatsoever, but the law always did, and continues to, consider de Belin an innocent man: that is how our legal system works.

“Effectively, the NRL has barred an innocent man from plying his trade and playing his sport, probably to State and Australian representation level in his case, for about one quarter of a usual career span.”

He said the NRL would likely have to re-think its stand-down rule in the light of de Belin not being prosecuted further. NRL clubs are demanding a review of the policy. <https://tinyurl.com/2m9t68hm>

Is the proof of guilt too high in sexual assault trials?

Some women’s groups claim that the customary legal system bar – ‘innocent until proven guilty’ – is too high in rape and sexual assault.

They want some form of presumption of guilt to apply, instead of presumption of innocence. The cases, they say, are always of the “he said, she said” variety where absolute proof is near impossible.

What do you think? If you agree, what form of words would describe the proof of guilt you believe would be required to jail someone for a period of say one to 15 years over rape or sexual assault charges?

ODD SPOT: Schmackos for Karen, the Minister going to the dogs

The AFP is spending \$5.87m to train 12 more dogs to sniff out USB drives, SIMs and devices during searches or at crime scenes. That’s roughly \$0.5m per dog: the dogs typically find about one device a week, records over the past two years indicate. Minister for Home Affairs Karen Andrews (photo) is responsible for the doggy program: you might like to send her some Schmackos. <https://tinyurl.com/2798yprk>



SOB story is safeguarding liberties and rights

The federal parliament’s Scrutiny of Bills (SOB) committee rejects in the first instance nearly half – 49% – of new bills presented to it because they trash civil liberties and human rights.

SOB is responsible for pointing out when government legislation unduly trespasses on personal rights and liberties, makes rights, liberties or obligations unduly dependent upon insufficiently defined administrative powers, or makes them unduly dependent on non-reviewable decisions.

The committee considers about 250 bills a year, and has recently been swamped by Covid-19 laws. At 13 May 2021, SOB had listed on its website a total of 478 Covid-19 legislative instruments made, of which 17.4% were exempt from disallowance and SOB scrutiny.

The committee considered a total of 210 bills in 2020, providing comments on 101 of them.

SOB is one of three legislative scrutiny committees in the federal parliament, with the other two being the Senate Scrutiny of Delegated Legislation committee and the Parliamentary Joint Committee on Human Rights. – *Scrutiny News* 18 May 2021 and SOB [annual report](#) 12 May 2021.

CLA teams with APF on subs and bill-fighting

Civil Liberties Australia works closely with a number of other similarly-minded organisations, including the Australian Privacy Foundation.

The APF has just released an update on its activity over the past year which involved about 20 submissions. <https://privacy.org.au/publications/by-date/>

They included a very substantial response to the issues paper published by the Attorney-General’s Department in relation to the (non-independent) review it is conducting of the Privacy Act. The scope was very broad, so the response involved a team of APF contributors, led by Prof. Graham Greenleaf.

Other APF papers addressed topics as diverse and important as:

- a number of COVID-19 initiatives that were unjustifiable or unjustifiably intrusive into privacy interests (helping to ensure that the media were tuned into the endeavours of Minister Dutton and his friends to normalise population surveillance);
- Google’s takeover of Fitbit;

- the 'Consumer Data Right', designed to achieve disclosure of personal data in the financial services sector, in return for little or no benefit to the large majority of consumers;
- the valueless but still-not-dead-yet 'My Health Record';
- drones;
- OAIC's revisions to its 'Guide to Securing Personal Information'; and
- enormously invasive, unjustifiably intense background checking by employers, and specifically by Australia's national university.

APF have also fought a succession of latter-day 'surveillance society' attempts at bills.

"Ever so slowly, politicians are rediscovering their ticker, and questioning the justification for such nominally 'national security' measures, and the scope of the powers sought, and the collateral damage arising from them," AFP's Dr Roger Clarke (who is also a member of CLA) wrote.

Cavalier cops don't give a damn about people's privacy: 1691 failures

The Commonwealth Ombudsman, Michael Manthorpe, has found that federal police officers ignore rules around use and abuse of telecommunications data, and therefore trash people's privacy rights.

Police access location data from mobile phones and the like illegally.

"My Office's investigation identified that the internal procedures at ACT Policing (a business arm of the AFP) and a cavalier approach to exercising telecommunications data powers resulted in a culture that did not promote compliance with the Telecommunications (TIA) Act. This contributed to the non-compliance identified in this report," Mr Manthorpe said.

While investigating ACT Policing's use of location pings from mobile phones, the Ombudsman's office found that between 2015 and 2019 only 9 out of more than 1700 individual accesses to data were fully compliant with the law.

The Ombudsman said that meant the privacy of individuals may have been breached and unauthorised pings may have been used to prosecute people. <https://tinyurl.com/2xfkts8>

Police seize \$10m assets on suspicion

An alleged illegal brothel ring in the ACT, NSW and Queensland has seen the ACT seize more than \$10 million in personal assets...without anyone being charged with a crime.

The ACT Supreme Court last month authorised the restraint of two properties used as brothels, worth an estimated \$2.8 million. The two are in addition to five properties and multiple bank accounts seized by ACT Policing in late March.

"Unexplained wealth" laws effectively allow authorities to act on suspicion, without needing proof in court.

The first brothel came to police attention when neighbours complained about the traffic through one of these premises, Detective Superintendent Moller said. Police then carried out a Covid-19 check.

The issue of police, DPPs and governments cooperating to seize assets – sometimes without people being charged or convicted of a crime – is a national disgrace, CLA says.

Governments are appointing extra lawyers to the offices of Directors of Public Prosecutions just so they can take turn prosecuting into a profit centre. Former ACT Attorney-General Ramsay admitted as much.

In WA, former Chief Justice Wayne Martin presented a report in 2019 into the laws and the practices that had grown up around them, recommending a wholesale rewrite of laws to be fairer and more equitable. WA has not acted on it, nor has any other state or territory even though CLA wrote to all of them with copies of Martin's report. <https://tinyurl.com/fhn9efbj>

Fighting for liberties starts with realigning priorities

CLA in WA wrote a letter to Suresh Rajan, President of the Multicultural Community Council, offering support and collaboration.

He is currently guiding and speaking up for the parents of Aishwarya Aswath, a seven-year-old girl who died waiting hours for medical attention that came far too late inside the emergency department of the new Perth Children's Hospital.

If it turns out that a culture of ignorance, inexperience, lack of training and appalling misplacement of government spending (on bureaucratic management instead of carers) has been proven catastrophic in this case, it will merely illustrate how government has prioritised the wrong functions in the wrong areas of society for the benefit of the wrong people, usually the big end of town and those with political 'pull'.

CLA is finding that, to fight for liberties and rights, we must equally fight for equality and fairness of resource allocation.

Resource allocation failure is at the root of rights imbalance

A WA Labor government was re-elected in March with the biggest majority in history, but its earlier omissions quickly came to haunt it when the young girl died in the emergency department (see above). Before the new MPs were able to meet as a new parliament, 1000 nurses, doctors and allied medicos formed an emotion-charged rally outside Perth Children's Hospital at the end of May.

The state's individual health providers are demanding better and proper allocation of resources, more and adequate staffing, and new management practices to prevent burnout at Perth and WA hospitals.

There are lessons here for all Australian governments: the just-elected WA government surged to new-found heights on a supposed 'tough on Covid-10 lockdown' regime. But the reality of paper-thin health resources allocated for PR release impact rather than need is a poor foundation on which to build a fair and equitable society.

Similar problems of misallocation, past and promised, should come under close scrutiny before electors decide who to vote for in the federal election expected late in 2021 or early in 2022.

Newly re-contracted Serco restricts laptop rehabilitation

Heavy-duty laptops, funded by a federal program to help rehabilitate prisoners, sit unused in WA.

State-run prisons are using them, but Acacia – WA's largest, run by private supplier Serco – has refused to allow them in 'yet'. Serco is waiting for the WA Justice Dept to review Policies and Procedures at Acacia (under a review cutely named 'COPP').

CLA wrote to Corrections Minister Fran Logan (now retired) in January 2021 requesting clarification on access to educational materials, publications and legal mail at Acacia prison. A response letter quoted August 2021 as the 'implementation' of the COPP outcomes.



The WA government in 'buried' media release in Christmas week announced Serco would run Acacia for the next five – and probably 15 years. The decision was despite ALP platform policy being to get rid of privately-run prisons in WA.

Acacia: sweet name, sour taste, say prisoners

At Acacia, reports filtering out say, some 1500-plus prisoners are waiting for the barest beginnings of feasible rehabilitation opportunities, humane oversight, protection from violent, drug-fuelled offenders, and basic meals that can be described as reasonably edible.

Hopelessness pervades Acacia as the norm, reports to CLA claim: suicides are common, but not publicly reported, and morale has never been lower.

Prisoners fighting appeals can't get the help they need to access legal information, even though online supplier Booktopia can help with degree studies if there is constant advocacy and financial support of a prisoner's parents or spouse.

In terms of basic education, prisoners nearing their possible parole release face the absence of mandatory courses they need to complete before they can be freed.

Overall, the lack of opportunities for learning personal skills and certificate qualifications 'inside' is a recipe for disaster for all the community, because prisoners eventually released face certain homelessness and no prospect of securing a job.

Prisoners say that only inmates with close and fully supportive family connections outside prison stand a chance of educational rehabilitation inside. Overwhelmingly, most prisoners do not enjoy such support.

NT SPECIAL:

Govt runs risk of corruption over \$1bn buying program

The NT government's procurement processes are open to corruption and remain unfixed for more than a decade despite repeated incidents, an Office of the Independent Commissioner Against Corruption report into alleged "improper" conduct found recently.

ICAC investigated the conduct of two public service employees in an unnamed department over allegations the staffers manipulated a select tender procurement. The staffers had failed to adhere to best practice: “there was insufficient evidence of unsatisfactory conduct”, ICAC decided.

However, it said government procurement processes were “not fit for purpose and/or poorly understood by public officers”. This was so despite 19 Auditor General reports, including 10 under the current government, that found multiple incidents of lack of compliance with procurement directions and policies since 2010.

Commissioner Ken Fleming said allegations of improper procurement processes undertaken by the public service make up 20 per cent of all reports to his office, and cover the \$1 billion of goods and services bought each year by government. <https://tinyurl.com/j6ykr9tm>



Riches to be ICAC

Michael Riches is the new Independent Commissioner Against Corruption (ICAC) in the NT. He comes to the role from being Deputy ICAC Commissioner in SA. Starting out as a police officer for nine years, he studied for a BA in Criminology and Legal Studies in 1997 and a Bachelor of Laws and Legal Practice (Honours) in 2008, from Flinders University. He was a solicitor with SA Police before joining the Crown Solicitor’s Office in 2009. Kenneth Fleming QC occupied the NT ICAC role from its inception in mid 2018 to his retirement in July 2021.

ODD SPOT: Meet a government not stupid, and forbidden from being incompetent

NT Speaker Ngaree Ah Kit has ruled the word “incompetent” is offensive and has banned its use inside Parliament House in Darwin. Labor Members for Arafura Lawrence Costa and backbencher Joel Bowden had demanded that Independent MLA Robyn Lambley withdraw an “incompetent” remark. She had chosen the word “incompetent” when required by Labor MLAs to withdraw the word “stupid” as a descriptor of the Michael Gunner-led Labor government over its budget. Now, however, the government can no longer be incompetent, officially...unless voters take a different view about three years from now. <https://tinyurl.com/2ctbc66f>

NT’s brutal anti-child regime beefed up against the wrong culprits...again

The new Youth Justice Legislation Amendment law in the NT, passed last month, will add to the brutal anti-juvenile regime visited on Aboriginal children.

Despite a Royal Commission into the dreadful Don Dale kids jail, which recommended better practices, the Labor government has legislated “tougher than ever laws”, Chief Minister Michael Gunner says.

The law expands the list of ‘prescribed offences’, which means a widely increased presumption against granting bail. ‘Bail is a privilege, not a right,’ Gunner said in relation to children aged 10-17.

Kids on bail will be locked up – mandatorily – if they break curfew or don’t turn up for court. And police will be able to put electronic bracelet locks on young children.

Aboriginal children comprise about 93% of juveniles in detention in the NT.

The failure of adults – politicians, police and parents – is being visited on kids, Civil Liberties Australia says. While the blame is bestowed on the wrong areas, the problem will never improve. – details from media release 5 May 2021 Police Minister Nicole Manison and Families Minister Kat Worden, plus <https://tinyurl.com/8ytanhhu>

Courts get right to over-rule in exceptional cases

A late addition to the awful new laws (above) allows courts to grant fresh bail in unusual circumstances.

Arnhem Land independent Yingiya Mark Guyula, who cast the only vote against the legislation, criticised the government’s refusal to consult on its changes.

He said too little had been done to support Aboriginal community responses to youth crime and the underlying causes and said the government’s actions fuelled a “toxic culture” in the NT.

“This bill sets the path for everyone to walk on — a path that says it’s OK to lock up kids,” he said. “We know this is mostly about Aboriginal kids. This creates a culture of inherent racism.” <https://tinyurl.com/52rs3jkj>

The NT 2021 budget last month allocated a huge amount to police. It included:

- \$19.6 million in police funding;
- \$1.2 million to increase CCTV and support staff; and
- \$489 000 to expand the school-based policing program.

CLA believes NT Police should be required to say in advance by what percentage crime will drop in the NT, due to the extra funds. Otherwise, extra funding to police is just pouring money into a bottomless pit. There should also be annual justification for how the money spent on CCTV is saving lives, preventing crime, or capturing/convicting criminals after the event...none of which it is known for.



CLA joins ACTU boss to protest refugee detention

CLA member Rob Wesley-Smith, ACTU Secretary Sally McManus (centre) and CLA NT Director Caitlin Perry came together to protest the holding of medivac-ed refugees from Nauru, granted status in Australia, still being held at at the Mercure Hotel, near Darwin Airport, last month.

ENDS NT SPECIAL

SNF supporters speak out about slowness of allied trial

Rosie Crumpton-Crook, President of the Neill-Fraser Support Group Inc stated that , "We are gravely concerned about many aspects of the management of Mr Jeffrey Thompson's case."

Thompson is a lawyer who, earlier in the Sue Neill-Fraser appeal process, was helping gather information.

The decision on SNF's appeal, heard by a three-judge court of appeal in Tasmania in the first days of March 2021, is expected shortly. Judges have had three months already to prepare their written decisions.

Ms Crumpton-Crook said:

"On 29 March 2018, in the Supreme Court, counsel for the DPP asked that Mr Thompson's trial be delayed until *after* the completion of Sue Neill-Fraser's appeal. On 24 June 2020, the presiding judge stated that there was '...no sense of urgency...' in re-listing Mr Thompson's case in court.

"This is clearly at odds with the legal requirement that a person should be tried without an unreasonable delay. Mr Thompson's trial date is likely to be in December (2021) which means he will have waited four and a half years for his matter to be heard.

"This *is* an unreasonable delay.

"Four years down the track, Mr Thompson has still not been informed of the exact nature of the charges he faces, nor has he received, from Tasmania Police, all documentation relating to the charges, which he requested years ago and which he is entitled to have.

"That is unacceptable." Ms Crumpton-Crook said.

She said that Thompson had been vilified in the media in coverage of allied hearings. Ms Crumpton-Crook said: "The publication of these remarks also allow a potential jury to make assumptions and form opinions that the court has already made decisions in respect of the evidence and charges against Mr Thompson."

"Jeffrey Thompson is being denied both procedural fairness and the presumption of innocence and this must be addressed by the Tasmanian Government." Ms Crumpton-Crook said. (NB: CLA is a supporter of the SNF Support Group).

ODD SPOT: It doesn't pay to be a man in Queensland

Queensland Police discriminated against men in trying to reach a 50% female target between December 2015 and October 2018, the state's Crime and Corruption Commission has reported. Bu no-one will be sacked: a few scapegoats will face disciplinary action. Different standards were applied to female and male applicants, with Caucasian men forced to reach "artificially high" cut-off scores. Some female applicants were approved despite not meeting cognitive assessments, failing physical exams or not being suitable on

psychological grounds. If they had not been discriminated against, the CCC estimated about 200 more men would have been successful in their attempt to join the police service. <https://tinyurl.com/ms65wk8>

Qld, SA to join VAD states

Queensland looks set for voluntary assisted dying (VAD) legislation soon, after Premier Anastacia Palaszczuk last month announced a new bill.

She said Cabinet had decided to proceed after the Queensland Law Reform Commission recently reported on the legal framework for voluntary assisted dying.

"Having seen first hand the suffering of both my grandmother and uncle it is heartbreaking and nobody wants to see it. This bill will give people the choice to end their life with dignity," the Premier said. <https://tinyurl.com/hjdf94s9>

Meanwhile the South Australian VAD law passed the upper house of parliament by a vote of 14-7, and awaits confirmation in the lower house. In a preliminary debate there last month, indicative motions passed by a vote of 33-5.

The law is likely to come into effect in SA 2022. <https://tinyurl.com/c5juaa68>

Police to probe their own DV problems

Victoria will have a specialised unit investigating allegations of family violence made against police officers.

Chief Commissioner Shane Patton said 11 officers would be deployed within the Professional Standards Command to investigate domestic violence claims against Victoria Police employees.

Victoria Police has 31 family violence investigation units, with 415 specially-trained police officers. It conducted more than 90,000 responses to family violence events in 2020. <https://tinyurl.com/st99cdyz>

Australian briefs

McNaughton extended

AG Michaelia Cash has re-appointed Sarah McNaughton as Commonwealth Director of Public Prosecutions for two years from 13 May 2021. She has been in the job since 2016 and is the person 'responsible' for the secret trials of Witnesses J and K and Bernard Collaery,



Australia beats NZ 7:3

In late 2019, 29% of prisoners in Australian jails were Aboriginal. People of Aboriginal descent account for less than 4% of the general population, meaning Australia locks up its Indigenous people at 7 times the rate of locking up Australians generally. <https://tinyurl.com/57v7wk85> In NZ, Māori are disproportionately represented in criminal justice statistics: despite Māori only making up 15% of the population, they account for 52.7% of the prison population, roughly a 3 times rate. <https://tinyurl.com/4y4k8cje>

CLA's main activities for May 2021

CLA held a quarterly Board meeting on 16 May. Key issues were:

- The Board agreed to a new Board position of 'Past President'. Dr Kristine Klugman was appointed to it.
- Whistleblowers added as a 'Champions' project, led by Dr Klugman.

Submissions: Recent submissions in 2021:

Federal:

Submission Director, VP Rajan Venkataraman, made a submission on the Witness J secret trial/secret imprisoning to the Independent National Security Legislation Monitor (INSLM, Grant Donaldson) inquiry; Adult literacy – submission to the Standing Committee on Employment, Education and Training (Des Griffin), 3 March

Tasmania:

Bail Bill 2021 – submission to the Department of Justice (Venkataraman), 19 March

NT:

Youth penal policy – joint letter to the NT Government (Venkataraman), 26 March

ACT:

Child Sex Offenders Act – submission to the Justice and Community Safety Directorate (Klugman) 30 March

Dept of Justice and Community Services: Body Worn Cameras – response to consultation request (Rowlings) 5 May

Sub to Select Committee on Drugs of Dependence (Personal Use) Amendment Bill 2021 (Rowlings) 5 May

Media:

Media Director, VP Rajan Venkataraman, reported that the most concerning media issue emerging was increasing coverage of the rate/numbers of jailing of children and Aboriginal people, which was worsening.

CLA Human Rights Campaign Manager Chris Stamford reported: Developments were occurring on CLA HR initiatives in federal (action by a Labor government on human rights within first 100 days of being elected) and ACT ALP spheres. CLA contacts with federal Greens (who have invited CLA to help draft their initial policy). Proceeding with Connie Bonaros in SA, and learning from Sean Costello, principal HR Comm lawyer in Qld (who is living in the ACT, and is a former CLA member). In ACT itself, there was a major panel meeting held on 12 May, and follow-ups with AG Rattenbury and Justice Minister Cheyne. Greens MLA Jo Clay has agreed to 'champion' a petition through ACT Leg. Assembly.

Networking

Alliance Against Political Prosecutions (AAPP): Zoom meetings

Connected AAPP with Dr Suelette Dreyfus Uni Melbourne re whistleblowers and other groups joining AAPP

Human rights campaign (HRC):

Meeting with ACT AG Shane Rattenbury:

- what is preventing expansion of ACT HRC complaints handling process?
- likely reaction to a petition
- review of Human Rights Act in 2024 (20 years in place)

Professor Miho Aoi in Tokyo, Zoom meeting re her work at ANU on ACT HRA

Fiona Hussin NT Legal Aid re HRA for NT

Andrew Leigh MP re HRA federally

Contact with members

Bill Stefaniak re ACT HRC

Sean Costello with Chris Stamford re ACTHRC and Queensland HRC

Chris Stamford re HRA strategies zoom meeting

Rosemary Jennings re *CLArion*

Noor Blumer re role in CLA

Sandra Nelson of Perth with Margaret Howkins, re role in CLA and her position as electorate officer

Alistair Wyvill Darwin re role in CLA

John Harvey and partner Michelle re update CLA activities

Tony Murney re role CLA activities

Media

Bill Rowlings interview with *ABC Darwin's* Jolene Laverty re CCTV

Release of CLA paper on Australia-wide problems of police and domestic violence.

CLA was one of the nearly 40 human rights/legal group which have sent damning letter to the Victorian government over Indigenous incarceration rates, saying the state's punitive bail laws are contributing to Aboriginal deaths in custody and demanding they be wound back. *ABC 'AM'* interview, 4m4s <https://www.abc.net.au/radio/adelaide/programs/am/victorian-bail-laws-slammed/13363348>

Forums

ACT HRC panel discussion on operation of the ACT Human Rights Act complaints handling and petition Signatories to AAPP account Bendigo Bank Curtin

Rally AAPP, PP Kris Klugman as lead speaker, with Bishop Browning, Sophie Singh and Kieran Pender

WA news about CLA activities: *from WA Director Margaret Howkins:*

May brought an active focus on prisons, as several issues came to a head in recent weeks.

- CLA mailed an information sheet to CLA member prisoners listing WA paid organisations officially tasked with addressing and acting on cruel and inhumane conditions and treatment on the 'inside'.

- Margaret Howkins met Labor MP Simon Millman MLA (ALP, Mt Lawley) asking him to check when the government will respond to parliamentary committee reports about the CCC not investigating complaints against WA Police and the need for the 2003 Crime & Misconduct Act to be rewritten.
- New CLA member Jan Stratford has volunteered to work with Margaret Howkins in handling letters from distressed prisoners. She is redacting names and highlighting the repetitive, generic issues raised. Jan and Margaret will together meet politicians and relevant paid government officials.
- CLA telephoned Len Nielsen (Coordinator 'AHEAD': Addressing Higher Education Access Disadvantaged) at Curtin University. This service is funded federally to support prisoners wanting to attempt online degree courses. Len has purchased 36 heavy duty laptops for use in prisons in WA.

Updating our human rights partners: We have provided an updated report on CLA's Human Rights Act campaign to the WA branch of the Australian Lawyers for Human Rights. Chloe Wood responded saying it will inform their own less advanced strategy considerably.

INTERNATIONAL

Brits reverse proposals: soldiers can be held accountable for war crimes

In a move with ramifications for Australia, the British government has u-turned on some of the most dangerous aspects of its Overseas Operations Bill that would have effectively decriminalised torture and war crimes by British soldiers.

The government had painted the Bill as necessary to protect the Armed Forces against sham legal challenges. But in reality, it was just another attempt to let the powerful hide from accountability, according to Sam Grant, the head of policy and campaigns for Liberty, the UK rights and liberties group.

"In its original state, the Bill would have created a presumption against prosecution for unlawful acts abroad if the crimes were committed more than five years ago – including war crimes, crimes against humanity, torture and genocide," he said.

"But no more. Thanks to a coordinated campaign from human rights organisations, former military personnel, and thousands of people contacting their MPs, the government has buckled and removed these illegal acts from the Bill," he said. – personal email 29 April 2021.

If such provisions operated in Australia, the alleged 39 or more murders-manslaughters by 25 Australian special forces and other troops across 57 incidents in Afghanistan some 5-15 years ago would not see their day in court,

One of those incidents, in 2012, was called "possibly the most disgraceful episode in Australia's military history" by the initial investigator, Reservist Major-General and NSW Supreme Court judge Paul Brereton.

Spain joins EU VAD countries

Catholic Spain has recently joined European Voluntary Assisted Dying countries after a vote of 202-141. Spanish Prime Minister, Pedro Sánchez said: "Today we have become a country that is more humane, fairer and freer.

"The euthanasia law, widely demanded by society, has finally become a reality". <https://tinyurl.com/fm9cyrbh>

You can't be colour blind if you're black

Even today, children of Caribbean descent are almost three times more likely than white children to be excluded from school. Black people are nine times more likely to be stopped and searched by police, and three times more likely to be arrested than white people.

These facts from the UK – reflecting the situation in Australia in relation to Aboriginal people, who were here first – are the words of Gary Younge.

He is a British author, journalist, and broadcaster, Professor of Sociology at the University of Manchester and a Type Media Fellow.

Younge's article concerns a five-part film series, *Small Axe*, by Stever McQueen, but it contains some gems, like this one:

"We look to history for warm baths to feel comfortable about our past," the professor and journalist David Olusoga, my colleague at the University of Manchester, (said). "Facts struggle when they are up against myths that are so potent."

– Gary Younge, *New York Review of Books* April 29, 2021 <https://www.nybooks.com/articles/2021/04/29/steve-mcqueen-small-axe/>

The political system – ‘it’s crackers’, says top UK adviser

Former top adviser to PM Boris Johnson, Dominic Cummings, gave the game away in a tell-all expose of the 24/7 disaster that was early mismanagement of the Covid19 pandemic in the UK.

“It is completely crazy that I should have been in such a senior position, in my personal opinion. I’m not smart, I’ve not built great things in the world. It’s just completely crackers that someone like me should have been in there, just the same as it’s crackers that Boris Johnson was in there, and that the choice at the last election was Jeremy Corbyn.

“It’s also the case that there are wonderful people inside the (public) service, there are brilliant, brilliant officials all over the place. But the system tends to weed them out from senior management jobs. And the problem in this crisis was very much lions led by donkeys over and over again.” <https://tinyurl.com/4f24tpcp>

Wonder what the Australian equivalent is? Wise owls of the PS led by wombats populating our ministry, ministerial advisers and ideologue lobbyists?

HRC to probe Gaza-Israel issues

The UN Human Rights Council is launching an open-ended international investigation into violations during the 11-day conflict between Israel and Palestinian groups in Gaza, and into “systematic” abuses in the occupied Palestinian territories and inside Israel.

By a vote of 24 states in favour, 9 against, with 14 abstentions, the 47-member forum adopted a resolution after an all-day special session brought by the Organisation of Islamic Cooperation (OIC) and the Palestinian delegation to the United Nations.

There is to be a permanent Commission of Inquiry – the most potent tool at the council’s disposal – to monitor and report on rights violations in Israel, Gaza, and the occupied West Bank and East Jerusalem. It would be the first such COI with an “ongoing” mandate. <https://tinyurl.com/ymk8papm>

International briefs

Spokesperson arrested on ‘mastermind’ charge

Indonesia last month arrested Papuan independence leader Victor Yeimo (photo), accusing him of orchestrating serious civil unrest in 2019. Yeimo, who is the international spokesman of the West Papua National Committee, was arrested in the provincial capital of Jayapura. Police claim the 38-year-old is the mastermind behind protests and also instigated violence and social unrest, insulted the national flag and anthem, and carried weapons without a permit. <https://tinyurl.com/dcefunr4>



Most prison officers are liars

More than half the prison officers in New York City’s jail system disciplined over a 20-month period gave false, misleading or incomplete accounts on official forms or in statements to investigators, according to an *NYT* analysis of records made public after a long court battle. The data suggests pervasive attempts by guards to cover up uses of force or other infractions at a time when the city has tried to rein in violence in the jails. The city jail system, including the notorious Rikers Island complex, has long been a source of complaints of brutality by guards. <https://tinyurl.com/2wabcaft>

Age shall motivate them?

Civil unrest may result from China deciding to delay the legal retirement age over the next five years to solve the pressing issue of a rapidly ageing population leading to a shrinking labor force. State pension funds are at risk of running out. China’s retirement ages are 50 for blue-collar female workers, 55 for white-collar female workers, and 60 for most men. The current standards were set in the 1950s, when the average citizen was expected to live until only his or her early 40s. But, as the country has swiftly modernised, life expectancy has gone from age 45 some 60 years ago to nearly 77 today. <https://tinyurl.com/f77ede2v>

Bodies of 215 Indigenous children found at school

The remains of 215 children, some as young as three, have been found at a former residential school for Indigenous children. Canadian Prime Minister Justin Trudeau described the find as heartbreaking. The children were students at the Kamloops Indian Residential School in British Columbia that closed in 1978, according to the Tk’emlúps te Secwépemc Nation, which said the remains were found with the help of a ground-penetrating radar specialist. <https://tinyurl.com/uut44d42>

ODD SPOT: Nobody in government has seen hide nor hair of integrity recently...

“...public life isn’t what it was. Nobody at the top seems to see it as anything much more than a game to which any number of moral failings have been ‘priced in’. Nobody resigns any more, nobody says sorry any more, and nobody really needs to take anyone’s calls any more. You can see why people have learned not to expect better. It saves time.” – columnist Marina Hyde writing in the Guardian UK <https://tinyurl.com/fcxvceax>

It’s not defamation...just ‘political speech’: claim

Lawyers representing pro-Trump lawyer Sidney Powell want a \$1.7 billion defamation case dropped: they claim her comments about rigged voting machines are political speech that no reasonable person would think are statements of fact. Dominion Voting Systems are suing Powell and another Trump lawyer, Rudy Giuliani for a similar amount. The Dominion suit claims that Powell made “demonstrably false” accusations that its machines were rigged to swing the 2020 presidential election to Joe Biden. The suit claims that Powell put forward “conspiracy theorists, con artists and other facially unreliable sources as experts” to back up her claims. <https://tinyurl.com/2fj3rmc7> As well, a group of more than 1500 lawyers are calling for ethics probes of lawyers making claims of widespread election fraud, the American Bar Association has reported. <https://tinyurl.com/yw4ehk25>

DATES:

2021:

11-13 June, G7 meeting, England: Priorities set out by host Prime Minister Boris Johnson for his G7 presidency are four-fold: fighting against and recovering from COVID-19; climate action; free and fair trade; and shared values as open societies.

17-18 June, Brisbane: Community Legal Centres Queensland State Conference. Opening speaker will be Emeritus Professor Judy Atkinson on understanding inter-generational healing and recovery from trauma in Aboriginal and Torres Strait Islander peoples. Details: <https://tinyurl.com/342jyue7>

11-12 Nov, COP26, Glasgow, Scotland: The 26th UN Climate Change Conference of the Parties (COP26) in Glasgow, Scotland.

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:

EU: Applications for the European Master’s in Human Rights (EMA) – details for the 2022 year. EMA is a residential and exchange program: The Feb to July 2022 semester takes place in one of the EMA participating universities within the member states of the EU plus the UK and Switzerland. <http://gchumanrights.org/>

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 28 May 2021.

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