

On hold! Action kicked three months down road

HUMAN RIGHTS SPECIAL

A major announcement, expected in December 2022, failed to emerge due to an end-of-year scramble to pass laws just before federal parliament shut down for two months summer holiday.

The Australian Human Rights Commission was expected to reveal its 'Free & Equal' report on 10 December 2022, international human rights day, and to propose a federal rights act for the nation.

It is apparently a mammoth work, with reportedly close to 400 pages exploring why Australia is the only major western country without a national Human Rights Act. The summary alone is said to be 40 pages.



Produced under the stewardship of Prof Rosalind Croucher (photo) as president of the Australian Human Rights Commission, the report refines four recent years of national consultation held since 2018.

It is said to offer the chance to change the way we think, of altering Australia's culture for the better, so that all federal people in authority would have to consider people's human rights before making a decision.

The recommended approach is based on the Australian Parliament retaining control over the rights agenda, under a "dialogue" model where courts refer inconsistencies in approach back to elected MPs to make the final decision. That approach does away with criticism of giving too much power to "unelected" judges.

Now due for formal handover to Attorney-General Mark Dreyfus in February 2023, it will provide him with the opportunity to shape a better Australia for the usually silenced and easily dismissed lower echelons of society in their battles with the national bureaucracy, from Centrelink to Veterans' Affairs for example.

CLA helps provide model for Australia

For three years, Civil Liberties Australia (CLA) has been working behind the scenes to prepare for the best chance for a decade and a half to secure a federal Human Rights Act.

Back in 2020, as soon as a Labor-Greens or Labor federal election win in 2022 seemed possible, CLA began active consultations, briefing and backgrounding on the need for a federal HRA. Under a Coalition government, there was no chance of a HRA.

It was important to provide the best HRA model for the federal parliament to consider. Working with community groups, CLA secured two breakthrough additions of principles to the first HRA in Australia, that of the ACT in 2006.

In October 2022, the ACT Legislative Assembly agreed to implement the concept of 'No Right Without Remedy'.

In 2023, the ACT will pass a law so that every provision of the ACT HRA can be taken to the ACT Human Rights Commission for conciliation if there is a dispute (currently, only discrimination provisions have that option).

In 2024, the ACT plans to widen the appeal option, so that anyone who believes a right has been infringed will be able to follow an unsatisfactory conciliation process with an appeal to the ACT Civil and Administrative Tribunal (ACAT). ACAT will be able to issue a legal ruling on the dispute.

NACC and FHRA create ethical infrastructure for the nation

Civil Liberties Australia believes a federal Human Rights Act (FHRA) will form a foundation, with the National Anti-Corrupt Commission, the NACC, to rein in excesses at both ends of the public spectrum.

The new NACC will restrain federal politicians and corporate advantage-seekers at the big end of town and the sometimes careless but fortunately relatively few public servants who make unconscionable decisions if there is any corruption involved, financial or otherwise. Such "public" decisions in recent years have included Robodebt financial rules, COVID pandemic aged care family-exclusion lockdowns or restricting people's travel, for the masses at the other end of Australian society.

CLA believes that a cornerstone of an Australian Human Rights Act "with teeth" would be that any person's right that was ignored or abused would provide the opportunity for a simple, quick and cheap remedy. The

remedy could be conciliation through an existing commission, or quick access to a tribunal or magistrates court for speedy resolution of issues. For very serious matters, federal court action would be possible.

CLA, working with other community groups, has helped create such a legal model. The ACT government has formally adopted the principles involved for introduction through new legislation in 2023 and 2024.

The Croucher Free & Equal report is a direct descendant of the Brennan inquiry in 2008-9 which held more than 66 public community roundtables throughout Australia and received 35,000 submissions. Croucher's consultation has also been exhaustive over more than four years: see below.

Brennan laid the foundation bricks...

Frank Brennan, the highly qualified law lecturer and Jesuit priest from one of Australia's most distinguished legal families, chaired the national human rights consultation committee throughout 2009.

Other members of the 2009 committee were former AFP Commissioner Mick Palmer, the journalist and former SBS news presenter Mary Kostakidis, and First Nations legal academic Tammy Williams (front). The highly esteemed former DFAT secretary, UK High Commissioner and intelligence agencies inquiry commissioner, Philip Flood, was an alternate member.

Photo shows Williams, Kostakidis, Palmer and Brennan (at rear) in 2009.

Their human rights inquiry has been described as "the most comprehensive public consultation of its type in the nation's history".

They unanimously recommended – 15 years ago – that Australia should have a Human Rights Act.

But the Labor government of 2009 decided on a "human rights framework" instead. It was pointed out to them at the time that a "framework", such as for a house, "is a collection of material with more holes than substance, and through which winds blow hard, the rains fall, and people are left out in the cold".

The 2009 framework included expanding a now-virtually-defunct group in the Attorney-General's Department, instituting a parliamentary committee which is unable to review in a timely way about half the questionable bills put before parliament, and bringing in a requirement for what has become a formularised statement that bills presented to parliament are human rights compatible. The problem is, many are not.

...Croucher adds the sides and roof

For Dreyfus, the 'Free & Equal' report is an opportunity to provide the supporting structural elements for further improving the basic foundations of Australian society.

Not every Attorney-General gets to stamp his name on a slice of historic, nation-shaping law. But AG Dreyfus has the chance to do just that, even as he helps fulfil a core promise of his leader made on one of those rare, sacred occasions where rhetoric sometimes runs away from reality.

As the brand new Australian Prime Minister, Anthony Albanese, said in his acceptance speech in May 2022: "I want to find that common ground where together we can plant our dreams. To unite around...our shared values of fairness and opportunity".

Croucher and crew have provided the blueprint in the 'Free & Equal' report to live up to Albanese's words.

What Whitlam left to be done...

"In Manning Clark's words, (Prime Minister 1972–75 Gough) Whitlam was an enlarger, not a straitener. Keating once called him Fabius Maximus. Hawke called him Prima Donna Assoluta. He is the only former prime minister with a prominent rock band named after him. But he was always looking to do more. The to-do list he left us includes a republic. A human rights bill. Fixed four-year terms. More work on the reconciliation journey," Dr Andrew Leigh MHR – <https://tinyurl.com/mr3hjb4p> Leigh is the Federal Member for Fenner, ACT. andrewleigh.com.

Newer consultation focuses on fine points of implementation

Consultation since the 'Free & Equal' project was announced by the Australian Human Rights Commission in December 2018 has included:

- the release of a four issues and discussion papers;
- considering 166 submissions;
- a national conference on human rights, 'Free and Equal', with 400 participants;



- a visit and conduct of technical workshops with the UN High Commissioner for Human Rights, and
- a series of 72 roundtables, technical workshops and stakeholder consultations with 650 participants.

Over the four years, the project will have released three significant papers – two position papers on key reform priorities (one on federal discrimination laws, and one of the human rights issues that those discrimination laws are unable to address) – and the final ‘Free & Equal’ report of 2023.

Outcomes likely to achieve culture, access and law changes

The outcome of the ‘Free & Equal’ report is expected to be a reform agenda for federal discrimination laws by making 38 recommendations, across four major reform areas:

- a. creating more rights awareness, and so building a preventative culture;
- b. modernising the rules around rights and how they are provided;
- c. ensuring better access to justice if there’s a breach of rights; and
- d. making the rights laws and regulations work better.

Australians will have comprehensive rights cemented in place

From earlier AHRC discussion papers, their proposed rights reflected in our federal laws would include:

- a legally-reviewable guarantee of fairness in government, and of legal and administrative decisions that affect rights;
- priority to respecting and protecting human life;
- freedoms curtailed during the COVID phase, such as to speak, create, protest, travel and organise;
- being free to follow your own beliefs, values and ideals;
- making personal choices without interference, coercion or surveillance, including about medical and family life;
- safeguards against being treated cruelly, or with unjust court processes, and no arbitrary detention;
- a baseline agreement for a dignified life – access to community healthcare, housing, education and work; and protections against homelessness, hunger and poor working conditions;
- equal treatment and respect, regardless of sex, gender, sexuality, disability, age, nationality, race or religion;
- embedding of supports to make sure people with disabilities can enjoy full autonomy;
- recognising and respecting self-determination of First Nations peoples;
- prioritising the interests of children in decisions that affect them; and
- opening up how disadvantaged, disenfranchised and vulnerable people and groups can participate more fully in the Australian democracy.

Parliament fails to safeguard human rights

A new report exposes the failure of the federal parliament in the 2019 –22 term (ie, the ‘last’ parliament) to fulfil its promise to properly consider human rights before voting on legislation.

The report, authored by RMIT Law academic Adam Fletcher (photo) and commissioned by the Human Rights Law Centre, highlights that 60% of legislation with human rights concerns was made into law with no review completed by the Parliamentary Joint Committee on Human Rights.

The report details 43 out of 72 pieces of legislation passed in the 2019 – 2022 parliamentary term before human rights scrutiny could be completed, including:

- extending the cashless debit card in 2020;
- creating a mandatory ‘unique student identifier’ for tertiary education students in 2020; and
- the India travel ban delegated legislation in 2021.

The report recommends legislating a HRA, or “Charter of Human Rights”, so that human rights must be considered when making Australian laws. It also calls for changes to parliamentary procedure to ensure there is proper parliamentary scrutiny before Parliament votes on proposed legislation. <https://tinyurl.com/yc2enn4a>



Ends HUMAN RIGHTS SPECIAL

Those in power cause major injustices and wrongful convictions: FTD

The scourge of the Australian 'justice' system is the failure by the various state authorities (such as forensic bodies), police forces and offices of the directors of public prosecution to obey the law.

Repeatedly, in major case after major case over the past two decades, it has been their Failure To Disclose (FTD) information to defence lawyers that has caused miscarriages of justice. They fail to disclose information they are required to disclose mandatorily, by the law and by legal custom.

Just three examples – Mallard in WA, Keogh in SA and Eastman in the ACT – account for 50 years of people wrongly convicted being locked behind bars. In just those cases, the local taxpayers have been forced to pay out more than \$13 million in compensation.

Civil Liberties Australia is part of a reform group aiming simply to force people in power to obey the law: you can read in detail about FTD failings on the CLA website in articles by legal academic and fighter for justice in courts, Dr Bob Moles, and by CLA CEO Bill Rowlings: www.cla.asn.au

Bromley, 38 years in jail, about to get his day in (the High) Court

Derek Bromley, who remains in jail as a First Nations man convicted in 1984 (repeat, 1984) of murder in relation to a body found in the River Torrens in the Adelaide CBD area, will in 2023 get a chance to prove he should never have been found guilty, should never have been in jail.

The complicated appeal case depends on new medical findings about how reliable was evidence given by a man formally diagnosed with schizophrenia: new medical knowledge indicates such evidence can not be relied on unless corroborated independently.

If the High Court rules that is the case, the core evidence against Bromley fades away, because there was no requisite unchallenged corroboration.

The High Court will also have to rule on the appeal as to what comprises "the interests of justice" under the new second and subsequent appeal provisions passed in SA, Tasmania, Victoria and Queensland, and expected to pass in the ACT soon.

Bromley could have been out of jail about two decades ago...but has always refused to admit guilt and show "remorse", which is a prior requirement to being granted parole in SA.

The formal ruling by the High Court on Bromley's special leave to appeal application was:

KEANE J: (T)he application for special leave to appeal will be referred to consideration by a Full Court, that consideration being limited to the ground whether the fresh psychiatric evidence is compelling within the meaning of section 353A(1) *Criminal Law Consolidation Act 1935* (SA), and whether it was in the interests of justice that it be considered on an appeal.

– <http://www.austlii.edu.au/cgi-bin/viewdoc/au/cases/cth/HCATrans/2022/158.html>

Law Council wants jailed people to have 'basic right'

The Law Council of Australia wants jailed offenders against federal laws to have the basic right of having parole applications considered transparently and accountably by an independent federal statutory body.

"Once a federal offender is sentenced, responsibility for determining parole shifts to the executive branch of the government," LCA President, Tass Liveris, said last month.

"It is appropriate for the government to decide the parameters and criteria for granting parole. We do not feel it is in the best interests of the community for ministers to make decisions on each individual parole application.

"An independent parole authority should determine whether the facts of a parole application make a person eligible under the set statutory criteria. This addresses the risk of perceived political interference in parole decisions and brings the federal process in line with state and territory jurisdictions." <https://tinyurl.com/yvn2rx7m>

New tribunal to emerge with merit appointments rather than 'stackees'

AG Mark Dreyfus has announced he will reform Australia's administrative review system.

He is abolishing the Administrative Appeals Tribunal (AAT) to replace it with a new federal administrative review body. Changes will include a transparent, merit-based system of appointments, Dreyfus says.

A taskforce within the AG's department will implement the reform. Judge Susan Kenney has been appointed acting president of the AAT to oversee the reforms. <https://tinyurl.com/45m68mxv>

The change comes after the previous two Coalition governments and AGs stacked the AAT with Liberal and National Party time servers, including many seemingly without appropriate qualifications and at least a few strongly likely to have failed any “merit-based” assessment.

Attorneys-General return to focusing on future law reform

The Standing Council of Attorneys-General (SCAG) of Australia has returned to a more prominent role in the nation’s progressive legal affairs under federal AG Mark Dreyfus.

It had become an almost moribund organisation over the previous decade, with more emphasis placed on policing, jail, enforcement and punishment rather than on better laws.

SCAG’s report of its meeting in December 2022 indicated it:

- agreed to draft uniform model legislation during 2023 for a national access scheme for digital records after death or incapacity.
- agreed to developing proposals for Enduring Power of Attorney law reform and a better way to provide a national register of EPAs. SCAG will consider new internal papers on the issues before public consultation, probably from late 2023.
- decided to prepare more harmonised shield laws for journalists to be able to protect their sources.
- seemed likely to fully implement the national commitment to independent UN human rights inspections of jails and jail-like facilities in Australia – called a National Protective Mechanism – under the Optional Protocol to the Convention Against Torture (OPCAT). and
- foreshadowed a near-total ban on using spit hoods. <https://tinyurl.com/3aafz4xm>

Model defamation laws to roll out in 12 months

SCAG has basically agreed to new model defamation laws, starting on 1 January 2024, which have largely been developed by NSW. These cover mainly internet-related and online publications.

During 2023, it will consider a second stage of reform, led by Victoria. This may see absolute privilege extended to cover reports of alleged unlawful conduct to police and other entities including statutory investigative bodies and professional disciplinary bodies.

Once the first and second reform stages are introduced, there will be a total review at the three-year mark.

‘Justice’ system to be improved for sexual assault victims

SCAG said formally that all Australian AGs were committed to improving the experiences and outcomes for victim and survivors of sexual assault in the criminal justice system.

“This will continue to be a priority for participants over the coming year, and over the course of the *Work Plan to Strengthen Criminal Justice Responses to Sexual Assault 2022-2027*,” SCAG’s December 2022 communique said.

ODD SPOT: Hewson: Former PM hard of hearing over ‘The Voice’

“Howard’s intervention boils down to a traditional referendum strategy for the ‘No’ case, namely, obfuscate, push endlessly for more detail, and in the end advocate a ‘No’ vote, on the grounds that ‘if you don’t understand it, don’t vote for it’.”

– former Liberal leader John Hewson (photo) writing on former PM John Howard’s opposition to The Voice to Parliament referendum in *The Saturday Paper* (28 Nov to 2 Dec 2022 issue)



Snapshot of Australia propensity to lock people up

Australian Bureau of Statistics data shows that in the September quarter of 2022:

- There were on average 40,907 people incarcerated in Australia.
- 37% of adults imprisoned in Australia are unsentenced (that is, awaiting their day in court).
- More than 31% of people jailed are First Nations.

Australian Institute of Health and Welfare reporting shows that in 2022:

- There were on average 818 children imprisoned in Australia every night.
- 78% of this group of children were unsentenced.
- 56% of the children incarcerated are First Nations.

– source: Justice Reform Initiative <https://tinyurl.com/2jfr7zrd>

Jails ready to burst: prepare to pay more in taxes

CLA points out that jails throughout Australia are at bursting point.

Either taxpayers will have to fork out tens of billions of dollars over the next decade to build more jails, or a way needs to be found to lower prisoner numbers.

The number of people jailed can be reduced dramatically by decriminalising minor drug offences, like smoking cannabis, and by police forces not targeting First Nations people, particularly juveniles.

“Locking up and throwing away the key” costs more than \$100,000 per adult prisoner per year, and around \$300,000 per juvenile prisoner per year, CLA notes.

More nations call for end to death penalty

The UN General Assembly last month, by a nearly two-thirds vote, adopted a resolution that unequivocally calls for all countries to establish a moratorium on executions with a view to abolishing the death penalty.

“Australia and Costa Rica are deeply proud to have led negotiations on the resolution in 2022, the 15th anniversary of its first adoption, Australia’s Foreign Minister Penny Wong said. “We oppose the death penalty at all times for all people. This is a matter of human rights and the inherent dignity of every human being. There is no evidence that capital punishment deters crime.”

Some 80% of countries have abolished the death penalty, or no longer apply it. <https://tinyurl.com/mrtp78k9>

Refugees likely to get permission to stay

The federal government is expected to allow 19,000 refugees to stay permanently in Australia, with the right to social security and reunion with family members, Paul Karp reported in the *Guardian* last month.

Those affected would be people on temporary protection visas (TPVs) and safe haven enterprise visas (SHEVs) who reached Australia by boat before 2014. For more than a decade, they have lived in uncertainty without being able to plan, he said.

Immigration Minister Andrew Giles was expected to make the announcement early in 2023.

Even so, Karp wrote, independent federal MP Kylea Tink and refugee advocates were worried 12,000 other refugee people in the “legacy caseload” would remain on bridging visas. <https://tinyurl.com/6pmz6etb>

ODD SPOT: 8e% want a vote on going to war: pollies refuse

A federal parliament committee is reviewing the way Australia decides to go to war, what role the Australian Parliament plays, and how well or otherwise the Australian people are informed. Here’s some info:

The war in Afghanistan from 2001 to 2021 cost Australia \$10 billion. Australian involvement in Iraq, projected at \$700m in 2003, rose to more than \$5 billion in 2021. In September 2020 a Roy Morgan poll found that 83% of respondents believed parliamentary approval should be required (before Australia gets involved in war or warlike activities). However, the major political parties are refusing to budge on the issue. – Alison Broinowski, writing in *Michael West Media*: <https://tinyurl.com/3kv9jyax>

Whistleblowing reforms begin

The Public Interest Disclosure Amendment (Review) Bill will implement key recommendations of the 2016 review of the Public Interest Disclosure Act by Philip Moss (the Moss review) and parliamentary committee reports, according to AG Mark Dreyfus speaking in parliament in late November.

The new law “would deliver immediate improvements to our public sector whistleblowing scheme. These reforms are long overdue. The bill is only the first stage of reform to restore the Public Interest Disclosure Act to a best-practice whistleblowing framework.”

A second stage of reform will involve public consultation on:

- further reforms to address the underlying complexity of the scheme and provide effective and accessible protections to public sector whistleblowers, and
- a discussion paper on whether there is a need to establish a whistleblower protection authority or commissioner.

The aim was “to ensure Australia has a best-practice scheme,” Dreyfus claims.

– HoR Hansard 30 Nov 2022 p74 Dreyfus

Privacy breaches to cost more

A new privacy law is about to increase penalties for repeated or serious privacy breaches, AG Mark Dreyfus told an international privacy conference late last year.

The new law – Privacy Legislation Amendment (Enforcement and Other Measures) Bill 2022 – would protect data in four ways, he said.

First, maximum penalties under the Privacy Act for serious or repeated privacy breaches were to rise from the current \$2.22 million to whichever is the greater of:

- \$50 million;
- three times the value of any benefit obtained through the misuse of information; or
- if the value of the benefit cannot be determined, 30% of a company's adjusted turnover in the relevant period.

Second, the Australian Information Commissioner would have increased powers to resolve privacy breaches and quickly share information about data breaches to help protect customers.

Third, the Notifiable Data Breaches scheme would in future ensure the Information Commissioner has comprehensive knowledge of details of a breach to assess the particular risk of harm to individuals.

Fourth, the Information Commissioner and the Australian Communications and Media Authority would be able to share information to promptly minimise harm to Australians.

As well, there was a comprehensive review of the Privacy Act under way by the Attorney-General's Department for a report to government by the end of 2022, he said. <https://tinyurl.com/ynuznbua>

Greater court delays mean more prisoners on remand

The COVID-19 pandemic has disrupted the operations of criminal courts.

In the year to June 2022 NSW criminal courts finalised 131,610 court appearances; this is 6% fewer than in the previous 12-month period and 6% fewer than before the pandemic (2017/18 and 2018/19).

For the year to June 2022 the Local Court finalised 11,617 defended hearings. This was 29% fewer than in the year 2018/19 (n = 16,699).

As a consequence, time to justice for defended hearings in the Local Court has risen significantly. In 2021/22 the median time to finalise a defended hearing in the Local Court rose to 279 days from arrest to finalisation; this is an 82 day increase from median time to finalisation in the year 2018/19 (198 days).

About a third of defended hearings in the Local Court are domestic violence-related. For domestic violence related defended hearings time from arrest to finalisation rose from 160 days in the year 2018/19 to 271 days in 2021/22.

– Jackie Fitzgerald, ED of BOCSAR E: bcsr@justice.nsw.gov.au Report: or www.bocsar.nsw.gov.au

CLA points out that slower court throughput means more people in jail on remand...which means more prisons have to be built.

Prison inmates suffer record overcrowding

Darwin's adult prison at Holtze reached record crowding levels — with 1221 inmates to its recently-claimed 1174 beds — in July 2022, just eight years after it was opened.

The prison used mattresses on cell floors to cope.

But the overcrowding problem is expected to ease after the government abolished some of the mandatory sentencing laws introduced over decades after “law-and-order” election promises.



Alice Springs lawyer Russell Goldflam (photo) said the mandatory sentencing regime had "comprehensively failed" since the laws were brought in more than two decades ago. "Offending has gone up, imprisonment has gone up, crime has gone up, and sentencing has gone up," he said.

Attorney-General Chansey Paech said the latest reforms allow courts to refer offenders to existing rehabilitation services, like drug, alcohol and domestic and family violence programs, rather than creating a "revolving door" into prisons.

The government's changes also provide two new sentencing orders for judges, which allow for corrections orders to be served in communities under supervision, with a focus on changing behaviour to reduce repeat offending. The news laws will be delayed for at least six months until those programs are in place. <https://tinyurl.com/mrxmxy4w>

Note: the official website says the Darwin Correctional Centre – Holtze jail – “has 1048 beds for both male and female of all security ratings” (sic).

Prisoners gain life skills through uni-college study

The Batchelor Institute in the NT graduated about 130 prisoner students from Darwin and Alice Springs jails recently under programs run jointly with NT Correctional Services.

The prisoners gained qualifications in areas such as access to vocational pathways, visual arts, furnishing, supply chain operations, and workplace skills as well as first aid and CPR, forklift licences and White Cards.

A number of students were recognised for achievements in food safety, food handling, and coffee making in collaboration with Karen Sheldon Catering, while several students also completed streetwise first aid in conjunction with the Australian Red Cross. <https://tinyurl.com/4rfhs38r>

Forensics gets boost after being pilloried in commission of inquiry

Queensland will provide an initial investment of more than \$95 million to establish a new framework to drive significant reforms to DNA and forensic services as part of its response to recommendations from the Commission of Inquiry into Forensic DNA Testing in Queensland.

The money will be spent in establishing Forensic Science Queensland with an independent Board of Management and a Forensic DNA Science Advisory Sub-Committee to provide independent, expert oversight and ensure scientific integrity.

It will be established this month (January 2023).

Professor Linzi Wilson-Wilde OAM will be the interim CEO of Forensic Science Queensland. <https://tinyurl.com/ypyh9p99>

The inquiry commissioner, retired judge Walter Sofronoff, ruled that the number of criminal cases impacted by "grave maladministration" at the lab "cannot be quantified". Failures include a culture that was "ineffective at allowing scientific disagreement to be ventilated."

More than 120 recommendations were made to address "disturbing and troubling" issues.

Sofronoff said major issues at the lab persisted for years. He recommended that some major crime cases and sexual assault cases dating back as far as 2008 be reviewed to see if samples needed to be retested.

This could impact thousands of cases. <https://tinyurl.com/mscnsjk5>

Police fail to do their duties, so let there be more police

An inquiry into Queensland police (QPol) responses to domestic and family violence last month reported police culture allowed attitudes of sexism, misogyny and racism to flourish because "a failure of leadership" meant the culture went unchecked.

The findings – released on a Monday – were the most significant for QPol since the landmark Fitzgerald Inquiry in 1989, Ben Smee reported in the *Guardian*.

"But normal service had resumed by Wednesday: debate had shifted from the future of the police leadership, to furious political agreement about the need for more police officers," Smee wrote.

Human rights and anti-prisons advocate, Debbie Kilroy, the chief executive of Sisters Inside, summed up the response: "It was always going to be a case of who can get to the bottom of the barrel quickest in the law and order auction," she said. "Their own police force members gave evidence of systemic racism and what happens? The whole police system gets rewarded with another \$100m. Why would they ever change?"

"I'm not surprised, because it was always going to be the response by this government and any other government. They're captured by the carceral response – we're stuck in the cycle of more cops, more courts, more prisons. They cannot reimagine our community without the racial, gendered violence of policing," Kilroy said. <https://tinyurl.com/4b3th8x5>

ACT likely to permit legal assisted dying from 2024

The ACT will likely introduce the option of voluntary assisted dying in 2024, though the first stage of a wide consultation process will start in February 2023.

When the ACT government last surveyed Canberrans on the issue, in 2018, more than 80% of the population were in favour.

After the consultation process, the government will prepare a report on feedback during the consultation. The plan is to introduce a voluntary assisted dying bill to the ACT Legislative Assembly (ACTLA) in the second half of 2023.

A parliamentary committee would then review the legislation over a minimum three month period, before recommending its passage, or not, to the ACTLA. <https://tinyurl.com/y2a25xxs>

Greens want age raised for kids

The Greens used the first sitting day of the 60th Victorian Parliament last month to reintroduce a bill to raise the age of criminal responsibility from 10 to 14 and the opposition has created a shadow cabinet position to tackle the issue.

The premier, Daniel Andrews, suggested his government could go it alone on raising the age if his preferred approach – a national process – is not working.

The opposition leader, John Pesutto, said the Coalition would consider “all angles” in justice reform. <https://tinyurl.com/38md3fwm>

Women and children suffer disproportionately

Indigenous women are 13 times at greater risk of death after being released from prison compared to their counterparts in the general population, medical experts say.

Curtin University's Prof Stuart Kinner called the statistics an absolute tragedy and said more health-based responses were needed. He was speaking at the Yoorrook justice commission.

Indigenous people make up about 30% of the national prison population, despite comprising 3.2% of the population, according to government data. About 60-70% of incarcerated children are Indigenous.

The truth-telling inquiry, which is the first of its kind, is focusing on Victoria's criminal justice and child protection systems, including testimony from witnesses who are survivors of the Stolen Generations.

It will reconvene in 2023. AAP and <https://tinyurl.com/yd6xkv4f>

Australian briefs



Eastman gonged for human rights work

The Law Council of Australia has recognised NSW barrister Kate Eastman (photo) AM SC's distinguished career and commitment to addressing and preventing human rights injustices by awarding her the 2022 President's Award as an 'outstanding example to the Australian legal profession and to those who might seek to join its ranks'. LCA President Tass Liveris said. "For 30 years, Kate has been committed to providing pro-bono assistance for individuals in human rights cases. This has spanned representing Yazidi women trafficked into Syria, David Hicks during his time in Guantanamo Bay, asylum seekers, women experiencing sexual violence, children with disabilities seeking access to education and war crimes investigations." <https://tinyurl.com/yc2yvkj7>

Police train for new restraint method

West Australian police have started training officers to use a new type of leg restraint, after repeated calls by coroners for alternatives to the potentially lethal prone position. The technique uses straps, which can be fastened around someone's legs, which apparently cut the need to apply body weight to restrain someone, and so reduce the risk of asphyxiation. WA Police confirmed this week that all new recruits since October 2022 had been trained in the use of the straps. It has said nothing about training the thousands of police not trained in the new technique. <https://tinyurl.com/ye2x6hsz>

ODD SPOT: Premier costs state \$2m over defamation battle

WA citizens will have to pay a \$2 million legal bill after Premier Mark McGowan's defamation battle with mining magnate Clive Palmer. A court decided they were both acting like naughty boys, and ordered each to pay minor amounts. In terms of costs, Palmer subsequently paid \$445,700 to the WA government last month...but Premier McGowan said that left the state to cover the remaining \$2,021,665 in relation to the initial defamation claim and the premier's counter-claim. <https://tinyurl.com/569vxc92>

30 years wait to enforce Mabo change

More than 30 years after the landmark Mabo native title case succeeded in the High Court, the native title rights of five groups of Torres Strait and mainland traditional owners were recognised. In a special ceremony held on Thursday Island, the Federal Court recognised that native title continued to exist over 2500 hectares of land and more than 2 million hectares of waters for the Kaurareg, Kulkalgal, Kemer Kemer Meriam, Ankamuthi and Gudang Yadhaykenu Peoples. <https://tinyurl.com/y2c4zu8c>

Mysterious alleged case of a reporter/police officer

A Darwin *Channel Nine News* reporter has been charged with impersonating a police officer, court records show. Georgina Sarah Dickerson, 25, is charged with one count of impersonating a police officer without a lawful reason. Ms Dickerson said she would not be making any comment as it was before the courts. The alleged incident happened in Palmerston on 17 October 2022. She is due to face court on 19 January. Dickerson is employed as a reporter for *Nine News Darwin*, and has not been stood down. <https://tinyurl.com/yw43newp>

Serve your time...and then some

People convicted of serious crimes in five areas of Perth – Northbridge and the Perth CBD, Fremantle, Scarborough, Hillarys and Mandurah – will be banned from those areas for a further five years...AFTER they complete a prison sentence imposed for their offending. Police, on the spot, can ban people for up to six months for "unlawful, antisocial, disorderly, offensive, indecent [or] threatening" conduct, which will not be defined so people know in advance what it is. This is the new, fascist-like regime of Premier Mark 'Heil' McGowan and Gaming-Racing Minister Tony 'Musso' Buti, CLA notes. <https://tinyurl.com/zrcjh332>

RTI boss brings international experience

Queensland's new Right to Information (RTI) Commissioner, from this month, is a former NZ Assistant Ombudsman with international African and Kiwi experience. Lawyer Stephanie Winson was secretary of the National Assembly in Namibia between 1997-2000, as well as Director Legal Services of the Namibian Parliament from 1995-97. In January 2001 she became a senior solicitor with NZ Civil Aviation Authority, moving to chief legal counsel with Maritime NZ in 2007, and later general manager of that body. She begins her three-year Qld RTI boss posting on 3 January 2023. <https://tinyurl.com/46mxevj4>

Privacy gets boost

WA plans to boost privacy protection in three ways.

- a new role of privacy commissioner will aim to protect the rights of WA citizens;
- a new mandatory data breach notification scheme will make problems more transparent; and
- a new chief data officer's role will be promoting a culture of transparency and the safe use of Government-held data. <https://tinyurl.com/e8bpewhb>

CLA letters and other contributions

Shane urged to enlist his own cops

Dear Attorney General (of the ACT, Shane Rattenbury): I note the ongoing difficulties between the AFP & DPP, and also the difficulties of the ACT Legislative Assembly to manage the AFP in their role as ACT Policing.

It's probably time to start a conversation about an ACT Police Force that will be fully subject to ACT laws, institutions and Human Rights. I note Tasmania and the NT manage their own with similar/smaller populations. – Phil Schubert, Curtin ACT.

Act on human rights

In six short months the Albanese Labor government has an outstanding list of achievements. I hope that one of the items on the government's agenda in 2023 might be an Australian Human Rights Act. The ACT is the only jurisdiction in our country with a Human Rights Act (which includes the 'No Rights Without Remedy principle – Ed.). This is simply not good enough. Australia has a plethora of acts that prohibit discrimination. However, there are still many human rights not covered by these acts, such as the right to freedom from slavery, the right to freedom of speech, the right to protest, the right to work, the right to an education and so on. Some of these rights have proved to exist as implied rights under the Constitution. The recent jailing of Violet Coco because of draconian NSW legislation demonstrates the fragility of our human rights in Australia and the urgent need for reform. – Jane Timbrell, Reid, ACT, in *The Age*.

Freedom under threat

The freedom enjoyed by Australians is the envy of millions. But to what extent is this warranted? Not only do we lack a bill of rights, but to a disturbing extent, we appear to be mimicking the practice of authoritarian regimes. Recent reports suggest anti-protest laws have gone too far. Non-violent protesters have received sentences more severe than offenders convicted of serious crimes against the person.

Distortion of the term "national security" permits the arrest, trial, and even imprisonment in secret of persons alleged to have misused classified information. *The New York Times* has referred to Australia as

"the world's most secretive democracy." War crimes allegedly committed over a decade ago by Australian forces in Afghanistan have yet to result in judicial proceedings. Laws of defamation inhibit public discussion of misconduct on the part of public officials and captains of industry.

Many states that present themselves as "freedom loving" have a bill of rights. That said, a bill of rights may not be a panacea protecting citizens from excesses of the state, and not all of the above circumstances are amenable to mitigation through a bill of rights. But enshrining fundamental principles of liberty will provide a standing reminder of what we should we aim for. – Peter Grabosky, Forrest, ACT

Some CLA activities for December 2022

Activities during December mainly involved meetings in relation to the expected release of the Free & Equal report, by the Australian Human Rights Commission, which was postponed at the last minute.

Geared up for an important announcement, the unexpected denouement caused urgent rethinking of plans for promotion and publicity.

Several meetings to that effect occurred, even as federal Members of Parliament were almost literally packing their bags in time for long-booked international flights to cooler climes.

But as well, CLA is also ensuring that the public commitments made in a speech to the ACT Legislative Assembly (ACTLA) by the ACT Minister for Human Rights, Tara Cheyne, stay on track. These involve drafting and passing new law earlier in 2023 so that the ACT Human Rights Commission can begin to conciliate on all ACT Human Rights Act 2004 provisions, not just those relating to anti-discrimination claims.



There is also the need to start collating numerical and hearing time evidence from the beginning of that change to inform the following phase of the same commitment, involving ACAT in deciding and ruling legally on claims not amenable to conciliation.

While ministers and members of the ACTLA are keen to live up to their three-party commitment to the innovations, there's a need to keep the drafters and other public servants responsible for meeting the timetable on the ball.

To that effect, CLA held meetings in person, electronically and by email with a number of ACT MPs over December. They included Jo Clay of the ACT Greens, who was one of the earliest MPs to appreciate the need for the new No Rights Without Remedy clause in the ACT legislation. Photo shows Jo Clay MLA ACT (left) and CLA President Dr Kristine Klugman.

Strategy re HRA:

The federal timetable around Caucus, inter-party MPs and the public in relation to a federal HR Act also required updating due to the three month announcement delay.

With the calibre of people involved in the proposed briefings, it is difficult to change time commitments at less than 12 weeks notice.

Much work was required just to stand still, in terms of planning CLA support for the public announcement.

CLA key people taking sabbatical

CLA's key people outside the ACT are taking a well-earned rest.

In WA, Vice-President Margaret Howkins has moved to Albany for two months to recover from a hectic year, which included producing a 48-minute video documentary, *Trauma*, in relation to the human rights abuses experienced by prisoners in Australia's richest state.

Associated with the video work was a public campaign to support massive publicity around mistreatment of children in detention at Banksia Hill and Casuarina jails, as well as convincing a penny-pinching government to instal air-conditioning in Roebourne jail, where prisoners endure temperatures of up to 50C in summer.

Most of the prisoners in Roebourne are First Nations people. But they won't get relief this summer: it will be the 2023-24 financial year before the air-conditioned Premier and Ministers in Perth's parliament house can manage to spend a miserly \$10 million, as announced by Corrective Services Minister Bill Johnston in later November.

The state government listed ice machines among the existing "effective controls" and claimed prisoners from the region were used to the heat. The Aboriginal Legal Service of WA has labelled the treatment of prisoners at the Roebourne jail as inhumane.

SA formally launches its HR Act campaign

CLA member Dr Sarah Moulds, senior law academic and convenor of the Rights Resources Network, launched the campaign for a state HR Act in Adelaide on 10 December 2022, international human rights day. She was supported by former Law professor Rick Sarre.

Longtime CLA member Jackie Schmidt is also planning to provide invaluable assistance to the SA HR Act campaign.

INTERNATIONAL

Scotland raises age for children to be jailed

No child aged under 18 will be sent to a young offenders institution under legislation introduced to the Scottish Parliament.

The *Children (Care and Justice) (Scotland) Bill* aims to improve experiences and outcomes for children by diverting them away from the criminal courts, with maximum use of the welfare-based children's hearings system and age-appropriate settings.

Children's Minister Clare Haughey said: "Scotland's Whole System Approach to youth justice has already contributed to significant positive change.

"Between 2008-09 and 2019-20, there was an 85% reduction in the number of children and young people prosecuted in Scotland's courts and a 93% reduction in 16 and 17-year-olds being sentenced to custody."

As of 2 December, there were only two children in young offenders institutions in Scotland, compared with an average of 16 in 2021-22. The new Bill aims to build on this progress. <https://tinyurl.com/22yr63cv>

Democracies are in decline

Half the world's democracies were in decline, with worsening civil liberties and rule of law, and authoritarian governments are becoming more oppressive, the Stockholm-based International Institute for Democracy and Electoral Assistance (IDEA) said in its 2022 annual report.

Democratic institutions were being undermined by issues ranging from restrictions on freedom of expression to increasing distrust in the legitimacy of elections.

"The world faces a multitude of crises, from the cost of living to risks of nuclear confrontation and the acceleration of the climate crisis," IDEA said in its 2022 study on the state of democracy, relying on data compiled since 1975. "We see global democracy in decline. It is a toxic mix."

IDEA based its Global State of Democracy Indices on more than 100 variables including measures such as freedom of expression, and personal integrity and security, which were then grouped and aggregated into broader categories. <https://tinyurl.com/ybwyjty9>

British news media want protection from themselves

Newspaper in the UK want the British government to save the media from the proposed data protection and journalism code of practice produced by the Information Commissioner.

The *Daily Telegraph*, *The Times* and *Mail* newspapers have written to Culture Secretary Michelle Donelan and Justice Secretary Dominic Raab asking for protection for newspapers under the government's proposed bill of rights: they want to be exempt from the "shackles" of data protection law.

They say the code would open journalism up to "expensive and time consuming" legal challenges. It would change the ICO into a statutory regulator of the media, they claim.

"The fundamental premise on which press freedom rests is that, while individuals have a right to privacy in their home and private lives, what they say and do in the public arena can be reported, subject to a limited range of legal restrictions such as the laws of libel and contempt," they claim.

"The ICO code turns this on its head. Under the code personal data is any information about an individual which is stored on a digital device.

"This includes information that is by its nature public – such as someone's job title. It even extends to information which is not factual: 'opinions about a person can be personal data.'" <https://tinyurl.com/42e2272s>

EU Rights Commissioner speaks out on UK concerns...and Assange

The Council of Europe Commissioner for Human Rights, Dunja Mijatović, who led a team on a formal visit to the UK in mid-2022, has reported that the overall system for protecting human rights is under pressure in the UK.



She is concerned about the UK Government's plan to replace the Human Rights Act with a proposed 'Bill of Rights'.

She highlights risks around weaker protections for human rights, divergence between the UK and the European Court of Human Rights and the role of domestic judges under the European Convention.

Mijatovic (photo) also reiterated her concern about the chilling effect that the extradition of Julian Assange would have, and she calls on the UK government not to agree to his extradition to the United States. <https://tinyurl.com/yewfcbd5>

Japan will spend \$480 billion on a military build-up.

It will secure missiles capable of striking China as it prepares for a sustained conflict. The radical change in Japanese military policy follows as regional tensions and Russia invading Ukraine.

Reports say 70% of Japanese support the moves.

Prime Minister Fumio Kishida's government believes that Russia's invasion precedent will encourage China to attack Taiwan, which would threaten nearby Japanese islands, disrupt supplies of advanced semiconductors, and put at risk sea lanes that supply Middle East oil.

The government announced a sweeping five-year plan and revamped national security strategy which will see Japan also stockpile spare parts and other munitions, reinforce logistics, develop cyber warfare capabilities, and cooperate more closely with the US, Australia and other like-minded nations to deter threats to the established international order.

"Russia's invasion of Ukraine is a serious violation of laws that forbid the use of force and has shaken the foundations of the international order," the Japanese government says in its new national security paper. <https://tinyurl.com/2p8n5na4>

Hall case bares mistakes – or worse – by lawyers

Prosecution lawyers' actions in a case which became a 25-year wrongful conviction will come under serious scrutiny after a case file's referral for police investigation, according to professor of law.

Hamish Cardwell reported on the *RNZ* website that Solicitor-General Una Jagose received an independent report by Nicolette Levy KC into the actions of Crown lawyers involved in the Alan Hall case.

Levy's findings are still secret, but Jagose has asked police to investigate whether charges should be laid relating to aspects of a case during the "1980s".

Hall was convicted of murder in 1986. The NZ Supreme Court quashed his conviction only in 2022, with judges concluding evidence was deliberately altered. The court said there was either extreme incompetence or a deliberate, wrongful strategy to achieve a conviction.

The actions of all Crown lawyers involved in the case, from 1985 through until 2022, were under scrutiny by Levy.

University of Auckland law professor Mark Henaghan (photo) said that the report was being withheld showed how serious it could be.

"There were very serious matters in that Supreme Court decision so it doesn't surprise me that they want to look at it and give the police a chance to respond because there may be sufficiently serious matters that it may lead to prosecutions for some of the behaviour."

Cases like Hall's raised doubts about the fairness of the entire justice system, he said. <https://tinyurl.com/5bvyy859>



Refugee claimants...Rwanda will do

Sending asylum seekers from the UK to Rwanda to have their applications considered are lawful, Lord Justice Lewis ruled last month.

However, eight claimants who challenged the law will be referred back to the Home Secretary because their applications were not properly dealt with, the judge ruled.

The individual claimants in the proceedings 'travelled in small boats from France to England and claimed asylum on their arrival' in the UK, the court was told. They argued that arrangements made by the Home Secretary to relocate asylum seekers to Rwanda were unlawful and that their circumstances had not been considered properly.

Judge Lewis said: 'The court has concluded that it is lawful for the government to make arrangements for relocating asylum seekers to Rwanda and for their asylum claims to be determined in Rwanda rather than

in the UK. On the evidence before this court, the government has made arrangements with the government of Rwanda which are intended to ensure that the asylum claims of people relocated to Rwanda are properly determined in Rwanda.”

But, he indicated, each case had to be judged on its merits, not under a blanket ban of asylum in the UK. <https://tinyurl.com/2p8y7273>

CCRC chalks up its first success

NZ’s independent Criminal Cases Review Committee, set up to look into serious miscarriages of justice has referred its first case back to the courts, two years after it was established.

The CCRC said a 15-year-old boy was sentenced in 2001 to 11 months in an adult prison on charges of assault, drink-driving and unlawfully getting into a motor vehicle.

Sentencing laws at the time prohibited anyone under 16 from being imprisoned unless the offences were indictable, meaning they were serious enough to require a jury trial – but the boy’s offences were not. But district court documents filed at the time had the wrong date of birth, indicating he was 17 instead of 15.

While most alleged wrongful convictions reviewed by CCRC bodies are at the murder-rape end of the scale, the boy’s case showed that miscarriages of justice could happen across the whole range of criminal offences, NZ CCRC Commissioner Colin Carruthers said. <https://tinyurl.com/2kuftucb>

Deportees to NZ protected by rights

NZ’s High Court has delivered a surprising decision on a 501 former drug dealer deported from Australia, who has successfully challenged the government’s authority to impose special conditions upon his return.

The ruling means the NZ Parliament must clarify the law and/or appeal against the decision because it could have implications for conditions imposed on many of the other 501 former prisoners.

Judge Cheryl Gwyn has declared that such special conditions, including residing at a particular address, supplying fingerprints and DNA, and attending a rehabilitative assessment or treatment program, amounted to a penalty beyond what he had served in Australia and therefore double jeopardy or being punished twice for the same offence, a concept which is contrary to the NZ Bill of Rights Act.

She has accepted the former prisoner’s claim that the law was a retrospective punishment on the grounds that the new "punishment" in NZ took effect after he had served time for his crime.

The former prisoner, known only as G, committed his crime in 2012, was convicted in 2014 and was deported to New Zealand in 2019.

The judge implied that unless Parliament had specifically stated it wanted a retrospective law, she would rely on the common law principle of retrospective penalties not applying. <https://tinyurl.com/28ks2kfr>

Irish set to license drones

The Irish are introducing a new system so the public can track individual drones on mobile phone apps and report potential concerns or violations to police or aviation officials.

The Irish Aviation Authority has appealed for new owners of drones weighing more than 250g, or with a mounted camera, to fulfil their legal obligation by registering them. Those required to register drones via the IAA must display a number similar to a vehicle registration and undergo minimum training.

As of 2024, remote IDs will become a legal requirement. That will allow people to access apps similar to those used for commercial airlines and view the drone owner’s registration number. The owners’ identities will not be available to the public.

Even before the Christmas gift surge, drones in Irish airspace had reached 8500 in 2022, a 50% increase in just 12 months. <https://tinyurl.com/yaen7nfp>

ODD SPOT: Only in America...

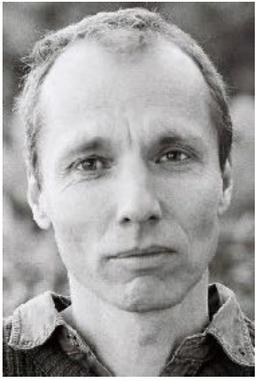
As ‘American Prospect’ commented:

"How in the world did we become a country where 70 million-plus people ever thought that this dangerously evil lunatic should be trusted with the most powerful job in the world, and apparently still do?"

‘Salon’ added:

"He is a damaged, destructive narcissist, beyond all help. But the really disturbing question now is why so many people are eager to believe his dangerous fantasies."

– reported by Roger Fitch Esq in *Justinian*, the legal blog, on 13 Dec 2022



Author compensated after state's spooks stole his mobile records

The NZ Security Intelligence Service will pay author Nicky Hager \$62,000 in compensation and legal fees after it illegally took his phone records in 2012.

The SIS suspected Hager (photo) received information from an NZ Defence Force operator for his 2011 book *Other People's Wars*, which raised the possibility of civilian casualties in Operation Burnham (basically, allegations of illegal killing/wounding on a raid). So SIS seized two months' worth of his home phone's metadata, aiming to track down the NZDF member.

In 2019 the Acting Inspector General of Intelligence and Security found the SIS had no reasonable grounds for suspecting espionage, and failed to show the necessary caution for investigating a journalist's source in a free and democratic society.

The phone data showed no link between Hager and the suspected NZDF member. It was found to be a breach of Hager's privacy. <https://tinyurl.com/6t9ksx7e>

Internet is 'school for extremists'

The internet is now playing a bigger role in radicalising convicted extremists in England and Wales, according to a study of 437 convicted prisoners study published by the UK Ministry of Justice.

It said the internet is "increasingly prominent" in radicalisation but plots from attackers radicalised online were "most likely" to be foiled.

Home Office figures show children and young adults aged 20 and under now account for a third of terror suspects arrested. The proportion of terrorist prisoners holding Islamist-extremist views has fallen to its lowest level on record: those categorised as having an extreme right-wing ideology has risen to its highest level in the last year, the statistics reveal.

A third of the sample of criminals considered in the research had mental health problems or personality disorders.

The main research was carried out by Nottingham Trent (NTU) and Bournemouth universities with the Prison and Probation Service and follows a similar report published a year ago. <https://tinyurl.com/bp8sat5f>

International briefs

Bio boss given cold shoulder

Scotland's biometrics commissioner Dr Brian Plastow was appointed to oversee how law-enforcement agencies deal with and store personal data such as DNA, facial images and fingerprints. But he has been unable in his first 18 months in the job to meet the cabinet justice secretary or the community safety minister. Plastow said police in the UK held a huge volume of biometric data, far more than their European neighbours. "The UK DNA database holds records equivalent to 8% of the UK population, albeit some of those records relate to foreign nationals," said Plastow, who was appointed in March 2021. "The Scottish figure is about 7%. In Europe, it's about 1 or 2%. This helps to explain why independent oversight is so necessary." <https://tinyurl.com/3kd35n9w> (It is no known what the figure is in Australia. However, given a central police database has access to most drivers licences, the figure in Oz may be 70% or more).

Whistling wolves may go to jail

Sexual harassment on the street will be made a crime with jail sentences of up to two years, the British government has said. Catcalling, following someone, blocking their path, and even construction workers wolf-whistling passers by, are likely be criminalised in England under plans backed by the Home Secretary. Offenders could go to jail for two years. <https://tinyurl.com/33k6nz5n>

Canada rethinks VAD for the mentally ill

Canada is having second thoughts about introducing medically-assisted dying for the mentally ill on 17 March 2023. Federal Minister of Justice David Lametti said "concerns" about the expansion has been heard from Canadians and experts. Medical assistance in dying was approved in 2016 for Canadians suffering from physical injuries and illness. In March 2022, the Senate passed Bill C-7 to allow more Canadians access to medical assistance in dying, including people suffering from mental illness. <https://tinyurl.com/2yztccsy>

Meta is a fine company

Tech giant Meta has been fined \$400m for breaching EU data privacy laws. The Data Protection Commission sanctioned the Facebook parent company for failing to protect millions of Facebook users'

personal data, such as telephone numbers and email addresses, from being “scraped” and published on the internet. The fine was for “infringement” of sections of the EU’s technical and organisational measures aimed at protecting user data. Total fines issued against by Meta in the past 18 months are now more than \$1380 million. <https://tinyurl.com/rrfsw5xy>

Labour says refugee tagging OK

Labour Opposition Leader in the UK, Keir Starmer, believes it is OK to make asylum seekers wear electronic tags to keep track by satellite of their movements. The tagging would be OK “whilst the claim is being processed,” he said. The Conservative government used the tags, in what critics have described as “psychological torture”, and has plans to expand the program, *The Independent* reported. <https://tinyurl.com/35u2pj24>

Iran loses UN status re women

Iran has been dumped from the UN’s women’s body, as the Iranian government continues to repress protests across the country which began over alleged failure of one woman to wear a head covering properly. The 54-member UN Economic and Social Council voted to adopt a US-drafted resolution to expel Iran from the Commission on the Status of Women, accusing Iran of systematic violations of women’s rights. The vote passed 29-8, with 16 abstentions, and applies to the remainder of body’s current term, from 2022 through 2026. <https://tinyurl.com/2jzumeck>

‘Time served’ becomes the common sentence

More than one in five prisoners in NZ are now being released on the day of their sentencing due to time served: that is, they have been on remand in prison longer than the sentences handed down to them. Court wait times have blown out – by about 50% – and the proportion of prisoners getting time served has doubled since 2016, numbers obtained under NZ’s Official Information Act show. During the 2013 to 2015 financial years, 9% of prisoners were released on time-served sentences. That rose to 10% in the following year and kept climbing steadily until 2020-21, when 21% of prisoners were sentenced to time served. It has sat at that level since.

Jailed journos hits record

A record number of 533 journalists were imprisoned in 2022, Reporters Without Borders said last month.

DATES

2023:

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

Election cycle for Australia:

2023: **NSW:** 25 March 2023

2024: **Northern Territory:** 24 August 2024

ACT: 19 October 2024

Queensland: 26 October 2024

Tasmania (House of Assembly): by 28 June 2025

2025: **WA:** 8 March 2025

Federal: March 2025 likely

(Earliest date is 3 August 2024 and latest possible date Saturday 17 May 2025)

2026 **South Australia:** 21 March 2026

Victoria: 28 November 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 27 December 2022.

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