

## **Pry. Change. Lie. Convict?** **How police could use ultimate data power**

Australia now has an Identify and Disrupt law. That's its official name.

Police – and security services – can totally intrude into your electronic equipment - phones, computers, etc – and take over control. They are permitted to alter the data in your equipment, and use your equipment to do what they like.

Asked by Australian and international news outlets what Civil Liberties Australia thought of this, CEO Bill Rowlings responded:

"The police and spooks of Australia – AFP, ACIC, ASIO, ASIS, etc\* – now have more powers and can reach further inside people's lives and minds than the notorious Stasi of East Germany ever could, because of unrestricted computer and electronic intrusion and surveillance.

"The new law allows faceless federal agents to "Target and Destroy" people, under what is officially called the Identify and Disrupt Act. This awful law multiplies tenfold the powers and reach of government intrusion.

"Your personal data is not safe, even on your own phone and computer. "They" can take over your accounts, from app stores to your bank accounts. They are now allowed to change your data, to manipulate it, so "evidence" could be what the government police and spooks say it is, what they have changed it to, not what it really was.

"Police have such an appalling record throughout Australia of planting evidence, wrongly locking up people for years and decades in stitched-up convictions, for which they have paid multi-million dollars worth of compensation subsequently. Why wouldn't they plant more "evidence" to suit themselves now they are permitted to do that, officially?"

\* Australian Federal Police, Australian Criminal Intelligence Commission, Australia Secret Intelligence Agency, Australia Secret Intelligence Service, etc. (Official name of the law is the Surveillance Legislation Amendment (Identify and Disrupt) Act 2021)

## **Rowlings: Atrocious new Act on a continuum**

CLA's CEO pointed out that the lawmakers were "dumb tools" of the police and security and military Machiavellis pulling the strings behind the scenes in Australia.



"They are known in Canberra circles as 'The Community'," Rowlings (photo) said.

They are the faceless agents who design and promote such awful laws. They operate secretly, in concert but closeted, to push their views, which are anti-human rights, anti-civil liberties and anti-Australian.

"Even the Parliamentary Joint Committee on Intelligence and Security is powerless to restrain them. Australia's Parliament and MPs are not strong enough to fight back against these hidden forces, who every few months demand new powers for the sake of extra power, not because they need it but because they have inculcated a 'Presumption of Terror' among politicians and the community.

"A presumption of terror is GroupSpook think: it's not now how real people actually think and live. We just want to get on with

our lives, without police and security services being able to pry at will into our privacy.

"Undoubtedly – there is not the slightest question about it – these laws will be abused. If what normally happens occurs as usual, they will be used to target Aboriginal people, the poor, the homeless and the downtrodden...while the Mr Bigs of crime escape scot free.

"When will police and spooks target the real crooks, instead of the false hobgoblins they have created to frighten the community?" Rowlings said.

*See also: 'Identify and Disrupt Laws Put Nail in the Coffin of Democracy' 04/09/2021 By Paul Gregoire, Sydney Criminal Lawyers: <https://tinyurl.com/z3pnm8w>*

## **Promise halfway towards proper fair system**

When Shadow Attorney-General Mark Dreyfus promised he would introduce a "tough ICAC" if elected, he was halfway to a proper and constructive responsibilities and rights infrastructure for the nation.

Alongside the "tough and transparent" Independent Commission Against Corruption he promised last month, Dreyfus needs to bring in a human rights act for Australia.

A massive, continent-wide consultation has already come out overwhelmingly in favour of a "bill of rights" for the nation (see next item). It is abundantly clear Australians want a fairer nation.

Together, the two initiatives can restrain those who are become too powerful, and empower those whose rights have become trampled, creating a more equitable nation, CLA says.

Dreyfus promised an ICAC that PM Scott Morrison would be "terrified" of, given the number of funding rorts before the last federal election demonstrating that a national anti-corruption commission was vital.

PM Morrison promised he would deliver an integrity watchdog in the lead-up to that 2019 election, more than 1000 days ago. But the ICAC he and then-AG Christian Porter planned could only take referrals by department heads and MPs. Hearings would be in private and investigations could not look into corruption allegations before the new ICAC was set up. <https://tinyurl.com/6e4ycv8w>

## **Aussies want clear 'rights & responsibilities'**

In a major boost for the need for a Human Rights Act, or Charter, for Australia, a new survey has shown public support is up a massive 14% in two years...and only 10% of people are opposed.

A total of 46% are in favour, while 43% are "not sure".

The clear message is that a widespread national human rights inform program is needed to educate more people about the current situation, and their options in future.

The information campaign is most needed among older Australians: in the 18-64 age groups, the poll shows support is up 15% or more, while 60% of people over that age remain "not sure".

The biggest change occurred among Coalition voters, up 17%, and in WA (up 24%) and Victoria (up 22%).

Even in Coalition-governed NSW, those in favour of a Human Rights Act/Charter are in the majority at 52% while only 8% are opposed and 41% are "not sure".

When asked "do you think a Charter of Human Rights sounds like an idea you would support?", 75% said "yes" and only 25% said "no". Among ALP and Greens voters, the "yes" selection was even stronger at 80% and 93%.

NSW was the most supportive state, with 80% saying "yes" and just 20% saying "no".

A huge 83% of Australians – up 17% on two years ago – believe “Australian should have a document that sets out in clear language the rights and responsibilities that everyone has here in Australia”. <https://tinyurl.com/acjd5rhc>

1038 respondents conducted online by QDOS 23-30 June 2021, compared with a similar poll of 1016 in August 2019.

### Lock ‘em up...to prevent truth coming out?

The Parliamentary Joint Committee on Intelligence and Security (PJCIS) has rubber-stamped a new extended supervision order (ESO) scheme which will lock people up forever.

They have also endorsed interim supervision orders “to better protect Australians from high-risk terrorist offenders (HRTO) due to be released into community after serving their custodial sentence.”

In its *Advisory report on the Counter-Terrorism Legislation Amendment (High Risk Terrorist Offenders) Bill 2020*, the PJCIS made 11 recommendations in relation to the Bill, including recommendations to “improve clarity and guidance on the operation of the scheme.”

But it allowed the new “lock ‘em up and throw away the key” provisions to stand.

Under the new ESO scheme, a State or Territory Supreme Court can impose any conditions they like (“reasonably necessary, reasonably appropriate and adapted”) to “protect the community from the risk of a serious terrorism offence”.

The Australian government is terrified that a number of convicted terrorists are due for release between now and 2025. It would not suit the government, the police or the spooks of Australia to have these people out in public speaking about how some of them were “stitched up”, as is strongly suspected by observers.

### Lock ‘em away from Australia for good

Australia has signed a new agreement with Nauru so that “offshore processing” can go on forever.

“Offshore processing” is the euphemism for locking refugee seekers up on a Pacific island jail for good.

Since 2012 all asylum seekers arriving by boat seeking protection have been put in mandatory indefinite detention and processing offshore. (The massively greater number of asylum seekers who arrive by aircraft face no such endless punishment).

More than 100 people are currently being held by Australia on Nauru, most of them there more than eight years. Another 125 or so people are still held in Papua New Guinea..

But Nauru is Australia’s only remaining offshore detention centre, the *Guardian* reported.

PNG’s Manus Island centre had to close when found to be unconstitutional by the PNG Supreme Court in 2016.

Australia was forced to compensate those who had been illegally detained there, and they were forcibly moved out, mostly to Port Moresby.

But the Nauru jail will remain indefinitely. Home Affairs Minister Karen Andrews said a new memorandum of understanding with Nauru was a “significant step forwards” for both countries, the *Guardian*’s Ben Doherty reported last month. <https://tinyurl.com/j2sx874u>

### Law lecturer Rice meets the ‘unstoppable force’

Sydney Uni law professor Simon Rice has stripped apart the abiding nonsense that there is any real way to complain about – and therefore correct the excessive and abusive behaviour of – NSW Police.

### ODD SPOT: All I want for Christmas...

This clever chappie in Vancouver BC Canada (right) has solved the problem of carrying a vax passport around in summer: James Immler has printed his passport on a t-shirt. There’s an idea for a Christmas present to oneself – a public passport to freedom worn for all to see. <https://tinyurl.com/nxeccsf8>



\* \* \* \* \*

In the *Saturday Paper* of 25 Sept 2021, Prof Rice documents his own bid, from the privileged position of a law professor, to seek police accountability for unwarranted abuse against him and law school students captured on phone cameras and reported around the world.

He describes how protective legislation and systems engineered by an ex-cop Police Minister and perpetuated by the state police association (that is, “union”) form a legal barrier to holding police to account.

It is the same in every jurisdiction in Australia. And that’s just one of the reasons why the entire “justice” system in Australia requires a national Royal Commission to seek equality for citizens under the law...that is, to raise citizens to the privileged position to commit crimes freely, without punishment, that police enjoy everywhere around the nation.

<https://www.thesaturdaypaper.com.au/2021/09/25/unstoppable-police-force/163249200012548>

**CLA NOTE:** We have turned off the ‘Renew’ option on CLA’s website while we conduct a Special General Meeting about how CLA may operate in future. If Members would like to donate to help ongoing and future CLA work, in lieu of renewal fees, please email the Secretary (see top of newsletter.) Same applies if you want join and help CLA work. The SGM is due to end on 8 October.

### ‘Strip search breaches jail human rights’

A strip search at the ACT’s jail in 2021 breached the territory’s human rights laws, a report has found, and regular strip searches in the crisis support unit did the same.

ACT Inspector of Correctional Services Neil McAllister found a female Indigenous detainee was strip searched in a bathroom in front of two female corrections officers. The woman, a sexual abuse survivor, was on remand at the Alexander Maconochie Centre (AMC), the ACT’s jail, which the government built as “human rights compliant”.

Mr McAllister found there was a prolonged struggle immediately before the search, when two corrections officers, wearing

tactical personal protective equipment, used force to restrain the detainee while she complained of chest pains.

The report made 23 findings and nine recommendations. Mr McAllister recommended the jail does away with mandatory strip searches on entry into the prison's crisis support unit and explicitly considers human rights before using force to strip search detainees.

There were 595 strip searches on admission to the crisis support unit in 2020, but only two led to the discovery of seizable items, the report noted.

ACT Corrections Minister Mick Gentleman, a former CLA member, said the ACT government would accelerate the \$450,000 purchase of another full body scanner. "ACT Corrective Services was in the process of procuring a full body scanner for the AMC. In light of the Inspector's recommendation, we'll now procure two," he said. <https://tinyurl.com/86pbpb7k>

### **ODD SPOT: Here's what the Scrutiny Committee says of a new law**

Foreign Intelligence Legislation Amendment Bill 2021

- *Privacy/administrative powers not defined with sufficient precision:* the committee has concerns that the bill may unduly trespass on an individual's privacy. The committee considers it would have been appropriate to allow the committee more time to review the bill before its passage through Parliament.
- *Instruments not subject to parliamentary disallowance:* the committee has significant scrutiny concerns regarding a provision of the bill which provides that the mandatory procedure for screening and destroying domestic communications is not a legislative instrument. – Scrutiny News 16 Sept 2021

### **VAD passes in another state**

Queensland has legalised voluntary assisted dying (VAD), to operate from January 2023.

It becomes the fifth state in Australia to legalise voluntary assisted dying. The ACT and the NT are not permitted, due to federal legislation, to hold a vote on whether to adopt VAD.

Queensland saw 61 MPs supporting the legislation and 30 voting against it, in a conscience vote.

Under the new laws people aged 18 and older expected to die within 12 months, and who meet strict eligibility criteria, can seek medical assistance to end their lives. <https://tinyurl.com/m4fbtkvx>

### **Lock' em up and throw away parole**

The Queensland government is to enforce what it calls the toughest parole laws in the nation for prisoners serving life sentences for killing children or committing multiple murders.

The president of the independent Parole Board Queensland will be able to declare "certain prisoners" can't get parole for up to 10 years.

There will be no limit on how many times the parole board supremo can make such a declaration: an individual prisoner receiving multiple ten-year bans could never complete his or her time in jail.

On top of that, the designated prisoners must prove to the parole board that they don't pose a threat to the community before getting parole. How you "prove" a future non-event has not been spelled out in the legislation, CLA notes.

Minister for Corrective Services, Mark Ryan, is proud of his work: "Life sentenced prisoners who have killed a child or committed multiple murders have no right to expect they will get parole. In fact, they may never get parole," he said.

"And under the legislation they may never even get to apply for parole." <https://tinyurl.com/jzr9hsmp>

So much for prison rehabilitation notions under Minister Ryan, CLA observes.

### **ODD SPOT: Light-fingered crims face stop-go penalty**

From the *NT News* – where else? – comes intelligence this past month that some rural types have made off with not one, but two, sets of portable traffic lights.

It's hard to imagine what the motivation for the theft might have been.

Was it a trainee paddle-pop person dedicated to some extra personal and private practice at home as they study for their Certificate 1 in hold-ups?

Could it have been a frustrated flasher determined to get his or her jollies?

Was the theft in anticipation of jerrymandering the next federal election in the NT by stopping people getting to voting places?

Or have the crowds in quarantine at the Howard Springs facility become so large that automatic red-yellow-green traffic flow measures are needed?

Given it's a report in the *NT News*, it's a wonder the missing traffic lights are not being linked to crocodiles, trouser snakes, sharks...or mysterious flashes in the sky at night.

### **ICAC neutered by law change: Commissioner**

A new law has slashed the powers of South Australia's Independent Commissioner Against Corruption.

The state's ICAC, Ann Vanstone, has threatened to resign over the changes which mean that she can now only investigate corruption and not misconduct or maladministration.

Ms Vanstone described the changes as "extraordinary". "South Australia – there's no doubt – has lost what I see as a really well functioning ICAC. The jurisdiction to investigate corruption has been decimated," she said last month.

"I'm not talking about maladministration or misconduct, I don't mind losing that, that can go to the ombudsman happily...It's the corruption jurisdiction that has been decimated and my powers to investigate have been decimated that's what I'm really worried about."

ICAC and the State have been roiled by cases involving political, police and public service mandarin inquiries that have been less than well handled. <https://tinyurl.com/t99atxd2>

### **Please sign petition for better ACT human rights**

A petition, which CLA has helped to generate as a prelude to introducing better human rights laws nationally, is open for signing on the ACT Government website. The ACTCOSS campaign to promote it is under way, with the new Aged Care human rights definition proposal recently included.

To add your name to it, please go to: <https://epetitions.act.gov.au/CurrentEPetition.aspx?PetId=189&Index=-1>

500 signatures are needed to get proper and full consideration of the issue by a committee of the ACT Legislative Assembly.



Northern Territory

### **Hey, thief! Slow down ... stop! Police search for stolen traffic lights**

Two portable traffic lights were stolen from the rural area this week, with police urging anyone with information to come forward.

## From CLA to the Bar Council, via fires and the DPP

A former Director of CLA, from 2005 when he was a fourth year law student at ANU to 2014, has been elected to the Bar Council of the ACT.

Anthony Williamson is now deputy director of public prosecutions (ACT deputy DPP), and head of Crown Chambers where he has worked since 2009. Before that he was a legal officer in the criminal law and human rights units in the ACT Justice and Community Safety Directorate. In 2015 he was seconded as acting deputy CEO of the ACT Legal Aid Commission.

For more than 20 years he has also been a volunteer firefighter in the ACT Rural Fire Service.

Long-time CLA member Jack Pappas was re-elected vice-president of the ACT Bar Council. Andrew Muller is president.

## 1000 to sue WA govt over alleged prison abuse

More than 300 – and possibly 1000 – former inmates from Banksia Hill Detention Centre in Perth will sue the WA Government this year over alleged mistreatment.

The class-action lawsuit from Indigenous and other inmates will claim severe deprivation of liberty and a lack of proper services for inmates.

University researcher Gerry Georgatos along with the National Suicide Prevention & Trauma Recovery Project helped launch the lawsuit with Sydney-based law firm Levitt & Robinson Lawyers.

In late-September 2021, they were travelling through the Kimberley to speak with possible plaintiffs.

“We’re approaching 400 plaintiffs: we’ll surpass 1000 before the end of the year,” Georgatos said. “We’ll pick up a couple more hundred in the Kimberley: we’re going to the Kimberley because we don’t want to leave anyone behind.”

Aboriginal inmates make up 70% of Banksia Hill detainees. – *Ngaarda Media* <https://tinyurl.com/43rkpbb3>

## Hotel owner steals \$3m from Aboriginal trust

A hotel owner in Geraldton WA is awaiting sentence for stealing almost \$3million from an Aboriginal charitable trust while he was the trustee.

Thomas “Graham” Greenaway, a financial planner, was convicted last month over theft of \$2.9m. The trust was established to distribute income from mine royalties to the Yugunga-Nya people.

The prosecution said Greenaway used the money as a “personal ATM” to prop up his struggling Freemasons Hotel, and that he had “abused his position of power and trust for his own purposes”.

A District Court jury in Geraldton found Greenaway guilty of 33 counts of stealing and one of gaining a benefit with intent to defraud. He is due for sentence in late-October. <https://tinyurl.com/4knmzxxa>

## 4444-plus days in jail

Sue Neill-Fraser has spent 12 years-plus in jail for the Yacht-No-Body murder. When will Tasmania free this innocent woman?

Her second appeal, a decade after the first and half-a-decade delayed (mostly by the Crown), is once again in the spotlight.



When will TasPolice and the Office of the DPP come clean and reveal all hidden evidence to the court? When will the court acknowledge its own failings?

When will the Tas Govt pay SNF \$6m compensation for wrongful conviction and jailing? David Eastman got \$7m in the ACT for 19 years wrongly in jail from 1995. <https://www.cla.asn.au/News/4400-days-jail/>

## Australian briefs

### Finlay is latest ‘captain’s pick’, right or wrong

Lorraine Finlay is the new Australian Human Rights Commissioner from 22 Nov 2021. Currently she is senior human trafficking specialist with DFAT’s Mission to ASEAN, and a lecturer at WA’s Murdoch U and the U of Notre Dame. Earlier in her career, she was an associate to notorious High Court judge Heydon, and later a WA state prosecutor. According to Crikey, Finlay is a former Liberal Upper House candidate for the WA Parliament and former president of the WA Liberal Women’s Council. She has Masters degrees in Law and Justice/Human Rights from New York and Singapore unis. Finlay replaces Ed Santow, who served in the role for five years. <https://tinyurl.com/3mkbbefw> See criticism of Finlay by Australian of the Year, Grace Tame: <https://tinyurl.com/yn2xensw>

### An all-Aboriginal police station? I’d like to see that!

Audiences will follow Indigenous police officers and cadets trying to break the cycle of Indigenous jailing in a new six-part NITV documentary series *Our Law* (see photo). The Pink Pepper and Periscope Pictures project is fully commissioned, building on the half-hour released last year, set in Australia’s first and only Indigenous-run police station. Involving Taryne Laffar, Sam Bodhi Field, Darren Dale and Jacob Hickey, the WA-set series explores efforts to repair relationships between Indigenous people and police, while giving voice to the communities being policed. Perun Bonser is series director. Screen Australia, NITV, Screenwest and Lotterywest are the project.



### More for legal help

In a pandemic-delayed budget, the ACT government will give \$2.5 million to Legal Aid ACT to boost capacity, including front-line support for victims of family violence, the elderly and for vulnerable witnesses. There will also be \$2 million given to the community legal assistance sector. <https://tinyurl.com/dbwszknc>

## Members’ (and other) letters

### Sue shame

Sue Neill-Fraser has now spent 12 years in Risdon prison for a “crime” without proven motive, without compelling evidence, but with highly questionable, conflicting speculations. Four times longer than the (Lindy) Chamberlain nightmare; at least four times greater the shame of Tasmania in allowing this injustice to continue. – Roslyn and John Langlois, Penna Tasmania (Mercury 1 Sept 2021)

### Sue hope...and praise

Very interesting developments and I certainly hope it bodes well for Sue Neill-Fraser because she has had more than enough to bear. Barbara Etter is remarkably tenacious in her support for

Sue N-F and very keen to see justice done...extremely admirable. – Rosemary Jennings, ACT

### Sue tsunami...of innocence evidence

All of Australia's media should be reporting, on their front pages, Tasmania's cruel, vindictive and inhumane treatment of this elderly lady, Sue Neill-Fraser. The waves of evidence pointing to her innocence have become a tsunami. The judgement on her strongest appeal is imminent. Tasmania risks confirming its reputation internationally as an island of inbred genocidal morons. – name withheld, a Tasmanian-born and -raised "Mainlander".

### CLA's main activities for September 2021

September was occupied by substantial administrative tasks towards un-incorporation of Civil Liberties Australia Inc.

- Organisation of opportunity for voting by members in a Special General Meeting.
- HRA campaign: meetings with Greens Lidia Thorpe, Independent Helen Haines, Human Rights Law Centre seminar.
- Hearing expected: miscarriages of justice lawyer Barbara Etter

Group of CCLs Zoom meeting: precis report on meeting of 24 August 2021 from edited minutes circulated by NSWCCCL a month after the meeting.

Attendees: CLA: Kristine Klugman, Bill Rowlings, Chris Stamford; NSWCCCL: Pauline Wright, Rebecca Payne, Stephen Blanks; Liberty Victoria: Julia Kretzenbacher, Greg Buchhorn, Michael Stanton; QLDCCCL: Michael Cope; SACCL: Rick Sarre; "ACCL": Terry O'Gorman. Apologies: Jamie Gardiner (Liberty Victoria)

1. Formation of a civil liberties foundation? Proposed by NSWCCCL to receive donations to benefit liberties bodies.

CLA requested a paper outlining: Why we need a foundation? What would its objectives be? How would it be managed? Who would the staff be to run it? How to measure success?

Agreed: A foundation is worth investigating. NSWCCCL to provide a more detailed proposal.

2. Australian civil liberties group:

Queensland's Terry O'Gorman (photo) had been spokesperson for over a decade of this loose network. Ideally an "ACCL" would speak with a unified voice with a separate web site.

Potential problems are

- that unless a website is managed by paid staff it can quickly become moribund and embarrassing and there are risks of managing comments
- this implied national campaigns: ownership & responsibility are essential.

Agreed: beneficial to establish a team around Terry O'Gorman to share ideas and spread the load. A website could form a hub for national issues. Each State and Territory organisation can potentially link to that page and vice versa.

Action item:

- Each organisation to nominate a member to represent it
- That group to agree next steps on the website

3. State CL actions to protect Territory Rights: Issue raised by Civil Liberties Australia.

Action item: All organisations to write to the President of the Senate and the Senators in their state expressing support for overturning the Andrews Bill, based on a draft letter from CLA.

4. Concerns around worrying developments in police action and escalation of violence.

Agreed: All liberties bodies to condemn violence on both sides. Each state and territory write to relevant ministers re pepper pellets and hard squash-ball like missiles being used; the way the pandemic has been policed; the prevalence of policing rather than public health responses.

5. Campaign for a National Human Rights Act: CLA provided an overview of the CLA campaign (lobbying the non usual suspects) and a rationale around the timing of letters to politicians prior to the election. This is a matter of urgency, or the HRA will fall off the agenda until the next election cycle.

Noted: emergency laws will need re-writing and this will require extensive input over the next five years; that could be national rather than local.

Agreed: CLA's approach: urging Labor to make a firm commitment to act within the first 100 days of office if elected endorsed by all. Concrete examples are useful: CLA to provide template letters for all CCLs to adapt and send.

NB. CLA undertook to inform CLA groups in WA, Tasmania and NT on the 'national' discussion.

### News from WA: CLA Director Margaret Howkins

CLA members stood in vigil for a second time outside WA's parliament demanding Independent and external oversight of police. Police in WA and around the country are (re)gaining power as a 'Force' to subdue citizens walking for democratic rights. Anti-corruption commissions are being wound back at a time of profligate corruption.

CLA met (at a drop-in clinic) federal Labor MP Patrick Gorman to request advice, support and feedback on a Human Rights Act nationally and in WA. We asked why Reports 15 and 17 Tabled in WA Parliament in late 2020 hadn't been responded to. Report 17 demands a rewrite of the 'Corruption, Crime & Misconduct Act 2003' to change WA's dangerous, racist, cavalier police culture. Responses to both matters were promised from one of Gorman's assistants 'with a Law degree'. (Still waiting)

I received 3 letters, and a phone call from prisoners. One 80-year-old prisoner is unable to be released because there's nowhere for him to rent. Key issues for prisoners remain access to appeals and fair parole laws. Morale is very low. Prisoners have access to the barest minimum of education-support, essential healthcare or mental health support.

A letter from WA's new Corrective Services Minister Bill Johnston (in response to mine) said he was 'aware of the principles of restorative justice' but there are no plans to introduce it to WA. No approach of any kind was hinted at.

It was encouraging to receive commitments from two prisoners vowing to fight for suffering inmates too mentally ill to read or write. These are, shockingly, the majority in WA.

I met with three new CLA members to discuss practical support for: an HRA, stopping Police-Investigating Police (PIP) and preventing incarceration of children and the mentally ill. They have committed to developing a CLA YouTube feed and joining me in meetings with politicians.

CLA has a meeting arranged with WA Greens leader Brad Pettitt in early November to seek advice and support getting a Human Rights Act legislated in WA and nationally.

Three CLA members joined the congratulatory Walk with WA's 1<sup>st</sup> Aboriginal female senator, Dorinda Cox (Greens), joined by up to 200 mixed-race supporters with no Liberal or Labor representatives in sight. Partisanship is a disease in WA when so many vital issues *affecting us all* are at stake.

We emailed Anthony Albanese and Mark Dreyfus pressing for endorsement for a Human Rights Act nationally. Research polls show over 75% support in every demographic Australia-wide.



**Breathless law-making:** CLA in WA mailed 12 letters to WA's 12 senators requesting that the ACT and NT be given the democratic right to VOTE on whether they want a Voluntary Assisted Dying law. Australia's two Territories apparently breathe different air from the rest of us.... and require executive permission to stop breathing altogether.

### Tasmania: CLA child responsibility age raised

CLA has called on Tasmania to up the age of criminal responsibility to 14 as the first reform in a series to boost treatment of children in the state.

CLA Vice-President Rajan Venkataraman wrote to Premier Peter Gutwein and the Minister for Children and Youth, Sarah Courtney, after they announced "a major systemic change in Tasmania's youth justice system".

They claimed they would deliver "a holistic approach that gives our young people a far better chance of gaining the supports they need so that they are in a better position to rehabilitate and to live better and more productive lives".

They said the Ashley Youth Detention Centre would close and two new smaller facilities – one in the north and one in the south would be built (taking about three years). There would be a new focus on early intervention, diversion strategies and detention as a last resort measure. <https://tinyurl.com/3tuytpke>

V-P Venkataraman pointed out to the political pair that they could demonstrate an immediate willingness to invoke a new approach by upping the age of criminal responsibility for children to 14.

Tasmanian Director Richard Griggs has written to Secretary of the state Justice Department, Ginna Webster (photo), pointing out that CLA believes the changes proposed under the proposed Workplace (Protection from Protesters) Amendment Bill 2021 aren't needed.



"We believe the current law in s148 of the Police Offences Act is entirely adequate and not in need of reform," he wrote. The proposed bill, aimed at stopping timber industry protestors, would increase penalties and create uncertainty, which risk frightening people into silence instead of allowing them to communicate their political opinions.

### NT: All must vaccinate, police boss says

As September turned into October, NT Police Commissioner Jamie Chalker was planning to insist that all NT police have COVID-19 vaccinations, mandatorily. He believed mandatory vaccination was needed "for the health and safety of the force and allowing it to function if there was an outbreak in the NT".

NT Police Association president Paul McCue told the *NT Independent* the union was supportive of its members getting vaccinated: some would have legitimate reasons for not doing so, the association said. <https://tinyurl.com/348uhrpv> – Caitlin Perry, NT CLA Director

## INTERNATIONAL

### The US is transparent: Australia not so much

The US Congress and President Joe Biden have revealed how secretive and opaque the Australian government is, and its commitment to hushing up and concealing information.

In the process, Australia turns whistleblowers acting in the national good, who should receive praise and reward, into prosecuted pariahs. Defence lawyer David McBride, alleged to have revealed claims by fellow soldiers seven years ago that SAS troops illegally killed Afghans in cold blood, is the prime current case conducted secretly.

President Biden last month ordered the release all possible information from FBI and other inquiries into the 11 Sept 2001 ('9/11') aircraft attacks on New York and the Pentagon.

US "information should not remain classified when the public interest in disclosure outweighs any damage to the national security that might reasonably be expected from disclosure," Biden said.

"It is therefore critical to ensure that the US Government maximises transparency, relying on classification only when narrowly tailored and necessary."

The executive order followed bipartisan legislation in Congress a month earlier, demanding greater transparency in the investigation. <https://tinyurl.com/8a3ty3up>

Where are Australia's federal MPs when the wrongful and secret prosecution of McBride is being allowed to continue? This is a prosecution, actively put on hold by one Attorney-General, George Brandis, then ordered to occur by the next AG, Christian Porter, who himself avoided facing his own accuser in court.

Its origins too are nearly 20 years old...but all Australians get is obfuscation and delay.

### How much has the 'War on Terror' cost...so far?

Here's an estimate of some of the people and cash costs:

- \$10.9 trillion (that's \$8 trillion US, or 8000 billion, or 8 million million)
- 3000 killed in the aircraft attacks on the USA
- 200,000 dead in direct, war-related violence (including an alleged 39 homicides of civilians and prisoners involving 25 Australian SAS soldiers in 23 separate incidents)
- 71,000 dead in Afghanistan and Pakistan (US drone strikes killed 22,000 civilians)
- ...plus Yemen (500,000 children may die there this year from preventable causes), Palestine, Syria, the Uighurs in China, Mozambique, attacks in London, Paris, Europe, etc
- and Osama bin Laden.

...all the while "The Forever War" continues, despite US troop withdrawal. Last month, in Kabul, the US military killed a family of 10 headed by a 15-year aid worker in a "retaliatory drone strike" based on "intelligence" that selected the wrong target, so two independent investigations by the *NY Times* and the *Washington Post* reported.

Military intelligence? In Australia, it was "military intelligence" that selected the French non-nuclear subs in the first place. How on earth are proven incompetents allowed to dictate the spending of so much of the annual Budget? CLA asks.

### Book points to 'institutional culture of omerta' in special forces

"Special Operations units have this characteristic too: They are small, insular and often loosely supervised by the far more disciplined and rules-based hierarchies that characterise the armed forces — which is why conventional officers are often appropriately wary of them.

"The result in the (US) SEALs in particular was an institutional culture of *omertà*. The most dispiriting thing about this book is the way it shows just how deep that code of loyalty and silence, even about crimes, can run. In this reality of an opaque institution's insularity shaped by a unique and difficult mission, the special operators are not so special. Think of pedophile priests protected by the Roman Catholic Church."

– book review, by Prof Eliot A. Cohen of Johns Hopkins U's School of Advanced International Studies.' *ALPHA: Eddie Gallagher and the War for the Soul of the Navy SEALs*' David Philipps 480pp. Crown. \$US28.99. <https://tinyurl.com/ujw5fhus>

## Climate change impacts human rights: Bachelet

UN rights chief Michelle Bachelet said last month that climate change, pollution, and nature loss are severely affecting human rights, while countries across the globe fail to take the necessary action.

“The interlinked crises of pollution, climate change and biodiversity act as threat multipliers, amplifying conflicts, tensions and structural inequalities, and forcing people into increasingly vulnerable situations,” Bachelet said.

“As these environmental threats intensify, they will constitute the single greatest challenge to human rights of our era.”

The comments came as part of a global update delivered by Bachelet at the opening session of the 48th session of the UN Human Rights Council in Geneva.

The former Chilean president said environmental threats were already “directly and severely impacting a broad range of rights, including the rights to adequate food, water, education, housing, health, development, and even life itself”, hurting the poorest nations the hardest. <https://tinyurl.com/4aw3eeuc>

## Brits' MOD leak Afghans email details

The email addresses of hundreds of Afghan interpreters who worked with British forces, including some who are hiding from the Taliban in the war-torn country, have been shared in a data breach by the British Ministry of Defence.

The UK government has launched an investigation into the breach, which saw more than 250 people copied into an email by the Ministry of Defence pledging assistance with their relocation to the UK, making their details visible to all recipients, the *BBC* reported.

One interpreter contacted by the ministry told the *BBC* the mistake “could cost the life of interpreters, especially for those who are still in Afghanistan”. “Some of the interpreters didn't notice the mistake and they replied to all the emails already and they explained their situation which is very dangerous,” the interpreter told the broadcaster.

Some of the addresses showed individuals' names and associated profile pictures.

The department reportedly sent another message 30 minutes later advising the recipients to change their email addresses following the error. <https://tinyurl.com/rb56c63y>

“Until and unless Australia's worthless OAIC, or some alternative regulator, imposes baseline security requirements, declares that failure to implement them represents prima facie breach of the law, enforces the law, and imposes meaningful penalties for all second offences and all material first offences, we'll continue to see this kind of behaviour in Australia too.” Prof Roger Clarke of the Australian Privacy Foundation said. (The OIAC is the Office of the Australian Information Commissioner).

## Where is the CIA torturing people now?

After the USA evacuated CIA operatives and close allies in late August, the Taliban flooded in to the secret site known as the Salt Pit, America's prime torture centre in Afghanistan, just north of Kabul airport.

“The prison was dark at all times, with curtains and painted exterior windows. Loud music was played constantly. The prisoners were kept in total darkness and isolation, with only a bucket for human waste and without sufficient heat in winter months.

“Nude prisoners were kept in a central area, and walked around as a form of humiliation. The detainees were hosed down with water while shackled naked, and placed in cold cells.

“They were subject to sleep deprivation, shackled to bars with their hands above their heads. Four of 20 cells of the prison had

bars across the cell to facilitate this.” [https://en.wikipedia.org/wiki/Salt\\_Pit](https://en.wikipedia.org/wiki/Salt_Pit) [https://en.wikipedia.org/wiki/Senate\\_Intelligence\\_Committee\\_report\\_on\\_CIA\\_torture](https://en.wikipedia.org/wiki/Senate_Intelligence_Committee_report_on_CIA_torture)

Does the recent approval of “new facilities” for the US military in Darwin and the NT include provision for a torture centre?

## (Long) letter from a member:

To The Editor, *CLArion*

It was uplifting to read on the front page of *CLArion* (Sept.2021) that a federal parliamentary committee enquiring into homelessness has adopted a major recommendation from CLA's submission to the enquiry. Homeless people are some of the most vulnerable in our society, especially when their homelessness is related to other problems like domestic violence, discrimination, unemployment, mental health and other issues. They may have few resources and limited experience in dealing with the agencies that deal with them. It's good to see that CLA has taken up the issue on their behalf.

The report by the House of Representatives Standing Committee on Social Policy and Legal Affairs with CLA's recommendations goes a long way towards the goal of decriminalising homelessness and replacing punitive approaches with more appropriate social and economic support to get homeless people out of the criminal justice system and into appropriate housing.

It was never a good idea to treat homelessness as a public disorder to be dealt with by the police, the courts and the prison system. Homelessness is a blot on our social justice and human rights records, and needs to be dealt with as a public health, housing and welfare issue requiring appropriate economic policies and investment in affordable housing.

Rajan Venkataraman, CLA Vice-President, was the lead author of CLA's submission, supported by CLA Secretary Bill Rowlings. Congratulations to Rajan and Bill for doing this job so well.

Now that the parliamentary committee has published its report let us hope that federal, state and territory governments will start to implement their recommendations.

Yours sincerely, Paul Reid.

## DATES:

### 2021:

**Early Dec, Canberra:** Prof Megan Davis of UNSW will deliver the annual ANU Geoffrey Sawer Lecture. Info: <https://tinyurl.com/u99bbks> A major international conference, held electronically around the same time, will mark the 60th anniversary of ANU Law and 30th of the Centre for International and Public Law at ANU.. <https://tinyurl.com/vfmsqaz>

**10 Dec, World:** International Human Rights Day. Release of new push for update of ACT Human Rights Act to apply from 2024, the 20th anniversary of the HRA in Australia, which came into effect on 1 July 2004.

### 2022:

**21-23 Feb,** Sunshine Coast Qld: 2022 National Indigenous Youth Justice conference. <https://www.icconferences.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.

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*CLArion* is the monthly e-newsletter of Civil Liberties Australia A04043, Box 7438 FISHER ACT 2611 Australia. Responsibility for election comment in *CLArion* is taken by CLA's Public Officer, Bill Rowlings, of Fisher, ACT. Please feel free to report or pass on items in *CLArion*, crediting CLA and/or the original source. We welcome contributions for the next issue: please send to: [Secretary\(at\)cla.asn.au](mailto:Secretary(at)cla.asn.au) Closing date for this issue was 26 September 2021. ENDS ENDS ENDS

## Special general meeting under way

CLA Inc. is holding a special general meeting (SGM) between 24 Sept and 8 October 2021. Details are in the September *CLArion*, and members financial on 24 Sept have been sent an e-ballot (or hard copy ballot paper), plus links to further background and details. If you're a member, and you haven't voted, please do.

### ADDENDUM: Human Rights report:

#### *Status of Human Rights Acts in Australia:*

In general, Civil Liberties Australia sees the next 2-5 years as being possibly the best opportunity for decades to achieve federal and state/NT Human Rights Acts (HRAs).

Australians are much more aware of their rights and freedoms, or absence of them, because of the Covid-19 pandemic.

Longer-term (5-10 years), CL groups will probably need to campaign for revision of draconian "emergency" laws to include a more balanced representation of decision-makers when a panic situation emerges.

The current status of HRAs and campaigns in Australia is:

#### **ACT:**

Human Rights Act 1 July 2004. Coming up for its 20-year review. CLA-sparked petition about to be lodged to Leg. Assembly. parl cttee hearings later this year. CLA expects reforms for 2024's 20-year anniversary to include model collation of rights under all appropriate laws (some added since the 2004 passage of the HRA, like anti-discrimination and modern slavery), plus a new emphasis on 'no rights without remedies' and a simpler way to bring an action before the ACT Human Rights Commission and/or the small-disputes body ACAT. The right to take a matter to the Supreme Court would continue for special circumstances.

#### **Victoria:**

Charter of Rights and Responsibilities implemented from 2006.

#### **Queensland:**

Law began on 1 January 2020. Public Service is reportedly responding well, and the QHRA is having the desired effect in many cases of preventing problems in the first place.

#### **Tasmania:**

The Tasmanian Law Reform Institute recommended a HR Act for Tasmania some 15 years ago. In 2019, it was given a brief to re-examine the question. The TLRI report is expected soon. Both Labor and Greens committed to introducing a HR Act in their platforms for the 2021 election, which the Liberals won. Civil Liberties Australia (director Richard Griggs) has been leading a group of 20-plus civil society entities in a formal 'Tasmanian Human Rights Act Campaign' for the past five years.

#### **NSW:**

While an act is unlikely in the near term, several developments over the past two months are encouraging: a Labor MLC is prepared to back a campaign, and withdrawal of opposition from a key player has considerably brightened the prospects. Like Victoria, NSW has witnessed the most severe threat to rights exercised by police and government bodies during Covid-19 lockdowns.

#### **WA:**

The Labor Party platform is committed to "progressing" human rights. However, the Labor govt made no moves towards a HR Act in its first term. Since the March 2021 election, with a huge majority, party member and public pressure is building to deliver on the ALP commitments. CLA, led by WA Director Margaret Howkins, is encouraging a push internally within the lopsided parliament by individuals who agree strongly that there should be a rights Act in the state. Greens outside parliament are committed to the campaign.

#### **SA:**

A private member's (Greens) bill is before the parliament, but is unlikely to be pushed until after the next election (19 March 2022). There is an active body, the Rights Resource Network led by academic and former Law Council of Australia researcher, Dr Sarah Moulds, a CLA member, campaigning. Support is growing. The SA civil liberties group is supportive of the proposal,

#### **NT:**

There are occasional calls for rights action. A recent one was for rights of children by National Children's Commissioner Anne Hollonds and ATSI Social Justice Commissioner June Oscar over the recently-introduced new provisions around youth offending, bail, etc. A wider HR movement operated in the NT about five years ago, but folded. CLA is working with three key principals and the 44-strong community group movement of that earlier time to encourage a strong resurgence.

#### **Federal:**

The installation of a Labor (or Labor-Greens) federal government in 2022 would provide the best opportunity in 15 years to achieve a Human Rights Act for Australia. While the election result is uncertain, CLA has been working for two years to be ready to take advantage of the opportunity if it arises. Chris Stamford is leading the CLA campaign, and a wide range of briefing materials – philosophy (including the "partnership" between an ICAC and a Human Rights Act), checklist, need for a 'No Rights Without Remedies' approach', etc is available.

The CLA campaign has contacted a wide range of "not the usual suspects", who are generally well inside, such as Aboriginal Land Councils, the Minerals Council of Australia, Minderoo Foundation (interested in stopping modern slavery by law and public actions) and other key influencers. A recent report (see article above) indicated quickly growing support for a "bill of rights" for Australia: NZ, Canada, the UK and the USA all have such foundational rights instruments.

The Australian Greens, with Senator Lidia Thorpe leading, are committed to a federal human rights policy for the next election which includes support for environment and climate rights.



*Photo shows CLA HRA campaign leader Chris Stamford, Senator Lidia Thorpe and CLA President Dr Kristine Klugman meeting at Parliament House in March 2021*

Federal cross-benchers are generally supportive of a Human Rights Act. In September 2019, Independent Member of the House of Representatives for Clark (Tas), Andrew Wilkie, tabled the *Australian Bill of Rights Bill 2019* to enshrine the fundamental rights of all Australians in Australian law. <https://tinyurl.com/h6nwc6et>

– status as of 27 Sept 2021