

THIS MAY BE THE MOST UNCOMFORTABLE HOUR YOU'VE EVER SPENT!

At dusk on Wednesday 4 May, cinema screen lights go up on *'Trauma: Rights and Remedies'*, a free hour-long documentary pulling no punches about the broken justice and jail system in WA and Australia.

The tell-all doco organised by Civil Liberties Australia features the totally voluntary work of cinematographer Simon Ackerman, producer Margaret Howkins and a dozen interviewees, from prisoners and former-juvenile detainees to a law professor and mental health workers.

It features Aboriginal people who have been inmates along a spectrum to Indigenous people like Megan Krakouer and creators of support foundations like George Georgatos, who have spent a lifetime trying to keep people out of jail.



CLA Hannah McGlade on child abuse

Attending will be Senator Dorinda Cox and other politicians, the Official Inspector of Custodial Services, Aboriginal Legal Services reps and Community TV Broadcasting who facilitated production. Law Prof Hannah McGlade will be on stage to answer questions, along with the production team.



CLA Senator Dorinda Cox overhaul Justice System

On the smell of an oily rag – just \$3000 in cash for essential gear and technicals – this doco inspired by CLA will have an impact 1000 times more valuable in revealing for audiences state- and nation-wide rottenness which pervades all aspects of the poverty-induced underclass hidden by the opulent extravagance of one of the richest states in the world.

The launch screening at the State Library Theatre, 25 Francis St Perth, starts at 6pm, with doors open from 5.45. To attend, WA CLA members can RSVP to CLA Vice-President Margaret Howkins or phone Simon Ackerman on 0434 403 336.

Top 10 priorities for the new federal government, to address in first year in office:

1. Integrity, equality and privacy:
 - ICAC with robust measures, including protections for journalists and whistleblowers
 - Human Rights Act and Makaratta nationally
 - better privacy laws, including a tort for individuals to sue re privacy and defamation
2. Gender equity:
 - Parliament House which treats all sexes equally as an example to all other entities
3. Children's issues:
 - early learning reform nationally (new emphasis on children 0-5)
 - special education and health initiatives for Indigenous children
4. Aged and Veterans:
 - Care, health treatment, support and timeliness as if services were being delivered to the parents or children of the PM and Opposition Leader.
 - Voluntary-assisted dying legislated as a national right of choice
5. Communications:
 - quality assurance and truth-compelling mechanisms for all media – print, TV, radio and social – including Facebook, Twitter, etc.
 - equality of access, speed and cost Australia-wide
 - support to create local community newspapers or online outlets run by local people, unable to be sold or aggregated

6. Climate change
 - consistent position as one of the world's 10 best nations on climate improvement initiatives
 - special commission on preventing, monitoring and correcting the impact of national disasters
7. Foreign Affairs, Defence and Culture
 - more balanced spending, with fairer and more balanced weightings, across these areas, along with greater accountability for positive and cost-effective outcomes of Budget funds
8. Justice and Legal System (including policing) nationally:
 - First-ever national (in 122 years) Royal Commission into the state of Justice and the Law (including policing) in Australia aimed at rejecting 17-18-19-20th C systems and mechanisms in favour of new techniques and structures designed for the 21st and 22nd centuries.
9. Law and punishment reform:
 - Review of all 'terrorism' laws passed since late-2001 and a paring down and inclusion into the normal Crimes Acts of federal and other jurisdictions
 - Genuine juvenile and adult jail, bail and detention reform aimed at real rehabilitation, basic education and upskilling of people held by the state
10. Mental health law and treatment reform
 - entire revision of the mental health needs of the nation's people, from age 0-100
 - reform to include drug law reform, so that drug taking is treated more as a health and mental health issue than a crime issue

If you would like to suggest additions or amendments to the list, email the secretary.

Integrity and trust made society work better during Covid-19 pandemic

Lack of trust in government and political corruption kills people in pandemics...and, by extrapolation, is poisonous for the proper functioning of societies.

In other words, integrity is a social good when present, and an anchor on progress when absent, CLA says. The findings appear applicable to the quality of governance, policing, legal systems and any publicly-delivered function, such as health care in general. Corruption is a community killer.

“(Second) the level of trust in governments, interpersonal trust, and less government corruption were directly proportional to fewer infections and higher vaccination rates in high-income and middle-income countries,” a massive global Covid-19 study has shown.

Huge study confirms trust delivers 40% benefit

The study above, reported in the *Lancet* last month, said: “The findings indicate that if societies had had trust in governments, the world would have experienced 13% fewer infections. For social trust—ie, trust in other people around individuals—the effect would be even larger, with 40% fewer infections globally.

“For future pandemic preparedness, the level of trust a government earns will be crucial to mount more effective responses and increase public confidence in infection control recommendations.

“Improving trust will require minimising corruption and effective risk communication and community engagement strategies during public health crises, especially in settings with historically low levels of government and interpersonal trust.

“Since the success of these strategies is intimately tied to addressing fundamental social and economic inequalities in society, long-term political commitments to addressing these inequalities appear essential.”

The study’s database covered 177 countries and territories and 181 subnational locations over 21 months.

‘Advancing accurate metrics for future pandemic preparedness’: Francine Ntoumi and Alimuddin Zumla, *The Lancet* 16 April 2022 <https://tinyurl.com/54kxcap5>

Long-wanted corruption commission promised in election pledge

Labor has promised to create “a powerful, transparent and independent National Anti-Corruption Commission (a NACC) if elected on 21 May 2022.

The Liberal Party promised a corruption commission before the 2019 election. It did not legislate for one over the past three years due mainly to in-fighting within the Coalition about how robust its version of a national commission would be. The draft law the Coalition originally proposed was described as “toothless”.

The Labor Party claims its version would uncover corruption and hold members of a government, including politicians, to account for corrupt conduct.

“Every Australian State and Territory has established its own anti-corruption commission. But, despite overwhelming public support, there is still no anti-corruption commission at the federal level,” Labor said in promising the NACC.

Party outlines details of its promised commission

Labor says features of its NACC would be:

- able to investigate federal ministers, public servants, statutory office holders, government agencies, parliamentarians, and personal staff of politicians;
- independence from government, able to initiate its own inquiries and also take referrals, including from whistleblowers;
- commissioners serving for a single fixed term, with security of tenure like a federal judge;
- overseen by a statutory, bipartisan joint standing committee of parliament, which would be responsible for confirming commissioners nominated by the government;
- retrospective investigation powers into alleged serious and systemic corruption;
- able to hold public hearings if they were in the public interest;
- empowered to make findings of fact, including of corrupt conduct, but not make determinations of criminal liability. Findings of criminal conduct would be referred to the AFP or Commonwealth Department of Public Prosecutions for further consideration; and
- obliged to operate with procedural fairness, with findings subject to judicial review.

CLA supports removing corruption while creating more jobs and ‘profit’

Most commentators, CLA included, believe a NACC would produce wholesale benefits for the nation, from ridding parliament, the executive and the bureaucracy of departments and agencies of people who are at least semi-corrupt while producing more jobs and a positive cash outcome.

About 70-80% of Australians want a national integrity commission, repeated surveys have shown over the past four years.

They want them because of outrageously corrupt or inappropriate behaviour by government in recent years in flagrantly spending taxpayer money for political or personal gain:

- payouts of \$500,000 or more for alleged federal ministerial sex and physical abuse involving parliament staff;
- sports rorts;
- car park rorts;
- water buyback schemes which benefit a few landholders to the cost of the community;
- the granting of gas/fracking extraction rights;
- a \$30m land deal (possibly 10 times the then-going rate) connected to western Sydney airport;
- expenses claims to attend sporting events (flights, accommodation) for personal benefit of ministers and politicians, who claim dubious parliamentary “duty” links, but actually with no commensurate public benefit at all; and
- the private peddling of influence and access by politicians to gain grants, funding or preferential treatments by mates or companies who provide retirement jobs for the politicians.

And then there are the impossible-to-know costs to the nation: for example, WA has in the past decade uncovered a raft of public service embezzlement cases, and federal Customs has been shown to have its smaller share of similar problems. It is unlikely that these are the only misbehaviours in the public service.

The Australian Public Service Commission itself says: “A culture based on high standards of integrity is a core component of public service. A strong ethical culture is essential to detecting, preventing and mitigating risks to integrity.” <https://legacy.apsc.gov.au/culture-integrity> (downloaded 1120 21 April 2022)

Melbourne University researcher Tony Ward (photo) says declining integrity in Australian government costs the nation. He estimates the difference between Australia’s 2012 and 2021 ratings means 0.6% lower economic growth now, which translates to about 60,000 fewer new jobs and an extra \$10 billion in government revenue lost each year.

By comparison, a new integrity commission is likely to cost less than \$10 million a year to run, for a positive return on investment many times over.



Oz may lose its human rights status, debating position

The global standards body is threatening to strip the Australian Human Rights Commission of its accreditation as an 'A-status' institution because it appears to be no longer independent.

The reason is:

- recent appointments and funding do not meet the accreditation requirements; and
- there were concerns over a possibly politicised appointment (Human Rights Commissioner Lorraine Finlay in late 2021).

The Australian government has 15 months to fix the problem, until October 2023, the Global Alliance of National Human Rights Institutions (NHRI) said. It has decided not to reissue the AHRC with top-tier status.

The review found two appointments over the past decade, that of Finlay in 2021 and Disability Discrimination Commissioner Dr Ben Gauntlett in 2019, "did not meet the accreditation requirements".

The AHRC faces being downgraded if the concerns raised are not rectified, which could impact Australia's ability to take part in debates on human rights issues at the UN. <https://tinyurl.com/vehbmavv>

Murder is murder, whether by Russian troops or Australian SAS

Crimes should be punished, and compensation paid, in the most timely manner possible, CLA believes.

The Brereton inquiry into the behaviour of Australian troops over the past 20 years found "credible" information to implicate 25 current or former ADF people in the alleged unlawful killing of 39 people and the cruel treatment of two others.

The criminal allegations are apparently "being considered" by the new ADF Office of the Special Investigator.

The inquiry report by Major General Paul Brereton (a NSW Supreme Court judge) said Australia should not wait for a court to establish criminal liability in order to compensate affected families. If there was credible information of an unlawful killing, Brereton wrote, compensation should be paid swiftly because that would help restore "Australia's standing" and was "simply the morally right thing to do".

Releasing the report in November 2020, the chief of the ADF, General Angus Campbell, said: "I very much support Justice Brereton's recommendation."

A reform plan approved by the defence minister, Peter Dutton, and released last July set a deadline of "end-2021" for the government to decide on an approach to compensation. The plan originally said further information on compensation "will be available by end-2021".

But the Department of Defence confirmed last month the work had not been finalised, and no compensation had been paid.

No-one in the ADF has faced a court or military tribunal for alleged murder in Australia's name, even though some of the allegations are nearly 20 years old (and further allegations have been raised recently about SAS behaviour in Timor Leste).

If we are to condemn murder, torture and inhumane treatment in Ukraine, CLA says, we have an obligations to prosecute the same crimes when they have been long identified among Australian troops also. <https://tinyurl.com/ara962ky>

Rule of law is paramount, says former AG

At the end of his half-hour long valedictory speech, retiring federal MP and former Attorney-General Christian Porter reflected on the importance of the rule of law, which he described as the "antidote to the rule of the mob".

He said he had experienced "people so utterly convinced in their own judgement that they didn't need anything else, other than their own judgement. People that would just cut through any law or abandon any process that might get between them and the target of their judgement.

"You may think it will never happen to you, or someone you know, but if we don't protect those fundamental protections in this place, they'll come for others. Nothing is more certain." <https://tinyurl.com/5a5r7taf>

Have the former AGs themselves been 'unruly' before the law?

CLA believes it will be interesting to see whether Attorneys-General Christian Porter and Michaelia Cash, along with senior officers of various federal legal bodies, and other lawyers, could face charges of obstructing the course of justice if they no longer hold power and positions after the 21 May 2022 election.

People with experience of the legal profession's formal "elders tribunals", Legal Profession Boards, believe the behaviour of the AGs themselves may have been below accepted legal professional standards.

The critics say the charging, secret trials, excessive objections to clear court rulings and other anti-rule-of-law behaviour against the lawyer Bernard Collaery and the ASIS agent Witness K in the Timor Leste bugging affair has been below the standard expected of lawyers obliged to assist courts.

Some lawyers could even face professional body charges.

There is no special reason ministers or high-ranking legal mandarins are excused from the obligations of their profession's code of ethics, CLA says. And there is no limitation on misbehaviour if it occurred at any time over the past two decades or so.

There is no reason that the long arm of the law cannot reach back to the spying surveillance on Timor Leste negotiators to benefit Australia, Woodside and Conoco-Phillips to the detriment of the poorest nation on earth.

There are long-standing allegations that the behaviour of Australia, its ministers, lawyers and agents comprised a conspiracy to defraud Timor Leste. For example, it was allegedly hidden from Timor Leste that the oil and gas fields contained massive amounts of helium, which is now more valuable than the oil and gas. <https://theaimn.com/bernard-collaerys-war-against-secret-trials/>

Cashing in on the power to reward

Attorney-General Michaelia Cash, in the now-customary process of "Give public jobs to friends of the Coalition before an election", has appointed some people whose political connections and backgrounds you will recognise.

Michael Pelly of the *Australian Financial Review* says some of the appointments to the federal Administrative Affairs Tribunal (AAT) are former Coalition MPs and staffers, including two WA Liberals whom electors chose to not return at the 2021 state election:

Deputy President: Michael Mischin (a former Liberal WA AG). The job pays about \$500,000 a year.

Senior Members (paid \$330,000-390,000 a year): Joanne Collins, Graham Connolly, Ann Duffield, Pru Goward, Dominique Grigg, Katherine Harvey, David James, Wayne Pennell, Karen Vernon.

Members (paid about \$195,000-250,000 a year): Lee Benjamin, Cheryl Cartwright, Kate Chapple, David Cosgrave, Tegen Downes, Edward Howard, Peter Katsambanis, Brygyda Maiden, Peter Papadopoulos.

She also promoted and/or extended the terms of: Denis Dragovic; Bernard McCabe; Justin Owen, Antoinette Younes, Mark Bishop, Andrew George, Linda Kirk, Gina Lazanas, Karen Synon, Rebecca Bellamy, John Cipolla, Susan De Bono, Kruna Dordevic, Fiona Hewson, Marten Kennedy, Giovanni Longo, Donald Morris, Susan Trotter, Rachel Westaway, Donna Petrovich, Jennifer Cripps Watts, Dr Bridget Cullen, Kate Buxton, Denise Connolly, Kim Parker, Lana Gallagher.

"All of the appointees are highly qualified to undertake the important task of conducting merits review of government decisions," AG Cash says. <https://tinyurl.com/ynzv97r3>

"Several – if not many – continue the stench of political appointments," CLA says. <https://tinyurl.com/f749d6d>

A peck with the beak means the 'sack' for the lass

Former Tasmanian Supreme Court lawyer Sarah Gregory wants compensation for being forced out of her job as associate to judge Gregory Geason after the pair were photographed kissing in the Grand Poobah nightclub in Hobart in early 2021.

Photo: How The Mercury of Hobart reported the matter.

She claims she was forced out of her job when the Poobah pash, captured on camera, revealed she and the beak were in a close relationship.

Last month she lodged a complaint with the state's equal opportunity commission, claiming he kept his job while she lost hers. Her lawyers say she was "shamed and unilaterally removed" from her role as Geason's associate.

Her lawyer, Josh Bornstein, said that under Tasmania's Anti-Discrimination Act, employees are protected from discrimination on the basis of lawful sexual activity.

"My client is a young woman who engaged in a lawful, consensual relationship. As a result, she was shamed and humiliated, accused of misconduct, and subjected to punitive sanctions without any fair process being followed," Bornstein said.



“The consequences for my client have been severe and ongoing. It is not clear whether my client will continue to work in the legal profession.”

The photo was taken at Grand Poobah nightclub after the Law Society of Tasmania’s opening of the legal year dinner. The Hobart *Mercury* ran the photo and reported that the pair had been seen kissing. <https://tinyurl.com/2p9xxrvf>

Suicide appears only way out for state-abused kids

One youth tried to commit suicide three times among 24 instances of attempts in Perth’s juvenile jail, Banksia Hill, late last year.

The state’s official prisons inspector says the state government is breaching the human rights of children by locking them down in their cells sometimes for 22 hours at a time, day after day in some instances.

WA’s incompetent Corrective Services agency allowed 49 staff to resign without securing replacements for all of them, leading to the junior jail being understaffed more than 50% of the time. Short-staffed, there is no alternative but to lock kids in their cells as the few officers on duty take other inmates to mandatory court and similar appointments.

Locked up all day, the kids took to self harm, with incidents more than doubling late in 2021.

The independent Inspector of jails, Eamon Ryan, has pointed out that, under WA rules, children must get a minimum of just one hour out of their cell compared to the two-hour international minimum set by the United Nations. In February 2021, time outside was averaging 7.55 hours a day: come November 2021, the kids were getting an average of only 4.29 hours outside their cells.

One child who tried suicide several times averaged just 2.8 hours a day outside his cell in the seven days before one attempt. <https://tinyurl.com/2p89uknk>

Last-second cash splash does not absolve political responsibility

One day before the above horrendous report was publicly released, Australia’s richest state government announced it would spend an extra \$25 million on Banksia Hill, WA’s only juvenile prison.

Corrective Services Minister Bill Johnston promised improvement to the intensive supervision unit, including new recreation areas and observation cells, to be announced in the upcoming state budget. <https://tinyurl.com/2p83wnhk>

Adult politicians and bureaucrats are failing the state’s children

Rights campaigner and current Senate candidate Gerry Georgatos said the government was failing the state’s children, with 75% of kids jailed in Banksia Hill being First Nations youngsters.

“These children are our most critically vulnerable. They are layered with trauma, nearly all of it unaddressed. Many have no safety nets, some are homeless, some are orphans,” he said.

“There is nothing restorative, nothing therapeutic, nothing rehabilitative, nothing psychosocial, nothing transformational in this next-to-nothing misleading spend.”

‘Systemic dehumanisation makes monsters of kids’, judge says

The WA government is treating children like animals, according to a WA judge.

Perth Children’s Court president Hylton Quail in February 2022 described one teenager’s time at Banksia Hill as one of “prolonged systematic dehumanisation and deprivation”.

“When you treat a damaged child like an animal, they will behave like one, and if you want to make a monster, this is how you do it,” he said.

The promised new package includes funding for an Aboriginal services unit to provide cultural support and services. A further eight Aboriginal welfare officers and Aboriginal medical and mental health workers will be hired, bringing the total to 12. <https://tinyurl.com/mrxpky88>

CLA, prison inspectors, parents and relatives, Indigenous groups and others have been demanding much greater spending of money, people and resources on the juveniles jailed in Banksia Hill, and on all the problems statewide they represent.

It starts with WAPOL deciding to arrest and charge too many First Nations young people. The warped “justice” system then fast tracks them into a current and future life of incarceration, because the children do not receive the care, health repair, education and rehabilitation that they are entitled to, and deserve, CLA says.

The first involvement by police conditions the First Nations children for an adult life of constant police harassment.

Court rejects Rayney bid for more damages

Former Perth barrister Lloyd Rayney – acquitted by a court and an appeal court of murdering his wife, Corryn – has had his claim for a higher defamation payout rejected by the WA Court of Appeal.

Police in 2007 publicly identified Mr Rayney as the “prime” and only suspect, weeks after his wife was found buried in a shallow grave at Kings Park. Rayney was further vindicated when a defamation trial excoriated abysmal police behaviour.

WAPOL has never apologised, and some police involved have been promoted and have paid no personal price for costing the state millions.

Rayney sued the State of WA for defamation and was awarded \$2.6 million damages.

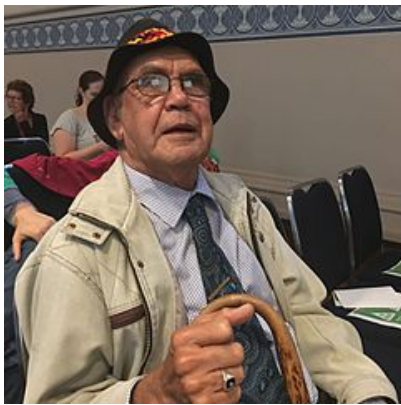
His recent bid for an extra \$2m was rejected last month, but he was awarded \$121,831 more because his initial award was miscalculated.

Corryn Rayney’s murderer(s) still walk free, undiscovered by WAPOL and apparently no longer investigated. <https://tinyurl.com/24ky7apw>

End all-white juries, rally says

An end to all-white juries in Indigenous deaths in custody cases was the key demand issued by a rally on the steps of WA Parliament House.

The rally followed acquittal of Constable Zachary Rolfe, who shot Kumanjayi Walker three times in the NT, killing the teenager, and the recent death of Ricky Lee Cound in Hakea Prison in Perth.



Noongar Elder Ben Taylor said Indigenous people deserved juries who would give them a fair go. (Photo: IngridC-Curtin)

“Over the years I have carried coffins up here as we lost our people in custody,” he said. “I have learnt a lot in my 83 years... it is always the same, nothing has changed.”

Deaths in Custody Watch Committee of WA deputy chairman Desmond Blurton said the acquittal of police and prison officers over death in custody cases was a continuation of colonial violence.

“Since Aboriginal people have been subjected to colonial laws, our people have been murdered by either police or in massacres,” he said. “The all-white jury system is racist and biased against Aboriginal justice.” <https://tinyurl.com/2p8v6c3p>

ODD SPOT: Setting the price points for heroin

If you didn’t know how much heroin costs on the street – and we’re sure you didn’t – here’s some official pricing produced by an ACT court. A published legal judgment said the heroin found in (the man’s) house was equivalent to 1702 individual deals if sold at a point. The estimated value of the drugs, between \$34,057 and \$204,349, is based on the street values of different quantities of heroin. A half-point of heroin (0.05 grams) costs between \$50 and \$60; it is \$70 to \$100 for a point (0.1 grams); a half weight is priced \$100 to \$200; one gram is worth about \$400 to \$500 and an eight ball (3 to 3.5gm) costs between \$1000 and \$1300. – ‘Dealer made \$40K a week selling heroin,’ Lanie Tindale, Canberra Times, 9 April 2022 <https://tinyurl.com/2p98696p> (For those metrically challenged, 0.05 grams is about 1/10 of a teaspoon).

NT corruption body investigates itself...for possible corruption?

The Northern Territory’s anti-corruption watchdog is being investigated for secretly recording a private conversation with former opposition leader Gary Higgins.

At the time of the recording in 2020, Gary Higgins – the then-Country Liberal Party leader – was not under investigation and was asked to help the Independent Commissioner Against Corruption by providing background information relating to a case.

The current commissioner, Michael Riches, said the recording was “inappropriate” and referred it to the Northern Territory’s independent ICAC inspector, Bruce McClintock, to investigate.

At the time of the incident, the ICAC was run by former commissioner Ken Fleming, QC, who retired in 2021. <https://tinyurl.com/eu38k5cu>

DV doesn’t rank as ongoing priority for NSW police training

An audit has found the (NSW Police) force does not mandate or even set expectations for domestic violence training once police recruits have completed their probationary training, and that any additional

training and capability assessment generally occurs online, and at the discretion of local commanders. – Source: NSW Auditor-General: <https://tinyurl.com/4mk6mzy7>

It's a striking finding, the ABC's Hayley Gleeson has reported, given police in NSW spend upwards of 50% of their time in any given week dealing with domestic violence.

Six of nine senior NSW Police officers found guilty or convicted of domestic violence in 2019 and 2020 kept their jobs.

NSW Police are called to respond to 140,000 cases a year in relation to domestic and family violence. <https://tinyurl.com/2wjhf5fe>

AUSTRALIAN BRIEFS

COVID-19: 414m cases worldwide, 2.6m in Australia

The World Health Organization said that, at 16 Feb 2022, there had been 414,525,183 confirmed positive COVID-19 cases reported globally. The Australian Department of Health reported 2,609,599 confirmed cases, including 4732 deaths in Australia. <https://tinyurl.com/4vzzv97c>

Meagher appointed to head the AAT

Fiona Meagher has been appointed President of the Administrative Appeals Tribunal (AAT). She has been with the AAT since 2015, recently as Deputy President and head of the National Disability Insurance Scheme division. <https://tinyurl.com/ynzv97r3>

Hold the phone! Border bullies want your data

Australian Border Force officials searched 822 travellers' mobile phones in 2021, despite admitting it has no power to force arrivals to give the government criminal agency the passcode to their devices. <https://tinyurl.com/yvptwhxw>

Irvine dead

David Irvine, at various stages Director-General of ASIO and Director-General of ASIS, as well as producing a recent major report on security, died in late March 2022. Prime Minister Scott Morrison said: "He understood the work in democracies of maximising freedom and security." Morrison got it half right: Irvine maximised security to the detriment of freedoms, liberties and the privacy of Australia. Nevertheless, by his own lights he served Australia well.

Surveillance cameras tot up big fine totals

Nearly 500 people a day were caught for not wearing a seatbelt or mobile phone use while driving over two weeks in Queensland. "Since 1 November 2021, the cameras have caught 37,594 people flouting the road rules," Transport Minister Mark Bailey said. "Over 11,000 people aren't wearing a seatbelt, or are wearing one incorrectly." He said surveillance cameras can be anywhere, anytime, across the whole state. "We know using a phone while driving is the equivalent of getting behind the wheel with a blood alcohol concentration of 0.07 to 0.10 – it's just not on," he said. The fine is \$1033. <https://tinyurl.com/yckmjujm>



Police are ever-expanding

The Police Association in Victoria wants 1500 more officers appointed. It has a 98% coverage of uniformed police officers – the general union movement's average is 14% coverage. Police "unions" use their member power to leverage their executive's aims. More police means more pay for police union ("association") executives, which explains one of the prime reasons for the constant demand for more police everywhere. Governments should counter by demanding more efficiency from police, say a decline in domestic violence both by the general public and by the state's police, in Victoria's case, CLA believes. <https://tinyurl.com/34m5rkev> <https://tinyurl.com/cmnp9aws>

Stasi surveillance comes to Sunshine Coast

Eighteen regions across Queensland are now hooked into 24/7/365 surveillance of citizens under a new regime of Premier Annastasi P. The Sunshine Coast came on line last month, giving police access to footage from private CCTV as well as public. The Premier and QPol claim the new private linkage into the

system will “prevent crime”: it will do no such thing, CLA says. Research has shown CCTV is useless in preventing crime unless operators are scanning all TV screens constantly. In terms of catching criminals, CCTV nabs less than 3%, London research shows, mostly for petty crimes. <https://tinyurl.com/2p8nxa9s>

Members (and other relevant) letters:

She'll be right, mate:

Relax. We've got about three weeks of diesel in storage if shipping to Australia is disrupted. – Rod Matthews, Melbourne, Vic

Vote early and often

The air is redolent with the scent of pork. After years of neglect and mismanagement, the government suddenly promises us all manner of shiny things provided we re-elect them. What's to be done? The answer's obvious: we need to hold elections every six months. – Fred Pilcher, Kaleen ACT

Museums must tell the truth

Desperate politicians will go to desperate measures to secure an electoral advantage ('*Canberra to get crime-funded museum*', canberratimes.com.au, 26 March). On the eve of an election a National Police Museum is announced, presumably to appeal to the conservative "law and order" constituency. But it is not so simple. Unless we are to embrace a totalitarian hagiography, museums need to present a balanced view of history. Will the museum have a display of the murder of the gay Dr Duncan in Adelaide? The rampant corruption in Queensland under Jo Bjelke-Peterson? The role of Roger Rogerson et al in NSW? Or the astonishing case of Tuckiar v The King in the NT?

More controversial still, will it show the endemic racism against Aboriginal kids revealed by the current arrest statistics for minor drug offences in all jurisdictions? Police do a difficult and, at times, dangerous job, and should have their historical role displayed. But let's make sure it's the whole truth and not a pastiche that belittles the role of the good, honest cops in a unique profession of great power and great temptation. – David Perkins, Reid ACT

Clear and present danger?

I find it remarkable how many silly old buggers (as Bob Hawke would call them) apparently become significant security threats and are ushered away when they have the temerity to publicly criticise our elected officials to their faces. If I was a cynical person I would say that the relevant minders are, in actual fact, more worried about appearances than the safety of the politicians they are protecting, and are probably guilty of assault by physically moving the offending constituent away. – Gordon Fyfe, Kambah ACT

Has Cash splashed extra gravy liberally on Pru's tax-lubricated choo-choo?

How long does former NSW Liberal MP Pru Goward get to stay on the taxpayer-funded gravy train? Her combined ABC, public service, and parliamentary pensions have put her in a far better position than most retirees. Yet the Attorney-General (Michaelia Cash) has, in the last days of the term, appointed Goward, who does not have a law degree, to the Administrative Appeals Tribunal. This is a grossly offensive use of ministerial power. – James Mahoney, McKellar ACT

(People forget that Prudence Jane (photo), soon to turn 70 – she'll hate me for that – is a woman of great and diverse experience, and one who probably does have appropriate qualifications and life long learning for a senior AAT role. Her career so far has ranged from ABC TV and radio journo through sex and age commissioner to academic in high school, university economics and broadcast journalism, and property development supremo, not to mention widespread ministerial responsibility for domestic violence, sexual assault, mental health, medical research, health, women, planning and the community...as well as a penchant for fast driving. And, of course, with her husband, journalist David Barnett, she co-wrote a biography of John Howard 15 years ago, but was not officially afforded co-authorship. Maybe Cash should have appointed primary author Barnett to the AAT instead of Goward? – Ed.)



CLA's main activities for April 2022

Producing a 48-minute film documentary, for launch on 4 May 2022, has been the main activity last month. See lead item for details of launch. We expect to have a fuller report in the next CLArion, and a link to the doco.

The documentary, which focuses on the shattered 'justice' system in WA but holds lessons for all of Australia, was primarily produced by CLA Vice-President Margaret Howkins and CLA member Simon Ackerman, a world-ranking cinematographer before he ran foul of "remembered" childhood allegations which so far have seen him serve time in prison, enabling him to sculpt the film doco based on real-life experience.

ACT Human Rights Act

In the ACT, the CLA Human Rights Campaign team have just (28 April) appeared before a hearing of the ACT Legislative Assembly's Justice and Community Services committee. The committee is investigating how to react to a petition with widespread public support which asks the ACT government to update and improve its Human Rights Act in time for the Act's 20th anniversary on 1 July 2024.

The primary improvement would be to bring in clauses which ensure "No Rights Without Remedy". A failing of the HR Acts in the ACT, Victoria and Queensland is that they can indicate your rights have been breached but in many cases do not have a mechanism for your rights to be enforced, a situation corrected or compensation to be paid.

SA HRA:

In South Australia, CLA is working with the Rights Resource Network's Dr Sarah Moulds and the local civil liberties council President Prof Rick Sarre to press for introducing a Human Rights Act in that state.

CLA alone so far has written to the new SA Attorney-General, Kyam Maher, offering full backgrounding on the state of HRAs Australia-wide and on mechanisms to proceed early in the term of the new Labor government to achieve foundational human rights legislation for the people of SA, including the Aboriginal people who are such a focus of the new Premier, Peter Malinauskas.

We are awaiting a reply to our letter.

Two more law improvement initiatives

In the ACT, CLA is also working on two crucial proposals to improve the law. With the ACT HRA (above) and the R2A (see below), the laws are being proposed because of the initial work of CLA.

Age of Criminal Responsibility:

CLA will be formally supporting, by a submission, the ACT government's proposal to lead Australia by enacting 14 as the minimum age of criminal responsibility for children (it is currently 10). Reactionary forces are trying to wind back the age to 12 in the ACT: CLA as well as many child experts, lawyers and human rights specialists, officially favour 16, but 14 is a compromise, achievable target.

Right To Appeal:

The second proposed new ACT law which CLA is supporting with a submission to an inquiry is the 'Right To Appeal' (R2A). That's shorthand for the right, introduced in South Australia in 2013, which allows people to have a second or subsequent appeal against conviction if they acquire "fresh" and "compelling" new evidence to lay before an appeal court.

By that mechanism, Henry Keogh was released in SA after serving nearly 19 years in jail wrongfully convicted by the incompetence of the state's forensic system and the Solicitor-General's Office. Keogh receive \$3m compensation.

CLA, with the help of Dr Bob Moles of Networked Knowledge, was successful in getting a similar law passed in Tasmania. Under that law, Sue Neill-Fraser's second appeal is before the High Court of Australia for its decision on whether to hold a full hearing, after her recent appeal was rejected 2-1 by the Court of Criminal Appeal of Tasmania (you will recall that Cardinal Pell's first appeal was also rejected by the Victoria Appeal Court by 2-1, but subsequently unanimously overturned by the High Court).

The ACT plans to introduce an R2A provision into the Crimes Act of the territory. Without such a provision, correcting wrongful convictions can become very expensive. In the ACT, David Eastman was acquitted at trial of murdering the ACT Police Commissioner, Colin Winchester, after spending nearly 19 years in jail, and was awarded \$7m for police and DPP incompetence or "inadvertent errors".

The 'Eastman Affair' cost the ACT government more than \$30m: the proposed new R2A law would see that figure probably reduced in a similar case to less than \$10m.

Federal Human Rights Act:

At the same time as the ACT HRA campaign and the one for SA, CLA work continues on a possible federal HRA. The result of the 21 May election will indicate whether a federal HRA is a possibility in the near future, or has to be put on the back burner for a few years more.

Activity in the federal sphere, in general, is likely to kick up from June 2022 onwards.

WOSP on hold due to Afghan refugees

CLA work on our 'Watch Over Security and Police' (WOSP) is on hold due to the campaign manager, Dr Tony Murney, working full time on trying to achieve Australian visas for Afghans who supported Australia troops, police, security people and aid workers in Afghanistan over the past two decades.

INTERNATIONAL

Barristers to 'strike' in England

"...(W)e are burned out. One in 10 criminal barristers (in the UK) have quit in the past year alone, financially ruined by more than a decade of incessant cuts to our pay and physically shattered by the gruelling conditions of a defunded criminal justice system where nothing – even down to the court lifts, toilets and running water – works as it should. In October 2021, a quarter of those clinging on said that they intend to leave. It means those of us who remain have to take on more and more work, while real-terms pay continues to fall."

– The 'Secret Barrister', a well-known by pseudonym barrister and legal author, writing in detail in the *Guardian UK* in mid-April of the plight of the legal system – barristers, courts, judges, justice. <https://tinyurl.com/56zrs4w6> A similar slowly reducing financial starvation diet of funding exists in Australia

Loyalty can't be forced

A Texas student has been awarded \$120,000 from a high school teacher with 50 years experience who tried in 2017 to force her to recite and write down the American pledge of allegiance.

The Texas Association of School Boards will pay the money to Mari Oliver, now 21, because of harassing behaviour by "Benjie" (Benedict? - ed) Arnold, a sociology teacher, at Klein Oak High School.

Oliver objected to the pledge because she did not believe that the USA guarantees "liberty and justice for all", which are words in it. She also did not agree with the words "under god". The US Supreme Court ruled in 1943 that students have a First Amendment right to opt out of saluting the flag or pledging allegiance. <https://tinyurl.com/2p936fhn>

ODD SPOT: Prisoners: as they reap, so shall they sow

A government scheme in Spain under which prisoners make their jailers' clothes has come apart at the seams after officers complained their uniforms were ill-fitting, uncomfortable, badly made and sometimes covered in stains.

The prison workers' union complained that pockets were sewn at different heights and trousers had legs of unequal lengths. "They don't meet even minimum standards of quality in either material or manufacture," said Joaquín Leyva, the union's spokesperson. "The colours run, they are badly sewn and the sizes aren't correct."

Leyva says the problem is the result of incompetence rather than malice. "There's no evidence that it's deliberate on the part of the prisoners," he said. "The problem is there is no quality control. The prisoners have no training and they are paid per item so, obviously, their concern is for quantity, not quality." <https://tinyurl.com/b2j5vc4y>

Photo voter ID denied

The House of Lords has voted down proposed photographic voter ID in UK elections.

Under the draft legislation, people would have had to show approved photo ID before collecting their ballot paper to vote in a polling station.

But peers voted 199 to 170 to support an amendment from Conservative former minister Lord Willetts to expand the list of accepted identification to include non-photo documents such as birth certificates, bank statements, council tax demands and library cards. <https://tinyurl.com/2p8sw4jt>

Your health data allow total surveillance by government

A new Indian law allows police and security services to record and retain biometric data – like personal blood and health data and retina scans – for 75 years.

The Criminal Procedure (Identification) Act will, when certified, make it compulsory for anyone arrested or detained to submit to the collecting of sensitive data. Prime Minister Narendra Modi's government has defended it, saying it will modernise policing and help solve crimes swiftly, "increasing the conviction rate".

Opposition leaders have protested against the law, calling it draconian and illegal. The critics fear the rise of a "dystopian" surveillance state. <https://tinyurl.com/896y8zyp>

Lords call for brake on algorithmical ‘justice’

The House of Lords has called for a new national body to regulate the use of artificial intelligence (AI) in the justice system and public sector.

The House Justice and Home Affairs committee also recommended establishing a mandatory register of algorithms, which could result in penalties to those who refused to comply.



Baroness Hamwee (photo), chair of the committee, said: “Without proper safeguards, advanced technologies may affect human rights, undermine the fairness of trials, worsen inequalities and weaken the rule of law. The tools available must be fit for purpose, and not be used unchecked.

“We had a strong impression that these new tools are being used without questioning whether they always produce a justified outcome. Is ‘the computer’ always right? It was different technology, but look at what happened to hundreds of Post Office managers.

“Government must take control. Legislation to establish clear principles would provide a basis for more detailed regulation. A ‘kitemark’ to certify quality and a register of algorithms used in relevant tools would give confidence to everyone – users and

citizens.” <https://tinyurl.com/muf7jatp>

INTERNATIONAL BRIEFS

Solidarity forever at Amazon

Amazon employees at the company’s Staten Island NY facility last month cast 2654 votes to be represented by Amazon Labor Union and 2131 against, giving the union a win by more than 10 points, the US National Labor Relations Board reported. More than 8300 workers at the warehouse, which is the only Amazon “fulfilment centre” in New York City, were eligible to vote. The win on Staten Island turns around momentum for labor unions in the USA, which saw workers in unions drop last year to 10.3%, the lowest rate in decades. (In Australia, union membership is about 14%, down from 40% just 30 years ago). <https://tinyurl.com/4d5zvzkw> ... and for an old-fashioned singalong, <https://tinyurl.com/cxjmvwx5>

Nobel Jose to be sworn in as President

Jose Ramos-Horta will be sworn in as President of Timor Leste and its 1.3m citizens on 20 May, the 20th anniversary of East Timor’s independence. It will be his second time in the role: he was president from 2007 to 2012, after receiving the Nobel Peace Prize in 1996. A parliamentary election is due in 2023, but Ramos-Horta has suggested the polls could be held earlier. Ramos Horta is a supporter of Bernard Collaery, the ACT lawyer being tried secretly in Canberra by the Australian government over allegedly revealing that Australia’s negotiators planted surveillance equipment to learn the secrets of the tiny new nation’s negotiating team to gain advantage in a major oil and gas deal. None of the amoral Australian ministers, diplomats, spies or bureaucrats have been charged with any of the possibly relevant offences which have seriously trashed Australia’s reputation. <https://tinyurl.com/2p95fbxa> <https://tinyurl.com/4fjdxmpt>

EU to rein in You Tube, Twitter, Facebook et al

The EU is to pass a new law forcing Facebook, YouTube and other internet applications to combat mistruths, and reveal amplified divisive content. The firms will also have to stop targeting online ads based on ethnicity, religion or sexual orientation. The Digital Services Act aims to correct social media’s harms by aggressively policing their platforms for illicit content. The alternative? Billions of dollars in fines. The law aims to end self-regulation which let companies set their own policies about what content could stay up or be taken down. <https://tinyurl.com/28hpfsst>

ODD SPOT: Divorce refusal leads to jail

An English man has been jailed for 18 months for controlling behaviour after refusing to grant his wife a religious divorce. Alan Moher, 57, from Salford, separated from his wife, Caroline, in 2016 after 21 years, with the pair formally divorced in a family court in 2019. But she is unable to remarry in a synagogue without a “get” – a document that formally recognises the end of marriage in the Orthodox Jewish faith. Southwark crown court heard Moher withheld the document in order to prevent Caroline from remarrying. <https://tinyurl.com/yf3pnmtx>

Violence OK against free speech, 23% of students say

A survey of more than 37,000 US college students — by far the largest on free expression to date — found that more than 80% of students censor their own viewpoints some of the time, while roughly one in five

students regularly does so. Only 40% of students say that they are comfortable openly disagreeing with their professors. The 2021 survey revealed 66% say it is acceptable to shout down a speaker to prevent them from speaking on campus, and 23% say it is acceptable to use violence to stop a campus speech. <https://tinyurl.com/2cyaa373>

X hits the G for Gender spot

US citizens can now have gender "X" on their passport instead of just the old "F" and "M" options. The change follows a 2021 lawsuit by an intersex and non-binary Colorado resident claiming it was impossible to get a passport that accurately reflected the correct gender identity. <https://tinyurl.com/3z2tdp88>

DATES:

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.

Election cycle for Australia:

2022:

Federal: 21 May 2022

Victoria: 26 November 2022

2023:

NSW: 25 March 2023

2024:

Northern Territory: 24 August 2024

ACT: 19 October 2024

Queensland: 26 October 2024

Tasmania: late 2024 or early 2025 most likely

2025:

WA: 8 March 2025

Federal: May 2025 (?)

2026

South Australia: 21 March 2026

CLArion is the regular e-newsletter of Civil Liberties Australia Box 3080 Weston Creek ACT 2611 Australia. Responsibility for election comment in *CLArion* is taken by CLA's Public Officer, Bill Rowlings, of Fisher, ACT. Please feel free to report or pass on items in *CLArion*, crediting CLA and/or any other originating 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 April 2022.

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