

## **Caucus rights briefing postponed**

The Caucus briefing to background federal Labor MPs about a Human Rights Act for Australia has been postponed.

With Australia's leading human rights academic, Prof George Williams as briefing leader, it was due to be held on 30 November 2022, but is now likely to occur in late February or March 2023.

The frantic nature of parliamentary business in late 2022 sessions meant the HRA briefing was crowded out. But the commitment to it, by all main players and Civil Liberties Australia as the original proponent, is as strong as ever.

## **Users abandon 'cashless' cards**

About three-quarters of people forced to 'live' via their cashless debit cards dumped the pieces of plastic as soon as they could, Senate Estimates heard in November.

Some 9000-plus people got rid of the card in the first six weeks after a new law made it voluntary. That option was a Labor election promise.

The result showed that was more than 73% of card holders abandoning the cards across trial sites at Ceduna in SA, east Kimberley and Goldfields in WA and Bundaberg and Hervey Bay in Queensland.

The card quarantined up to 80% of a person's income from being used to gamble or buy alcohol, Dan Jervis-Bardy reported in the *Guardian*. Repeated surveys for the previous government claimed the card was popular with welfare recipients: the real world told a different story, in a hurry.

## **Rising rate of jailing women is alarming: CEDA**

The rising numbers of women being jailed in Australia is twice deleterious, according to CEDA, the Committee for the Economic Development of Australia.

"Our soaring imprisonment rates are reinforcing the vulnerability and disadvantage of women and Aboriginal and Torres Strait Islander (ATSI) peoples in particular," a new CEDA report says.

Australia's criminal justice system costs taxpayers a rapidly increasing amount – spending plus depreciation in the sector was \$5.43 billion in 2020-21, up 5.1% on the year before, with prisoners costing taxpayers about \$330 each day.

The Australian Bureau of Statistics (ABS) reported a total of 39,680 male prisoners and 3292 female prisoners in June 2021. Prison populations are growing at a staggering rate, and despite being a smaller proportion of the prison population, the number of women prisoners is rising faster than for males – by 64% over the last decade, compared with 45% for men.

An Australian Institute of Health and Welfare survey of 117 women entering prison found 65% had received a mental health diagnosis before jail, the report noted.

The Australian Law Reform Commission found ATSI women were 21 times more likely be in prison than non-Indigenous women.

*'Double jeopardy: The economic and social costs of keeping women behind bars':* <https://tinyurl.com/bdd4jknb>

## **ROBODEBT...details emerging after seven years**

### **'Wicked, illegal, cruel abuse, covered up' – our rulers' approach to Robodebt**

"Robodebt was a wicked scheme. It was illegal, and many people knew or ought to have known it was illegal from its inception..."

"It was rolled out in such a way as to herd past and current welfare recipients, like cattle, through deliberately designed gateways that maximised the amount of money they could be forced to pay.

"For many, they never owed a cent.

"This was a particularly cruel abuse of the Australian public, at scale, by their own government, which persisted – indeed, which was covered up – for five years against truly overwhelming evidence that it should never have been allowed to begin."

– Rick Morton, the publication's senior reporter, writing in *The Saturday Paper* on 5 Nov 2022 after the first full week of the Robodebt Royal Commission.

## **‘Large-scale failure, enormous harm, demoralised staff, \$3bn bill’ – analysis**

Large-scale systems to administer social welfare payments face considerable challenges, according to experts, including two of the most senior people in the Australian Privacy Foundation.

Their case study reports on an Australian Government project officially called the Online Compliance Intervention (OCI) system, but which was widely referred to as ‘Robodebt’.

The scheme's purpose was to save labour costs and increase recovery of overpayments. It extended the agency's reliance on the digital persona the agency maintains for each client, and featured automated inferencing, automated decision-making and automated action. Intended digital transformation turned into large-scale failure, due to poor-quality data-matching, faulty inferencing and inadequate legal foundations.

Welfare recipients were required to prosecute their innocence by producing documentation for income earned 2-7 years earlier, failing which the agency took action to recover what it asserted to be overpayments.

Within months of the launch, ample evidence had accumulated that the scheme was misconceived. Nonetheless, the agency persisted with it for a further three years. Enormous harm was caused to many thousands of vulnerable people. When the smoke cleared, affected clients received refunds and damages. The outcomes included hundreds of thousands of anxious clients, demoralised staff, and a bill totalling \$A3 billion.

The case study draws out lessons for large-scale transformational IT projects featuring advanced technologies and automation.

– *Robodebt: An Exemplary Case Study of a Failed Transformative IT Project in the Public Sector* by Roger Clarke, Katina Michael and Roba Abbas. <http://rogerclarke.com/DV/RDCS.html> (a project led by Australian Privacy Foundation board members).

### **What the court said:**

As quoted in the analysis (see above):

The Federal Court judgement, four years after the event, was expressed very directly:

*The proceeding has exposed a shameful chapter in the administration of the Commonwealth social security system and a massive failure of public administration. It should have been obvious to the senior public servants and to the responsible Minister(s) at different points who designed and were charged with overseeing the Robodebt system that many social security recipients do not earn a stable or constant income, and any employment they obtain may be casual, part-time, sessional, or intermittent and may not continue throughout the year. (Pry 2021, p.2)*

Moreover:

*For those perpetual critics of the ... class action regime, the present case is one more example where the regime has provided real, practical access to justice. It has enabled approximately 394,000 people, many of whom are marginalised or vulnerable, to recover compensation from the Commonwealth in relation to conduct which it belatedly admitted was unlawful (p.8)*

### **Where did culpability lie? – Ministers**

*“At the political level, a social welfare scandal in The Netherlands involved only 26,000 individuals, 6% of the number in the OCI debacle. Yet, when the Report was tabled in January 2021, the principle of governmental accountability was respected, and the Prime Minister and the entire Cabinet of The Netherlands resigned (Erdbrink 2021).*

“In Australia, on the other hand, the notion of Ministerial responsibility has all but disappeared. Evidence presented to the Royal Commission in late 2022 suggests that the proposal originated in the policy agency, the Department of Social Security, or perhaps with its Minister at the time. Internal legal advice was ignored, and no external legal advice was acquired, enabling funding to be approved in the 2015 Budget for implementation by the operational agency, DHS (Bannister 2022, Morton 2022).

“The Minister for Social Security at that time was Scott Morrison. Despite having overridden legal advice and instigated a scheme that caused substantial harm to welfare-recipients, and reputational and financial disaster for the agency and the government, Morrison's career was clearly not hampered. He moved to the more senior position of Treasurer at the end of 2015, and was subsequently Prime Minister 2018-22.

“Meanwhile, during the period 2015-22, the position of Minister for Human Services was recognised as carrying with it considerable negative publicity, and 5 Government front-benchers were shuffled into and out of the position a total of 6 times during the 7 years, for an average term of 14 months each.

“The Ministers were Marisa Payne (during the project's conception and approval), Stuart Robert (nominally with IT industry background, but with a track-record of parliamentary misbehaviour, for 4 months in the preparation period, and again for 1 year 10 months during the period of denial and collapse), Alan Tudge (also with a record of misbehaviour, for 1 year 10 months, early operational period), Michael Keenan (1 year 5 months, late operational period, who retired from parliament, handing the chalice back to Stuart Robert), and Linda Reynolds (for the last 14 months of the dying Coalition Government).

“Each had ample opportunity to investigate, appreciate the problematic nature of the project, and take action to stop it. None did. All were culpable; none suffered any consequences.”

## Who was responsible? Public Servants

“Within DHS, the Deputy Secretary with the most direct responsibility, Malisa Golightly, already held a Public Service Medal, PSM, from 2010. It is unclear from the public record when she left the role, but she passed away in late December 2021. Another Deputy Secretary who gave evidence to the Senate Committee, Jonathan Hutson, appears to have retired in July 2018. Another witness, Jason McNamara, continues as a General Manager in similar roles to that which he held in 2017.

“The overall responsibility for the relevant activities, however, for the entire period 2011-21, was Kathryn Campbell. Her career, rather than merely surviving, flourished. She had also sustained a part-time military career, and was promoted in 2018 to command the entire Army Reserve.



“In January 2019, Campbell was awarded one of the nation's highest honours, the Order of Australia (AO), almost exactly 2 years after the disastrous nature of Robodebt had become apparent to everyone outside DHS – although still 2 years before the government accepted it was a failure and closed it down. In mid-2021, she was promoted to one of the most highly-ranked roles in the public service, (Secretary of the Department of) Foreign Affairs and Trade, rejoining her Minister during 2013-15, Marise Payne. She was Secretary there for 12 months, until shortly after the Labor Government won office, when she was moved to the unattached list.” *(Photo of Campbell in 2021: US State Dept-Wikipedia)*

## ODD SPOT: Human Rights Act would have killed Robodebt stone dead

It is highly likely ‘Robodebt’ would have been shut down within weeks if there was a federal Human Rights Act with a ‘No Rights Without Remedy’ approach allowing appeals to the Administrative Appeals Tribunal, AAT. The AAT would have been swamped by individuals appealing for justice immediately...rather than mere corrections to injustice some eight years late. Just such an Act in the ACT will become a model for Australia in 2023-24.

*ENDS ROBODEBT coverage...though more revelations are likely from the Royal Commission*

The RC is due to report by 18 April 2023.

## Meet the right-est Aussie

The 2022 Australian human rights award winner will be announced “live” at the Uni of Technology, Sydney, on 9 December.

Last year’s winner, legal academic, writer and filmmaker Prof Larissa Behrendt (photo), will deliver the 2022 Human Rights Day oration at the event, which has been held virtually for two years due to the COVID pandemic.

ABC disability affairs reporter, Nas Campanella, will be host.

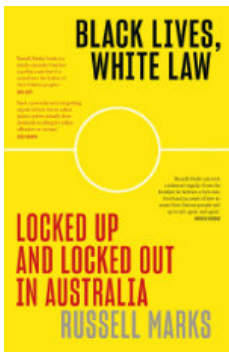
In 2022, there have been some 170 nominations for the awards across four categories: Human Rights Medal, Young People’s award, Community award, and Law award. Info: <https://humanrights.gov.au/>



## Where do rights begin?

“Where, after all, do universal human rights begin?” asked Eleanor Roosevelt. She answered her own question: “In small places, close to home – so close and so small that they cannot be seen on any maps of the world.”

Eleanor Roosevelt was US delegate to the UN General Assembly from 1945-1952, and oversaw the drafting of the Universal Declaration of Human Rights. She was, as a sideline almost to a remarkable personal career, the ‘First Lady’ as the wife of US President Franklin D. Roosevelt during his 12 years in office, from 1933 to 1945.



### **Book review:**

“Justice. If *Black Lives, White Law* does nothing more, it shows the hollowness of a set of institutions and practices called the ‘criminal justice system’. In too many cases, these collective institutions of policing, courts and prisons have little to do with justice, but a great deal to do with perpetrating and legitimating profound injustice. My preferred term is ‘the criminal legal system’, because this wording doesn’t pretend these institutions offer justice.” – Chris Cunneen, Professor of Criminology, Uni of Technology Sydney, reviewing the new book *Black Lives, White Law: Locked Up and Locked Out in Australia*, by Russell Marks (La Trobe University Press)

### **Featured person: Learning about ‘A Voice’ long ago**

Joyce Clague is an Aboriginal woman, from Ulgundahi Island community on the Clarence River, near Maclean in northern NSW. She studied in Sydney to become a nurse. This is just part of her story...

In the early 1970s she was nominated by Rev Frank Engel, head of the Australian Council of Churches, to represent Australia on the World Council of Churches Commission to Combat Racism. In 1977 Joyce Clague was awarded the Member of the British Empire in recognition of her services to combat racism.

She reflects, in a National Museum interview from 2017 – long before the current “Voice to Parliament” initiative was on anyone’s lips – on the part the 1967 referendum campaign played in her politicisation.

“One of the things which I found in regards to the referendum – that our people weren’t counted – and at any rate I used to bring that up to myself but not only bring that up to myself but bring that up to people who were of like mind with me around at Maclean: ‘How could we possibly be not counted?’

“I didn’t know what a census was at any rate at that time. But I said ‘why – why we – we’re just no – no – we’re not – no people! Why aren’t we counted in this country?’

“...and I can recall one of the FCAATSI\* members who was a gentleman, Jack Horner, saying ‘You know, Joyce’ (this is after I’d shifted from home and came down here to Sydney). I asked him a question. ‘Jack, how did you come involved in Aboriginal affairs? What was it that made you – that there was something wrong there you wanted to get in and do something about it?’

“He said ‘Well I was in the census [office]’ – and by then, of course, I knew what a census was all about and everything – And he said, ‘I went through counting and wherever there was anyone said that they were an Aboriginal I just put a red line through it. That was what they informed me to do – put a red line through it and I threw it in the bin’.

“So that was how – and he said ‘This is wrong’. You know, Jack who was a very sensitive man, had said to him [census officer] ‘Oh whadaya do here?’ ‘Oh they are Aboriginal. They’re not counted. So that you don’t count them in this count’. And that was when he was one of those ones that registered to do the census collecting. And I mean that made, that infuriated me.

“And he said, ‘Yes, you know, Joyce they can, they know how many kangaroos. They know how many pigs and how many cattle, how many sheep even there are in this country, but they don’t know how many Aboriginal people are in this country’.

“And I think this is why my involvement – well, that really tempered me up of course. But that made me involved in the referendum...

“...because one of the things he [Jack Horner] sort of said to us, ‘Okay, if you are not counted in the census you also haven’t got a voice. And that’s really what you gotta do is get a voice’.

“So, I suppose this is where I took on the political side to make sure that our people had a voice in this whole thing.”



\* FCAATSI [Federal Council for the Advancement of Aborigines and Torres Strait Islanders]

– <https://www.nma.gov.au/explore/features/indigenous-rights/people/joyce-clague>

Photo: Joyce and husband Colin Clague in 2016



## Leeser's claim over Bernie's party dead on arrival

Julian Leeser, the Liberal shadow Attorney-General, has a poor memory or doesn't do research properly.

Last month, under parliamentary privilege, he attacked Labor Attorney-General Mark Dreyfus for stopping the secret prosecution of Bernard Collaery, claiming it may have been because "Collaery was an attorney-general in the ACT Labor government".

Unfortunately, Leeser got his Labor and Liberals mixed up: Collaery was AG in an ACT Liberal-run government under Chief Minister Trevor Kaine from 1989 to 1991.

Presumably, Dreyfus ended the unjust prosecution because he thought it was the right thing to do, something that two previous Liberal AGs had been unable to come to grips with. <https://tinyurl.com/53vzxhjx>

### **TASMANIA SPECIAL**

#### **When will Tasmanians revolt?**

It's amazing that the state of Tasmania is not revolting, with all citizens jack-jumping in rebellion.

The Attorney-General has ignored an independent expert panel's recommendations and stacked the citizen's tribunal, presumably in a leaning more to her liking. Tasmania's judges, police, Office of the DPP and lawyers aplenty have been pilloried by a long-term member of 'The Establishment' who has broken ranks over what he says is incompetence and feasant misapplied throughout the judico-legal system.

The judiciary has called Tasmanian Police out for being reckless and cavalier, and for acting incompetently and illegally in relation to Commonwealth law. TasPol-devised terms of reference for an inquiry they initiated prove they don't understand Tasmanian law...which must now be re-written to suit the police.

#### **Tas Police: Illegal one day, incompetent the next...and 'reckless & cavalier'**

Tasmanian Police have been forced into a double reverse somersault-backflip because they don't know the laws of Tasmania. An "urgent" review must now wait on new legislation passing, forcing major delay.

The backflip is itself over how TasPol allegedly earlier broke the laws of Tasmania by planting bugs 24/7 for months on end in a public 'lawyers-clients' meeting room at Risdon Prison. The "independent" inquiry which TasPol initiated is shown to be a public farce.

The Independent Member for Nelson, Meg Webb, said the Jeremy Rockliff Liberal government has agreed to an embarrassing backflip over the proposed O'Farrell Review into Tasmania Police Surveillance after she called out the illegal terms of reference of the inquiry.

"On October 6, I wrote to Premier Rockliff asking that he confirm the O'Farrell Review into illegal Tasmania Police surveillance could be lawfully conducted," Ms Webb said.

"(Now) we have seen some embarrassing backside covering from the government, with the admission that the review could not be undertaken lawfully and will require legislative change to occur and a longer timeframe for delivery."

Ms Webb said the O'Farrell Review was, and still is, inappropriate due to a widely perceived conflict of interest for the former Solicitor General, O'Farrell, at the time the illegal surveillance took place.

"This review should always have been entirely independent of Tasmania Police and had a much more comprehensive scope for investigation."

Mr Webb said the Tasmanian people already had every reason to lack confidence in the validity of the O'Farrell Review as a genuine investigation of illegal police surveillance.

"Today our level of confidence just sank even further."

Ms Webb said her letter to the Premier included a range of questions, including:

- Are you aware of the current suppression/non-publication orders in place in the Jeff Thompson matter, and that much of the hearing in the Thompson matter – which will be relevant to the O'Farrell review – occurred in a closed court?
- How will the O'Farrell review access, use, communicate and publish the critical information concerning the application for the warrant, the supporting affidavit and relevant communications?
- Can you guarantee the activities of O'Farrell in conducting the proposed review are entirely lawful?

The government could not issue such a guarantee, and has been forced into its backflip, with pike. But wait, there's more...

## Judge Jago pillories ‘reckless, cavalier’ Tasmanian Police

Selected Supreme Court decision comments by judge Tamara Jago show why she exercised her judicial discretion to not admit evidence illegally obtained by Tasmania Police re the trial of three men.

Drug squad police had illegally opened Express Post parcels delivered to an address in Devonport, breaching the men’s privacy rights.

With the evidence not admissible, the case brought by “reckless and cavalier” police (note 1) collapsed:

*49. In my view the behaviour of Tasmania Police involved quite grave contraventions of the law...they should have been far more conscientious to ensure their compliance with the law. They opened the first parcel without lawful authority.*

*50. All officers were members of the Drug Squad. They should have appreciated the limitations of their powers or at the very least made the effort to clarify their powers if uncertainty existed. I am of the view that they simply did not give sufficient thought nor attention to the legality of what they were doing, and to that end were reckless. ... The obtaining of evidence through the excess of power is not to be encouraged. Indeed, such conduct warrants censure. It has long been understood that there is "high public policy" associated with ensuring curial approval is not given to the unlawful conduct of those whose task it is to enforce the law.*

*52. ...what appears to me to have been a cavalier attitude towards compliance with the law and the sparsity of evidence which explains why Tasmania Police, in particular, acted as they did.*

– <http://www8.austlii.edu.au/cgi-bin/viewdoc/au/cases/tas/TASSC/2022/63.html>

Note 1: Given the Office of the Director of Public Prosecutions decided to bring the case, despite knowing (or he should have known) what the judge highlighted, there is implied criticism of the ODPP as well in the judge’s comments, CLA notes. The issue of TasPol possibly illegally opening mail, without reasonable suspicion and therefore against Commonwealth law, has not yet been followed up, apparently.

## Consistent only for its continual failures

Amazing how those TasPol police are so good at weasel words suggesting nothing is/was wrong, eg:

*“Tasmania Police will continue to ensure contemporary investigation practices are in line with current laws and policies,”* a spokesperson for TasPol said, according to *The Mercury* 5 Nov 2022, in response to criticism of its performance by the Supreme Court judge (see item above).

The problem is that TasPol investigation practices were NOT in line with laws and policies. So, if they ‘continue’ to do what they have been doing for decades, they will continue losing respect and trust.

We know for certain that TasPol broke the law in relation to bugging the lawyers-clients private and supposedly secure meeting room at Risdon prison. We know they broke Tasmanian law and probably Commonwealth postal law also in opening Australia Post parcels illegally in Devonport.

And we know, from documents tabled in the Tasmanian Legislative Council, that TasPol broke the law in their investigation practices, selective reporting to the Office of the Director of Public Prosecutions, and failure to secure the chain of security over exhibits in the Sue Neill-Fraser case.

When will the government hold the absolutely vital public inquiry into whether or not TasPol “continues” to be unfit for purpose? And whether it was as badly unfit for purpose in the case of the 2009 yacht case, re the missing man Bob Chappell and the prosecution of Sue Neill-Fraser, as it continues to be today?

No amount of PR spin will alter the fact that TasPol is a continually failing organisation, CLA says.

*Ends TASMANIA SPECIAL*

## Former CLA Director becomes SC

A former long-time director of Civil Liberties Australia Inc., Anthony Williamson, has been elevated to senior counsel, SC.

Williamson is Chief Crown Prosecutor and Deputy Director of Public Prosecutions at the ACT Office of the Director of Public Prosecution. He joined the ODPP in 2009 after being a legal officer in the ACT Department of Justice and Community Safety in the Human Rights and Criminal Law Units.

With the ODPP, he has been Supervising Prosecutor and Practice Manager, and also developed the ODPP’s Confiscation of Criminal Assets unit. He is one of the ODPP’s most experienced trial counsel.



He was appointed Deputy DPP in 2019. He manages Crown Chambers and regularly appears in the ACT Court of Appeal, with carriage of some of the most serious and complex matters in the ACT. His practice is primarily of homicide matters, serious and organised crime and outlaw motorcycle gangs, and sexual offences.

Anthony was born and raised in Canberra, graduating in law from ANU. He has been an active member of the ACT Rural Fire Service for 24 years, and fought in most major bushfire emergencies in S-E Australia. He was previously in the Remote Area Fire Team (an elite unit that deploys to fires from helicopters), and is a qualified investigator. His father, Lance, has been the CLA webmaster from the start of CLA's web presence continuously to now. – source: Bar Council ACT

## Two steps in one law will raise the age of criminality for kids

The ACT government is taking a staged approach to raising the responsible criminal age of kids.

“In 2023, the government will move a single bill to raise the minimum age of criminal responsibility (MACR) to 12, and then to 14 within the two years after that,” Attorney-General Shane Rattenbury said last month.

“This transition period allows the government to put in place the necessary range of social support services needed to support children who might otherwise enter the criminal justice system. This is a significant and complex change, being led by the ACT, and we will implement it thoughtfully and effectively.”

A new paper outlines an in-principle decision that:

- No exceptions to the MACR for children under 12 – they will be completely removed from the criminal justice system; and
- Legislation will include the option for exceptions for 12 and 13 year-olds to be charged only if they are alleged to have committed the most serious of offences.

Raising the Age of Criminal Responsibility is a commitment under the Parliamentary and Governing Agreement between the ACT ruling coalition partners, Labor and the Greens. <https://tinyurl.com/yckfmpta>

## ODD SPOT: Number/type of organisations hacked widens

Legal Aid ACT was hacked in early November. CEO John Boersig said: “We are very aware that we hold privileged legal information. We are working closely with the Australian Federal Police and ACT Policing to ensure we provide evidence of this crime without breaching our own obligations to keep matters confidential.”

## Personal drug possession no longer a crime in 12 months

The ACT government has begun to transit to a drug decriminalisation jurisdiction in a year's time.

From late October 2023, possessing small amounts of certain illicit drugs will be decriminalised. People will no longer face prison sentences and instead may receive a caution, a \$100 fine or be referred to a drug diversion program.

Over the next 12 months, before the reform starts, authorities will develop new oversight arrangements and train frontline workers, including police.

There will also be a public communication campaign. <https://tinyurl.com/56nyhdy3>

## Full marks for trying: government tackling problems of children



While by no means a perfect example of child governance, the NT government is at least trying very hard.

The government sees its decision to raise the minimum age of criminal responsibility from 10 to 12 as the core circuit breaker for how it treats young people. Changing that legislation was due for debate and vote in parliament in November.

In 2022, from January to November, the government has organised 591 children to participate in youth diversion programs: evidence shows that 60% of them will not go on to reoffend, which would be a statistical improvement.

The Territory Families Minister, Kate Worden (photo), is claiming an accelerated program of family supports to keep children out of youth detention by engaging with 19 providers across 60 communities for:

- **Back on track** – a program helping young people to make safe and responsible decisions to divert them away from the youth justice system.
- **Youth diversion** – programs run by non-government organisations to divert children from problems.
- **Camps** – Early intervention “on country” to reduce offending and improve cultural connectedness.

- **Restorative conferencing** – a forum for victims to speak with young people so they understand the impact of their offending.

The government is also allocating \$40 million over five years for early circuit breaker parenting support programs. <https://tinyurl.com/2ap65daz>

### **ODD SPOT: Who cares? Who's most racist?**

Are West Australians less community caring than people of any other state or territory of Australia? Is WA the most racist jurisdiction? These are propositions put to CLA by a person from WA.

Which police force is Australia's most racist: WA, Queensland, the NT? (QPol was officially declared racist in November). Or would you nominate a different police force?

A report in 2019 found WA was the "most racist and least happy" state in Australia. <https://tinyurl.com/3pwtavch> Did you know that WAPol costs WA taxpayers \$1.6 billion a year? And what of prison costs?

### **Rayney wants review of unsolved murder of his wife...but not by WA Police**

WA barrister Lloyd Rayney wants a fresh, independent investigation into the murder of his wife Corryn (photo), claiming police have failed to properly examine important evidence that could lead to her killer.

Corryn Rayney's body was found buried in inner-city Kings Park in 2007. Her husband, Lloyd, was acquitted of her murder in 2012, with the acquittal confirmed after an appeal by the Crown.

Later, he sued WAPol for defamation for naming him publicly at one stage as the prime and only suspect, receiving \$3m compensation.

Rayney said new witnesses had emerged last month, including someone who said they had found beer bottles in Kings Park near where the body was discovered, which could contain potentially incriminating DNA evidence. The bottles had been given to police.

There was also other evidence that needed further investigation, including DNA from a cigarette butt found outside the family home, and the use of a telephone box near the home by a drug dealer and "serial offender" known to police.

A cold case review was ordered by then Police Commissioner Karl O'Callaghan in 2015, but no new suspects were identified.

Rayney wants any new review to be independent of WAPol. <https://tinyurl.com/3j4twu92>



### **Kids advocate 'very angry' at prisons minister in escalating feud**

In a growing feud between supporters of children and the WA government, the state's Commissioner for Children and Young People, Jacqueline McGowan-Jones, has called out the prisons minister for saying that keeping child detainees safe is less of a priority than the safety of detention centre staff.

"Absolutely beyond the pale," is how she described the comment by Corrective Service Minister Bill Johnston that "we have to have community safety first", "safety of the staff second" and "then the third element is to keep the young offenders safe".

"We know that incarceration — from studies all around the world, all the time — doesn't make the community any more safe," McGowan-Jones said

"For anyone to suggest that the last priority is to keep our children safe is absolutely beyond the pale. Our first priority as society — our first requirement as adults — is to ensure the safety and well-being of children and young people in our community.

"I am very angry. I just couldn't believe that anybody would say that. It is just beyond my comprehension that we think children are last on the list." <https://tinyurl.com/yeykx7v5>

### **National HR Commission stands up for kids in the wild west**

The Australian Human Rights Commission is urging all Australian governments to urgently address the national crisis in youth justice, raising its concerns with the UN Committee Against Torture.

Aboriginal and Torres Strait Islander Social Justice Commissioner June Oscar, National Children's Commissioner Anne Hollonds, National Human Rights Commissioner Lorraine Finlay and National Race Discrimination Commissioner Chin Tan issued a joint statement calling for action to prevent further harm to children in detention, and to reduce youth offending through effective systems of support.



Their combined statement came a day after the ABC's 7.30 program last month visually highlighted the intractable crisis in WA juvenile (and adult) jails, such as Banksia Hill and Casuarina.

"The current approach of tougher sentencing and bail laws, punitive conditions, building more children's prisons for increasing numbers, and incarcerating children as young as 10, is not working to keep the community safe," the commissioners said.

"The human rights of children in detention continue to be violated routinely, and their lives placed at serious risk. (The) Four Corners program showed examples of serious abuse, systemic failures, institutional racism, and neglect." <https://tinyurl.com/57udyd89>

### **Children abandoned: virtually no school, no rehabilitation**

On the same day as the TV program (above), the WA Children's Court president Hylton Quail condemned the government's treatment of a child, who had spent almost 64% of his last stint in custody in unlawful solitary confinement.

The teenager had spent 174 of his most recent 273 days in custody in unlawful solitary confinement, frequently locked up for 20 hours a day in his cell, with no rehabilitation whatsoever. The teenager had averaged 3.3 hours of schooling per week during those 273 days, which the court's president said amounted to 12% of the minimum standard the state of WA is required to provide.

Former Children's Court president, Denis Reynolds, described the current situation as "child abuse" and believed a royal commission was needed. "The royal commission, really, is the only authority that I think can get to the truth of it," he said.

WA's Inspector of Custodial Services Eamon Ryan joined the raft of voices calling for a fundamental rethink of juvenile justice in the state, saying it needed to move away from the current structure of having a single facility at Banksia Hill. "I don't think anybody would say now that if you're starting from scratch that you would build one facility to house young people from 10 to 18, from all across the state, whether they be on remand, under arrest or sentenced."

He said WA's juvenile justice system remained too focused on security, and needed to take on a more "trauma-informed" model of care. <https://tinyurl.com/bdefkrnt>

### **WA kids lucky DoJ Director General is expert in preventing child abuse**

"Dr Adam Tomison is internationally recognised as an expert in the prevention of child abuse and family violence, and the development of child protection and family support systems."

So says the WA government page, provided by the Department of Justice, describing the background of DoJ's top bureaucrat, the Director General.

<https://www.wa.gov.au/government/people/adam-tomison> (Accessed 3.00pm 15 Nov 2022)

Can you imagine how badly WA's juveniles in detention would be treated if the state and its department of DoJ-ers did NOT have such an expert in charge of preventing child abuse?

### **Police did this to 13-year-old boy**

The Aboriginal Legal Service of WA has condemned police using a dog against Jayden Abraham, 13 (photo right), who had to have surgery in hospital as a result of the dog's bites.

ALSWA said most people, including children, injured by police dogs in recent years have been Indigenous. and called for abolishing use of unmuzzled police dogs.

They claimed that, between 2018-2021 First Nations people comprised 53% of all people injured by police dogs. Some 20% of all people injured were children and 65% of those children were First Nations children.

ALSWA 2020-21 data showed 61% of police dog deployments were against First Nations people.

On Saturday the ALSWA said it is extremely concerned about the unreasonable use of the dog against Jayden Abraham days earlier, which left the boy hospitalised and needing surgery.

The boy has no criminal record, and was not carrying a weapon, according to reliable sources. He has not been charged with any offence. <https://tinyurl.com/4ku3fnk3>



## Adults too, and staff, constantly abused

It's not only children who are mistreated in WA jails.

WAPol has launched investigation into an alleged recent assault at Bunbury Regional Prison in which an inmate suffered serious injuries in what appears to be a prisoners-on-prisoner attack.

There have also been allegations that female workers have been subjected to inappropriate behaviour from colleagues, described as inappropriate behaviour that was "too crude" to be made public. Sexual comments, solicitation, stalking, assaults...the list goes on, and that's just staff-on-female staff. <https://tinyurl.com/2zwj87ts>

## ODD SPOT: Inside jails: prices up, products shrink

"As I was incarcerated during the start of the pandemic (late 2019 – 2021) I saw prices rise and products shrink. For example a block of cheese was reduced in size, eggs were removed, meat prices went through the roof and personal hygiene like shampoo, toothpaste and shaving cream became unaffordable for many prisoners. The average income of a prisoner in WA is about \$26 a week. If they are lucky enough to have a job. A packet of tobacco costs \$55+. For many inmates luxuries such as a fan, a kettle, a cup, a doona and proper pillow, personal underwear, a warm jacket, a beanie, are unaffordable unless you have extended family/friends financially supporting you from the outside. An update from WA inmates now would reveal worse developments I reckon." – from a former prisoner

**LATE NEWS:** The WA government will install air conditioning in every cell at Roebourne jail in the Pilbara, after years of pressure from activists over inhumane conditions. But inmates will have to suffer at least one more summer – and maybe two – of 50C degree temperatures: installation won't happen until the 2023-2024 financial year. Roebourne town reached 50.5C on 14 January 2022. The jail is 42 years old, and its capacity is about 160, with usually about 80% of inmates are Indigenous. <https://tinyurl.com/2us89x6e>

## One man's murder started us on right track



The 50th anniversary last month of a hate murder that motivated South Australia to decriminalise homosexuality – the first state in Australia to do so – demonstrated we have not long emerged from the dark ages over personal liberties and privacy, and that we still haven't entrenched human rights legislation in all jurisdictions.

To celebrate the anniversary, the Uni of Adelaide renewed the lease on the grave of murdered law lecturer George Duncan for another 50 years.

Duncan, 41, was thrown into the Torrens River by a group of men in May 1972. Not knowing how to swim, he drowned. Suspicion fell on SA Police officers who were known to 'bait' homosexuals locally. No-one was ever charged over the crime.

While law about homosexuality gradually changed through Australia, we still don't have a Human Rights Act in SA or federally (or in WA, Tasmania, NSW or the NT). We still have a long way to go, CLA says. <https://tinyurl.com/bdd6mrz6>

## SA launches formal bid for state HR Act

SA citizens will formally launch their bid for a state Human Rights Act (HRA) on International Human Rights Day, 10 December.

Their statement will be issued jointly by the Rights Resource Network SA, the SA Council of Social Service and Australian Lawyers for Human Rights. The joint statement also aligns with the recently endorsed Law Society of SA policy position.

"We value South Australia's proud record of adopting socially progressive legislation," RRN Director Dr Sarah Moulds said. "We believe it's now time to consider the next chapter – a Human Rights Act that legally protects the dignity, security and interests of all South Australians."

The statement will be published in the media to mark the launch of the SA campaign. It will explain why the groups are calling for a HRA for SA:

- A Human Rights Act would legally articulate, protect and promote everyone's basic rights and freedoms.
- It would require the SA government and public authorities to place human rights at the heart of all laws, policies and decisions.
- It would also provide a powerful tool that all South Australians can use to seek justice if their human rights are violated.

- The ACT, Victoria, and Queensland have already passed their own Human Rights Acts. These laws have been benefitting people every day (for a total of 36 years) by upholding values like fairness, dignity, equality and respect. – source: email message from Dr Sarah Moulds.

## Queensland: taxpayers fork out for jailing failing

The number of adults locked in Queensland's prisons has soared 68% in the past decade...despite a Qld Productivity Commission report warning that prison building and annual costs would go through the roof if Qld failed to stop jailing people for minor drug offences.

There are 9476 people in Queensland adult prisons (2022 ROGS figures). Of those, 3278 (35%) are Aboriginal and Torres Strait Islander (ATSI) people.

As well, Qld has more kids behind bars than any other jurisdiction. They are locked up there at more than double the rate that they are in NSW or Victoria. ATSI people comprise 4.6% of Queenslanders: ATSI children (10 to 17) make up 63.6% of kids in jail.

They are locked up at 33 times the rate of non-Indigenous children. Adult Indigenous people in Qld are locked up at 14 times the rate of non-Indigenous people in Qld.

"This growth has not been driven by increased severity of offending or increases in crime. It has been driven by political, policy and legislative choices that end up funnelling many people unnecessarily into imprisonment." according to a report released in Nov 2022 by the Justice Reform Initiative. <https://tinyurl.com/ce8mbzw9>

The same report says that 32.6% – basically, a third – of prisoners are "on remand". That is, not yet convicted by awaiting their day in court. In 2013, the rate was 22%: this indicates the courts are clogged with cases stemming from 'law and order' rules and regulations, meaning court costs also will be going through the roof in future.

A young person in prison costs the state \$1880 each day and \$686,127 each year.

CLA says the state's taxpayers must demand their politicians stop playing 'law and order' games: it is costing more than \$700m a year.

The polities' Ponzi jail fraud, which is putridly redolent with racial hatred, is costing Qld people a fortune. The numbers are getting worse; the cost is multiplying;

## ODD SPOT: Would kilts cut crime in Qld?

Queensland has about 5.3m people: there are 9476 adults in prison: 32.6% of them are on remand.

Scotland has about 5.5m people: there are 7504 adults in prison: 25% of them are on remand.

<https://tinyurl.com/2977u7jy>

## Australian briefs

### Searching for a killer, or killers

Eve Ash's podcast series ***WHO KILLED BOB?*** exposes the wrongful conviction of Sue Neill-Fraser in Tasmania. 19 episodes, 3/4 million downloads! Sue was paroled in early October 2022, after 13 years in jail. "We continue to fight for an independent inquiry to uncover the truth and overturn the conviction," Eve Ash says. "36,450 have [signed a petition](#). Our TV series ***Undercurrent*** is now on [7+ in Australia](#)."

### Govt ban can't thwart top journalism award

An online publication actively blocked by the NT government, the *NT Independent (NTI)*, has won Best News Coverage at the 2022 NT Media Awards for the second year in a row. The awards, organised by the Media and Entertainment Arts Alliance, the Walkley Foundation and the Darwin Press Club, were judged by a panel of journalists and editors from major media outlets nationwide. *NTI* editor Christopher Walsh won the best news coverage (print/text) award, for his series on a government procurement scandal that was not properly investigated by the NT ICAC. "Walsh's skills as an investigative journalist and his determination to hold the government to account are both well demonstrated," the judges said. "The judges would like to acknowledge that he works with limited resources and is actively blocked from access to the NT government, which makes the work he produces all the more impressive."

### Wands waved...but not around parliament

The Queensland government's is extending a police trial of "wanding" powers for two years across 'safe night precincts' and public transport. The Australian-first trial started on the Gold Coast in May 2021, and resulted in almost 500 offenders charged. Some 16,800 people scanned at random on the Gold Coast

produced 197 “weapons”, including knives, knuckle dusters, a screw driver, and an axe. No “wandering” takes place at Parliament House, CLA notes. <https://tinyurl.com/ktmnhsc3>

### **Mission creep for road cameras**

A mobile number plate recognition camera will collect data on heavy vehicles using Adelaide’s South-Eastern Freeway down-track for four weeks, as part of the current safety review after a major accident. The National Heavy Vehicle Regulator is providing the cameras, which were originally promoted as being bought to cover speeding on freeways. Now their use is being extended for ancillary data collection. Surveillance mission creep continues unabated, CLA says. <https://tinyurl.com/bddtrh7c>

### **Legal centres gets funds to help mentally ill**

Selected community legal centres in Queensland have been granted extra money to help people with mental illness to access justice. Attorney-General Shannon Fentiman said six CLCs would share \$4.22 million funding over three years. They are: ADA Law \$450,000, Basic Rights Queensland \$2.106 million, Cairns Community Legal Centre Inc \$480,000, Caxton Legal Centre Inc \$480,000, Encircle \$224,000, and TASC National \$480,000.

### **One jurisdiction opts for ‘instant’ health info access**

The ACT introduced its own ‘digital health record’ last month, aiming to streamline patient treatments by making records and medical history instantly available across hospitals and community-based services in the territory. “This world-class system will replace more than 40 systems currently in use across the ACT public health system, allowing clinical staff to spend less time looking for critical medical records and more time looking after patients,” according to Minister for Health, Rachel Stephen-Smith. The system will be a useful test of privacy protections, CLA believes. <https://tinyurl.com/mr9rd632>

### **New law provides more transparent privacy protection**

NSW AG Mark Speakman said the state’s new *Privacy and Personal Information Protection Amendment Bill 2022* strengthens privacy protections for personal data. “The mandatory data scheme will require public sector agencies to notify the Privacy Commissioner if there is suspected data breach involving personal information likely to result in serious harm,” he said. The scheme will apply to all NSW agencies and departments, statutory authorities, local councils, and bodies whose accounts are subject to the Auditor General as well as to some universities. <https://tinyurl.com/yfhbrnf2>

## **CLA letters and other contributions**

### **More honesty needed...(for a long time)**

Dear sir: How about a bit more honesty? I believe that life is complex enough without having to try to sort out the truth from the mixture of truth, half truth, untruth, and smear served up by many politicians. I can’t say politicians are getting worse, but I do feel the morality of society generally is moving towards the idea of ‘get away with what you can.’

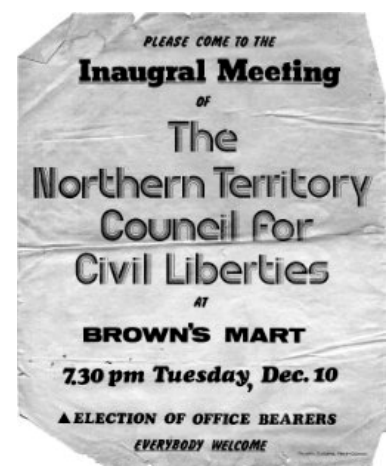
I’m no old fashioned moralist. I believe in the pursuit of happiness in one’s own lifestyle as long as it does not infringe on the rights of others. And one’s own happiness is related to seeing happiness develop in other people as well.

As a research scientist, I am by training and practice, endeavouring to be accurate. Inaccuracy in research negates it completely and may even be harmful. Playing indiscriminately with words and the truth can be just as dangerous, not so much for the politicians, but for the country they lead.

In case you haven’t run across much honesty lately, here’s one way to recognise it. Short, direct replies relevant to the question; an immediate admission of mistakes if any; and ability to say ‘I don’t know’; giving credit where credit is due.

– CLA member Robert Wesley-Smith, letter to *‘The New Darwin’*. 1/11/75  
(1975 is correct)

Robert W-S was one of the prime movers in forming the NT Council for Civil Liberties in 1974. The photo (right) shows a battered version of the A4 size flyer used to promote a launch event. For the full story of the fascinating NT launch events, see the *‘History’* page at [www.cla.asn.au](http://www.cla.asn.au)



## Some CLA activities for November 2022

CLA made a submission to the Australian Parliament committee inquiring into whether Australia's way of declaring war, under the War Powers Act, is the most appropriate; See [https://www.aph.gov.au/Parliamentary\\_Business/Committees/Joint/Foreign\\_Affairs\\_Defence\\_and\\_Trade/Armedconflict/Submissions](https://www.aph.gov.au/Parliamentary_Business/Committees/Joint/Foreign_Affairs_Defence_and_Trade/Armedconflict/Submissions) Submission No 65

Zoom meetings with:

Lesley Vick and Ken Davidson, Victoria, re Dying with Dignity and other issues; and V-P Margaret Howkins re the CCC report response (see below) and other WA issues, particularly jail and the mistreatment of juveniles; and

Attended webinar entitled the Kep Enderby Memorial Lecture, organised by the AHRC.

Meetings with:

- Former CLA V-P, now NZ Health's Therapeutic Drugs Policy manager, Tim Vines (photo) (after he gave his final presentation at ANU before the – expected – awarding of his PhD on the topic of biosecurity and health);
- Interested parties re the Caucus briefing on a Human Rights Act for Australia, postponed to early 2023;
- Equality Rights Alliance convenor, Helen Dalley-Fisher and Toni Hassan; and
- President Australian Human Rights Commission, Emeritus Prof Rosalind Croucher.



### WA

In the West,

- CLA V-P Margaret Howkins prepared a detailed analytical report on the WA government's response to the parliamentary inquiry's report – entitled *'If Not The CCC, Where?'* She critiqued the key recommendations of the report, and the government's response, highlighting where and how CLA believes much more needs to be done than has been promised,
- CLA in WA received a request from Amnesty International to use filmed material from our doco: *Trauma: Rights & Remedies*. (Doco credit to cinematographer and CLA member Simon Akkerman). The documentary has travelled widely and initiated other recent 'activist' anti-incarceration docos such as the excellent and complementary *4 Corners* contribution.
- V-P Margaret Howkins was invited to WA4HR Webinar on 23 Nov to see Aboriginal Legal Service WA managing solicitor Alice Barter and Prof Manfred Nowak, the UN Special Rapporteur on Torture 2010, discussing the shocking repercussions for communities worldwide and in WA of keeping children in detention. Police culture in WA must change radically and fundamentally, and as well government resourcing for Aboriginal-led programs and more and sufficient housing and health care must be prioritised.

### SA:

Launch of the SA campaign for a Human Rights Act scheduled for 10 Dec 2022, International Human Rights Day. See item earlier in this newsletter.

### NT:

CLA is continuing its dialogue with the Attorney-General's Department re the possibility of introducing a HR Act in the NT in 2023.

### Tas:



A motion was due to be debated in the Legislative Council on 22 November, urging the government to *"consider marking the 75th Anniversary of the Universal Declaration of Human Rights by initiating consultation on a Human Rights Act for Tasmania"*. Meg Webb MLC (photo) tabled the motion: see under 'Notices of Motion at <https://www.parliament.tas.gov.au/lc/pdf/lcnote.pdf>

A rally in support of a Tas HR ACT was scheduled for Saturday 26 November at 2pm on the Parliament Lawns.

And, at long last, the Tasmanian Law Reform Institute is soon expected to release a new report on human rights in Tasmania. Fifteen years ago a TLRI report said that human rights protection in Tasmania was *"partial, disconnected and inaccessible"* and that a Human Rights Act was needed to ensure protection of human rights for Tasmanians.

## **INTERNATIONAL**

### **Ever had a feeling you've been digitally robbed?**

A New Zealand spy agency has admitted it retrieves information directly from computers – that is, yours, mine, business or government...anywhere. If they can, and do, so also can Australian spook groups.

The NZ "computer network exploitation" operations had been a classified secret.

"Our legislation ... allows us to access information infrastructures, which is more than just interception," the director-general of the Government Communications Security Bureau of NZ, Andrew Hampton, told the Institute of International Affairs. It "also allows us to retrieve digital information directly from where it is stored or processed".

The GCSB calls it "accessing information infrastructures". US commentators refer to computer network exploitation as a form of cyber warfare, or the "theft of data".

The NZ spy watchdog, the Inspector-General of Intelligence and Security, Brendan Horsley, cited Hampton's speech earlier in 2022 for making the revelation. The speech had freed Horsley to claim that the exploitation operations were scrutinised, he said in his annual report released last month. <https://tinyurl.com/2d25xnvf>

### **Water right dictates long-term approach and investment: NZ**

NZ is pondering the rights and wrongs – and costs – surrounding the human right to water.

The NZ govt has proposed a Three Waters Review to look at how to improve the regulation and service delivery arrangements of drinking water, wastewater and stormwater – the three waters – to better support NZ's environment, health, and safety.

The cost of a future-proofed three waters service will be between about \$100 billion to \$50 billion nationally, over and above already planned investment, over 30 years. The job is too big for local councils, who basically run existing systems.

Some 20 years ago, the UN Committee on Economic Social and Cultural Rights first affirmed that water was a human right, according to Associate Prof Nathan Cooper at the Uni of Waikato, writing in *The Conversation*. He warns that, with so much money and power at play, private sector entities may be tempted to take control. <https://tinyurl.com/bu33yxvu>

The Kiwi debate appears to be a forerunner of an even bigger debate needed in Australia, CLA notes.

### **Courts fail to adapt to digital age**

The Justice Committee, comprising British MPs, has called for a "renewed focus" in the court system to remove barriers to the media and the public attending court proceedings.

A committee report says that the court system needs to do more to support open justice in the digital age, and calls for more work to be done to support digital platforms to cover court decisions.

The report considered how the decline in print media had made it harder for people to see how the justice system operates in their areas. Where print media used to have court reporters covering local cases, many regional titles have been shut down or are no longer able to employ a dedicated reporter.

The committee argued that digital media had so far failed to fill this gap. <https://tinyurl.com/yjjxrkjy>

### **Spyware sale to be banned:**

Greek PM Kyriakos Mitsotakis will pass a new law to ban the sale of spyware, after news outlets claimed his government was surveilling dozens of prominent politicians, journalists and businessmen.

Judicial authorities have begun an investigation.

The move follows a scandal which began some months ago, when PM Mitsotakis conceded that Greece's state intelligence service had been monitoring an opposition party leader with traditional phone tapping in 2021.

The politician had discovered that he had also been targeted with a spyware program known as Predator. Predator is a cheaper surveillance tool to Pegasus, the Israeli-developed top of the range for spooks,

The Greek government said the phone tapping was legal but never specified the reasons for it. Mitsotakis said it was done without his knowledge. The government claimed it does not own or use Predator spyware, and has insisted that the simultaneous targeting with a phone tap and Predator was a coincidence.

Among those allegedly targeted are the finance minister, the foreign minister, two ex-ministers of civil protection, the development minister, the labor minister and the tourism minister, along with their spouses,

as well as already known targets like the opposition Pasok leader Nikos Androulakis and journalist Thanasis Koukakis.

PM Mitsotakis said in a televised interview: “We will be the first country to tackle this problem and enact legislation that will explicitly ban the sale of such software in our country. No other country has done it. All countries have the same problem.” <https://tinyurl.com/5bwrp8bt>

## **AI decides whether you can play, instantly**

Instagram is insisting on verification of the age of users in the UK and EU as part of a safety update.

Anyone who tries to edit their date of birth on Instagram from under 18 to over 18 must verify their age by either uploading their ID or record a video selfie to be analysed by age estimation technology, presumably based on artificial intelligence algorithms.

What could go wrong? CLA observes.

Online safety campaigners have been calling for age verification to become mandatory online to protect children from inappropriate and potentially harmful content.

Instagram’s age estimation system will use the UK firm Yoti, which specialises in the technology. After a user records their selfie it is shared with Yoti, whose technology examines facial features and then estimates an age for Instagram.

They two entities claim that Yoti’s technology is not facial recognition and therefore cannot identify or recognise anyone – only estimate the age of the face it is shown. <https://tinyurl.com/mvn2rjen>

## **US agrees to limit prying on EU citizens**

President Joe Biden has signed an order to limit American national security agencies ability to access people’s personal information as part of a transatlantic data sharing agreement with the European Union.

The order creates a new body in the US Department of Justice to oversee how American national security agencies are able to access and use information from both European and US citizens, *Politico* reports.

It will also give new powers to the civil liberties protection officials within the US Office of the Director of National Intelligence, a body that oversees agencies’ work, to investigate possible breaches of people’s privacy rights. <https://tinyurl.com/mu4mpe34>

## **NZ may lower voting age to 16**

The NZ parliament will consider changing the voting age to 16, after a supreme court ruling that the existing lower limit of 18 was discriminatory and breached the human rights of young people.

Under the law, if legislation is declared by the court to be inconsistent with the country Human Rights Act, the Attorney General must formally notify the parliament, and legislators and the AG must respond.

Changing the electoral law will call for 75% approval.

A campaign under the name Make It 16 in NZ began about three years ago, after school strikes for a better response to the future effects of climate warming mobilised teenagers.

Brazil, Cuba, Austria and Malta have voting ages of 16 and up. In Scotland, 16-year-olds can vote in elections for the Scottish parliament, but not the UK general elections.

The NZ Human Rights Act sets 16 as the age from which actions may be discriminatory, so the court noted its decision would apply only to those 16 and up – it doesn’t mean people of all ages, including infants, should have the right to vote. <https://tinyurl.com/2ahek8pm>

## **International briefs**

### **Prisons committee holds Oz to account**

The OPCAT committee of the UN (the one that inspects prisons unannounced to ensure they are not torturing or otherwise interfering with the human rights of prisoners) has received Australia’s report on how we say we are doing...and asked some pertinent questions: <https://tinyurl.com/2fpuwxy>

### **Google finds its way around location problems: cash splash**

Google will pay 40 US states more than \$600m to settle allegations that it collects data from users who opt out of location services on their devices. It is the largest privacy-related multi-state settlement in US history. In October, Google agreed to pay Arizona \$125m over similar issues concerning how it collects location data. There is one outstanding case still in the US courts, after Texas, Indiana, Washington and the District of Columbia took legal action against Google in January. If advertisers know someone’s location, they can

target products more precisely. Location services help Google generate about \$300 Billion in annual advertising revenue. <https://tinyurl.com/2uz5bph5>

## Crime solving drops as police become social workers

Police spend too much time taking care of societal problems and are not tackling enough crime, the UK lead for neighbourhood policing says.

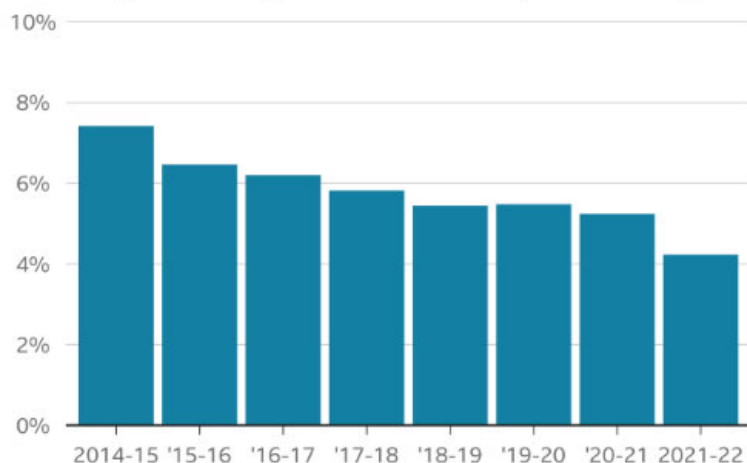
Chief Constable Olivia Pinkney says officers can spend half their shifts working on behalf of other services. Crime victims are being "failed" and the criminal justice system is now in "crisis", she says.

Pinkney is chief constable of Hampshire and the Isle of Wight Constabulary. She wants all officers freed from attending incidents that "are not for the police service to lead upon".

On average, she says officers attend 54 mental health incidents every hour and spend three hours waiting with people before health professionals then take over. <https://tinyurl.com/4ydt2ynj>

## Burglary charge rates since 2014-15

Percentage of all burglaries in which a suspect was charged



Source: Home Office

BBC

## 'Military academies' answer to youth crime: National Party

The leader of the National Party in NZ, Christopher Luxon, last month announced the party's youth crime policy for the upcoming election, which includes creating a new criminal category for children 10 to 17 who committed serious crimes like ram raids and armed burglary more than once. They would be sentenced to electronic monitoring like ankle bracelets, or community service – or, for those aged 15-17, being sent to new military academies. Left-leaning parties were outraged at the idea of such boot camps, saying they had been tried by the National Party before and all the evidence showed they did not work. The next election must be held by 13 January 2024. <https://tinyurl.com/57efe6jt>

## DATES

### 2022

**1 Dec 2022, Brisbane:** All-day forum on OPCAT at Qld Multicultural Centre, 102 Main St Kangaroo Point. Info: [public.advocate@justice.qld.gov.au](mailto:public.advocate@justice.qld.gov.au) 9.15am–4pm

**9 Dec, Australia:** Release of the Australian Human Rights Commission 'Fair and Equal' report

**9 Dec, Sydney:** Annual Australian Human Rights oration, Prof Larissa Behrendt, Uni Technology Sydney, and announcement of 2022 national human rights award winner. <https://humanrights.gov.au/>

**10 Dec, World:** International Human Rights Day

### 2023:

**28-30 Sept, Gold Coast Qld:** Aust. Bar Association annual conference Theme: rule of law. Info: <https://austbar.asn.au/>

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*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 26 November 2022.

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