

The Voice campaign blasts off: vote likely in six months

A new website and a \$5m donation highlighted the launch of the yes campaign for Indigenous voice to parliament, staged firstly in Adelaide last month, then rippling around the nation.

Australia's largest philanthropic organisation, the Paul Ramsay Foundation, announced \$5m of funding for Australians for Indigenous Constitutional Recognition (AICR), which will be the movement's fundraising and governance body. AICR will fund resources and events for the campaign, and support local campaigns by community organisations.

A new website, yes23.com.au, will recruit volunteers, and provide posters and flyers for the cause.

The parliament must pass legislation, likely to be introduced in March 2023, enabling the referendum as well as later legislation specifying the exact wording of the question. Given that approval, the referendum could be held in August or September.

It would then coincide with football finals. Go the Referendum!!! <https://tinyurl.com/26z9kjmh>



Next year's issue on backburner after launch this month

Stand by for 7 March, when the government's formal thinking on a brand new, first, human rights act for Australia starts to see the light of day.

After four years of consultation, submissions, prodding and listening, Prof Rosalind Croucher and her Australian Human Rights Commission will present a finely and deftly argued set of recommendations for how to make the nation better, fairer and more equal.

Prof Croucher launched the mammoth 'Free & Equal' investigation on Human Rights Day, 10 December 2018.

Now, four years later, its key sub-paper is: *Position paper: A Human Rights Act for Australia*, which builds on a push for reform in the disability rights area.

The irony is that more than half the Australian people believe we actually have a bill of rights, or Federal Human Rights Act, now.

We don't, though Aussie watchers of US TV and streaming shows think we do.

Some 76% of Australians support enacting such a law when they find out we don't have one, Amnesty says: <https://tinyurl.com/y4ees7yb>

With so many tasks on the plate of the federal AG, legislating Australia's "bill of rights" will likely have to wait until 2024. Go the Federal Human Rights Act, CLA says.

'Robotic' public servants design scheme to kick citizens when they were down

The Robodebt inquiry last month was told about people feeling "disempowered" by the government through a scheme that was "toxic for their wellbeing", with a program design that was "patronising".

One person was captured by Robodebt while homeless after fleeing a violent home.

"The only money she was receiving was from Centrelink payments [which] went towards food and medication," a witness explained. "Then one day there was less money in her account. She thought it was a mistake.

"She spoke to Centrelink. She discovered that there was a debt that had been created, that she needed to go back to all her old employers, find those pay slips and it was impossible for her given the length of time that had passed.

"She said it felt like Centrelink was 'kicking me while I was down'."

The woman described the situation as "the straw that broke the camel's back" when she was trying to find housing and mental health services.

She said: "I was treated like a criminal. It felt like no one in government wanted to help me and instead I had to fight them in circumstances where I had no power, no control, and no ability to fight back". <https://tinyurl.com/4w4nxyam>

When Australia has a federal Human Rights Act, it will empower such a victim to fight back, on a level playing field before a tribunal or court, against any federal government maliciously treating its citizens like criminals.

Beware the ghosts of 'threats' past

The annual scare fest from ASIO's boss, Michael "Caspar" Burgess, made it on to the comedy stage in Canberra again last month.

Known in some circles as the Hobgoblin Harangue, his annual set-piece speech featured Australia No 1 official liar, Caspar the unfriendly, ghost-like apparition, warning that everyone in Australia was being targeted by a "hive of spies".

This was a significant escalation on the previous year's "nest of spies", and leaves us fearful for what frightful imagery he will conjure up next year.

And, we wonder, whether the real danger to Australia is a swarm of spooks, like the ASIO, ASIS, police, military, cyber and signals secret body in Canberra that calls itself "The Community".

Only Caspar and his agency is licensed by the government to lie. In fact, all of them – except Caspar – lie publicly all the time, by using false names. ASIO is subject to no control over what it chooses to do, and never says what it does to fill in the days.

Caspar lies formally once a year in public at least, as he did again in 2023:

"More hostile foreign intelligence services, more spies, more targeting, more harm, more ASIO investigations, more ASIO disruptions. From where I sit, it feels like hand-to-hand combat." the obviously over-worked and over-wrought self-publicist said.

Speaking of how ASIO alone had saved Australia these past 12 months, Caspar said: "It was obvious to us that the spies were highly trained because they used sophisticated tradecraft to try to disguise their activities. They were good – but ASIO was better."

ASIO's boss apparently spends an entire year making up this 'Boy's Own' rubbish. We suspect the actual ASIO people who do the behind-the-scenes work are as embarrassed by their boss as Australia should be. <https://tinyurl.com/33cwdxh4>

Brave Burgess cuts the junket

Burgess's major revelation was that ASIO had prevented an all-expenses-paid tour of a foreign country by journalists on a promotional visit, who were to be suborned by local propaganda.

You have to admit this about Caspar: he's brave.

Imagine coming between a whinge* of journalists and an overseas junket. **Whinge: collective name for journalists on overseas junkets, such as with the Foreign Minister or Prime Minister, or on private "study tours" provided by tech, mining and other companies.*

Of course, Caspar failed to stop countless overseas junkets paid for by companies such as Google, Apple, Meta, etc where the journalists are helped to "see" the viewpoint of those companies as they steal Australians' personal data and sell it who knows where.

Or the tours provided by mining, gas and oil companies owned by oligarchs, with their particular politics and philosophies to sell so as to rip off Australia financially.

Selective interpretation has long been ASIO's fault line. For its first 55 years, it targeted leftists and communists, even after the communists themselves had largely abandoned communism. For the next 10 or so it completely missed the boat on the threat of religious-based extremism.

Ah, but now, at last, it has identified the threat that journalists' junkets pose to Australia. Good boy, Caspar.

To be truly scared, read the history of ASIO's known cock-ups down the ages and recall that these are probably the tip of an incompetence iceberg. https://en.wikipedia.org/wiki/Australian_Security_Intelligence_Organisation



Govt continues to waste money prosecuting the wrong people

The Commonwealth has racked up more than \$7.6 million in legal fees pursuing whistleblowers, with the bulk of that bill relating to a now-dumped prosecution.

In parliament, officials from the Attorney-General's Department (AGD) revealed the cost under questioning from NSW Greens senator David Shoebridge, who labelled it as a "lavish use of taxpayer funds".

In July last year, Federal Attorney-General Mark Dreyfus ordered prosecutors to drop the case against Canberra lawyer Bernard Collaery. Collaery's life and business had been halted instantly by a near-decade-old charge of helping his client, an ex-spy known by the pseudonym "Witness K" with revealing classified details of a secret mission in Timor Leste.

AGD confirmed the case against Collaery and Witness K had cost \$5,510,829 by early 2023.

Officials revealed the cost of prosecuting David McBride, who exposed the alleged SAS murders in Afghanistan, had reached \$1,875,348, while Australian Tax Office whistleblower Richard Boyle's case had reached \$233,171.

McBride's case cost more, AGD said, because they had to "protect national security information".

Senator Shoebridge described it as using taxpayer funds for "monstering whistleblowers". <https://tinyurl.com/bde25hsp>

ODD SPOT: Executive creep in government forces a 24% price rise

In information revealed by the parliament's Scrutiny Committee newsletter last month, the federal government has raised the penalty unit – the base measure of all federal fines – by 24%, on top of the normal inflation index.

That's a rise of at least three times inflation, and about seven times the rate wages are rising.

Formally, Attorney-General Mark Dreyfus has amended the Crimes Act 1914 to increase the Commonwealth penalty unit from \$222 to \$275, without any practical justification for the massive increase.

The Scrutiny Committee (SC) is meant to inspect and hold dialogue with ministers and the government before such outrageous behaviour is finalised. But, by the time the SC queried the minister, the legislation had passed and the more expensive regime was in operation.

In other Scrutiny matters, the committee is constantly challenging this government – as it did the previous one – for how it delegates the power to change regulations too broadly, for how it reverses the burden of proof and for how it does away with provisions that safeguard people from self-incrimination.

The committee noted these inappropriate changes were being made in laws like the:

- Inspector-General of Intelligence and Security and Other Legislation Amendment (Modernisation) Bill 2022, and the
- Privacy Legislation Amendment (Enforcement and Other Measures) Bill 2022.

Individual MPs don't seem to think curtailing the excess of Executive government is their business. CLA has some advice for MPs: it should be the core business of every MP to stop Executive creep.

– see 10 February 2023 Scrutiny Committee newsletter

Privacy: just a jump to the left, and then a step to the right

After two years and two months (and held back for more than two months further for no reason), the AG's Department has released the Privacy Act Review Report "2002" in the middle of last month, that is in February 2003. <https://www.ag.gov.au/rights-and-protections/publications/privacy-act-review-report>

There are 116 proposals across more than 300 pages, extracted on internal pp. 5-16: https://www.ag.gov.au/sites/default/files/2023-02/privacy-act-review-report_0.pdf

There's no response from the government, and no commitment to anything.

But there's yet another invitation to corporates to lobby against the bits they don't like – so that the government can try to pick a few non-contentious bits and make it look like they've done something.

It's woeful how ineffective the public interest has become in the face of powerful interests in industry and government, and the complete absence of principle and of courage among politicians.

For what it's worth, submissions are due by the end of March 2023, the Australian Privacy Foundation's Prof Dr Roger Clarke reports.

"With a bit of a mind flip, you're there in the time slip... But it's the backward progress that really drives you insane, Let's do the Time Warp again!" – the magnificent Rocky Horror Picture Show anticipated it all.

Qld lets foreign police in...will the new police have to drop their standards?

Queensland is recruiting 500 overseas police officers a year for the next five years because Australian cops don't want to work there, causing a front-line responder shortage admitted by the government.

"Experienced serving officers from overseas will undergo training to ensure they meet Queensland's policing standards," the state's police minister Mark Ryan said. He did not reveal whether that means they will have to learn to drop the standards they are used to.

They don't have to be or become an Australian citizen or permanent resident, and there's no restriction on what nationality they are.

Federal immigration minister Andrew Giles said it was the second labour agreement the government had finalised between federal and state and territory police forces since coming to government.

Queensland's sworn (basically, uniformed) officers have grown by just 92 from the 2020 election to 1 Jan 2023. The state government made an election promise to boost police numbers by 1450 by 2025. It goes to the poll on 26 October 2024, making more police an urgent political priority for the Labor government. <https://tinyurl.com/2fscaby1> (See later: *WA Police Minister plans to 'steal' police*).

Drug laws eased to cope with jail overload, police underload

Queensland is de-fanging its drug laws for people caught with small quantities of illicit substances like heroin, cocaine or ice, with users to be given three chances before facing a criminal charge.

The first time someone is caught carrying a small amount of a dangerous drug they will get a warning. The offer to complete a drug diversionary program will be made on the second and third occasions.



Police will expand their drug diversion program to anyone found in possession of personal quantities of all illicit drugs and unlawful pharmaceuticals, not just personal quantities of cannabis who are not facing other charges, as now.

Police Minister Mark Ryan (photo) said about 17,000 minor offenders would benefit in the first year.

Currently the ACT is Australia's only jurisdiction where possessing small amounts of the common illicit drugs has been decriminalised, under a scheme which began in 2022. Qld has announced it will also follow the ACT lead by creating pill testing at mobile and fixed sites.

Basically, Qld is learning it can no longer detain on remand for months and then imprison people for years for minor drug offences because it is too costly to do so. Qld is facing a billion-dollar bill to build new prisons if it doesn't find a way to keep people out: it can't afford both an Olympics and a prison building program over the coming decade.

Other jurisdictions are highly likely to follow suit, for similar reasons, CLA believes. In the case of Qld, they also cannot afford the police numbers to equitably enforce their laws...so laws are being changed on drugs, and on shackles for kids. <https://tinyurl.com/3e65dtr9> <https://tinyurl.com/3ss8nf8m>

Govt abandons human right, negating its own law

The Queensland government will trial GPS trackers used on children as young as 15 in Toowoomba after local residents complained about rising youth crime.

It comes after a 12-month \$3.8m electronic monitoring trial was rolled out for offenders 16 and over in 2021 in Townsville, North Brisbane, Moreton, Logan and the Gold Coast. A report from November 2022 revealed only eight children were enrolled in the program.

At the city's police headquarters, the premier told reporters a trial of the devices will be expanded to Toowoomba and will apply to offenders 15 years and older.

Queensland has a human rights act: this move by the government will undoubtedly fall foul of its own law. Must be an election in the wind, CLA comments. <https://tinyurl.com/yc3anp2p>

Next two years a chance to shape the nation

There are six scheduled elections in Australia over the next two years (see table at end of this newsletter). Now is the time for citizens who care about their state, territory and nation to get more active.

While an election is a point-in-time event, the period leading up to it can be used to wind back government excesses, or to shape the type of government, policies and programs that citizens and voters want for the next term and beyond.

Here, for example, is a partial analysis of the democratic – or otherwise – trend in one state, WA

Autocratic rule appears to supplant democratic approach

With the WA government halfway through its term, and an election due on 8 March 2025, citizens are beginning to notice that autocratic rule is on the increase as the state political Executive banks on its massive majority to retain power next time.

Which is ironic, because the very first message that went out to Labor Party offices after the landslide election victory on Saturday 13 March 2021 – it went out on the Monday, and one of our members was copied in on it – was to not do anything that would jeopardise the chances of Labor’s re-election in four years time, that is 2025.

What was surprising at the time was that the first dictate was not a message about ‘Let’s get the state moving’, or ‘Let’s fix the Liberal/National mess with positive projects’, but was a message that says it’s only the Labor Party being in power that matters: do nothing if it risks us being kicked out.

Of course, the chances of that with such a huge majority are at least two elections away, possibly four. Labor won 53 seats, with a total of just 6 between Nationals and Liberals.

Now, two years on, a surprising number of unusual critics are starting to emerge to highlight that the McGowan government appears to be leaving its roots behind.

In the coming months, we’ll try to highlight the trends rather than report only on the individual incidents.

How to change how the govt treats you...

Citizens might like to keep an eye out and comment publicly on how the Oli-poli-gopoly in WA is carving up power, and as well:

- speak out, write, lobby and campaign when the state’s oligarchs take another gorge, or gorge themselves on gas permits and other government largesses, or ignore water pollution, or suffer increasing numbers of injuries and deaths on mining sites;
- report the extra-curricular activities of politicians, where they fraternise with those they choose to give favours to or receive favours from, or hobnob with “unlikely” allies and new-found “mates”, often from overseas;
- keep a close eye on how the police force is being used to position the government: it’s likely massive numbers of new police will be promised, as usual...but will they be delivered before the election, or only in the never-never land beyond? Will police be promised new powers over kids and people?
- in the same vein, watch for further left-field appointments to high posts – the police commissioner was recently made governor, do WA citizens think that is appropriate? and
- scan the news and social media for cases where people with special interests (say, property developers) appear to be receiving favourable treatment.

Kilter: where govt emphasis should be

The art of civil liberties is balance. When governments plot, plan, and legislate for only the “big end of town”, they forgo balance for a tilted playing field where the goods and chattels slide mostly to the rich end.

From CLA’s perspective, the key issues not being addressed in a balanced fashion by governments are the social justice and “soft” issues such as homelessness, young people and 1st nations people’s ongoing punishment, pain (cycle of trauma) and poverty since 1825 in the West, and a lack of attention and relevant funding to public healthcare, education resources like mental health and rural medicine.

When governments allocate money to gain excessive power over the people, they do a disservice to everyone. When their spending is tilted away from the powerless, they are creating a more unequal, less individually free society.

The NSW government will be judged this month, March, Other governments are on notice: their term will come.

Behind the curtain of Covid, government rewrote themselves anti-democratic power and sway to last decades. Therein lies the core danger, as many such laws are now being individualised and expanded (GPS tracking bracelets for 15-year-olds, for example).

Skewed Budgets that deliver for the rich and take from the poor are frequently added to by new police and other authoritarian laws with the same basic purpose.

As the mass of citizens suffer, throughout Australia, animals, bird, fish, coral and plant species are going missing, as are forests and the habitat of our wildlife. Using WA as an example, the devastation of vast tracts of hardwood forests in the south is clearly visible from a commercial flight.

Flying from Perth to Albany, you can see where the hundreds of kilometres of beautiful karri and jarrah hardwood have disappeared. In Albany, in the early mornings, a train of 150-plus containers carry woodchip out of town.

ODD SPOT: Council sides with vandals against business owners

The Kimberley Hotel in Halls Creek, WA, has been ordered to remove razor wire fences because they might injure burglars and vandals, according to the Shire Council. Youth crime is running at about one incident a day: in 2022 there was a nine-year high for vehicle thefts, with 76 reported to police. Electrical business owner Brett Perkins was also given a take-down order. "I just want to protect my staff (in owner-provided employee accommodation)," he said. "It's the minority causing the trouble, two or three in a town of 1500." Halls Creek is about 1200km SSW of Darwin. <https://tinyurl.com/34d7stuw>

'Netflix' police force makes 'cowboy-style' arrest

The WA Police Union is telling members to not engage in high-speed car chases as officers face internal investigation over a 26-officer, multi-car chase that eventually "boxed in" the speeding driver, which is not a legal manoeuvre under police rules.

Police claim the 28-year-old driver stole several cars, threatening victims with an axe, was arrested on the Kwinana Freeway after his vehicle was surrounded by four police cars which slowed in unison.

One police car crashed into a light pole which fell onto the apprehended vehicle but no one was hurt, according to the WA Police Union. The union admitted police in WA had no training or experience in "boxing in" and used an American technique they had seen on Netflix. <https://tinyurl.com/4mka7hy7>

ACT prepares for VAD

The ACT government is asking for submissions by 6 April to develop a voluntary assisted dying law (VAD) for the ACT.

It plans a "listening report on the feedback it gets, followed by a Voluntary Assisted Dying Bill presented to the ACT Legislative Assembly in the second half of 2023 and a parliamentary committee review over three months".

VAD is already available in Victoria, WA, Tasmania, Queensland and SA. It becomes available in NSW in October 2023.

Before the federal parliament passed the Restoring Territory Rights Act 2022 in December 2022, the ACT and the NT were not able to introduce their own voluntary assisted dying laws. Surveys show more than 80% of people in the ACT support VAD. More info at: YourSay.act.gov.au/vad

Hold on to your health rights

The Law Institute of Victoria wants the Victorian government to amend the *Health Legislation Amendment (Information Sharing) Bill* so patients can opt out of the scheme,

LIV also wants people to have FOI access to learn who has accessed their information under the scheme.

The *Health Legislation Amendment (Information Sharing) Bill 2021* lapsed in the previous government term, but is back on the agenda as the *Health Legislation Amendment (Information Sharing) Bill 2023*.

Little has changed with the Bill, the most significant being that there is no opt-out to sharing your health data and not right to make an FOI request.

LIV President Tania Wolff said the state scheme should be similar to the federal regime. One in 10 Australians have opted out of the federal scheme, My Health Record, the Australian Digital Health Agency says. <https://tinyurl.com/4d3cdx4k>

Aboriginal people in jail rise 4.9% to near record

The number of prisoners in NSW was stable over 2022, but Aboriginal people in jail rose by 166, or 4.9%.

Almost one-in-three adults in custody in NSW over that period was Aboriginal (29.1%, amongst the highest proportion on record), the NSW Bureau of Crime Statistics and Research reported in February 2023.

The youth detention population at the end of December 2022 was 174, an increase of 14 detainees or up 8.8% on a year earlier.

The NSW prison population in December 2022 was 12,247, up by just 79 people from December 2021, and down 1388 people, or 10.2%, on the pre-COVID figure three years ago in December 2019 of 13,635.

Remand prisoners were up 183 people or 4.1% from December 2021. The number of sentenced prisoners dropped 104 people or 1.3%. Copies of the report: www.bocsar.nsw.gov.au

ODD SPOT: Surprise! Survey – by police union – says more police needed

NT Police Minister Kate Worden says an internal police survey showing NT Police believe the force is understaffed is "disappointing", as the union calls for more money in the next budget.

About 74% of the 1632-strong NTPol workforce responded to the NT Police Association survey. Of the respondents, 97% said they do not believe there are enough police to do what is asked of them, and a similar number said they do not feel supported by the NT Government.

Some 85% said they had considered leaving the force some time in the past year.

TPA president Paul McCue said the survey responses showed police felt "very underwhelmed in terms of the support by government, in terms of the police numbers required to do the job". He said the results were worse than a previous survey conducted last year. <https://tinyurl.com/y8k3y2y>

Australian briefs

New drone force tracks people in north Queensland

Queensland Police have become drone pilots to launch two new remotely piloted aircraft system (RPAS) drones in Townsville and Cairns. One is a SkyRanger R70, used by militaries across the globe, which has joined the QPS fleet and is undergoing testing ahead of its deployment to Townsville and Cairns. The other is a DJI M30 RPAS. QPol "pilots", who began training in December 2022, need to complete their courses before the air patrols can start. The drones have "enhanced intelligence, surveillance and reconnaissance capabilities and artificial intelligence technologies for tracking vehicles," according to Qld Police Minister Mark Ryan. The CAA controls their flight rules, but no-one controls the public rules about their surveillance, reconnaissance or tracking of people or vehicle, CLA notes. <https://tinyurl.com/9uyaw8ty>

WA to steal overseas police

Some 61 WA Police resigned between 1 January and 14 February 2023. For all of 2022, 478 resigned, four times the average. Police Minister Paul Papalia's answer is a mission to the UK and Ireland to steal cops, among other skilled trades, *The West Australian* reported (20 Feb 2023). About 850 police had already applied, the Minister said and those chosen would go through 13 weeks induction training, with the first to start in September 2023.

Record numbers are in jail unsentenced

A record 36.6 per cent of the Australian prison population was unsentenced at the end of the last financial year, compared with about 12% of prisoners in 1993, ABS figures show. Australia has had more than 40,000 people behind bars for several years, up from less than 20,000 in the mid-1990s. SA is the worst state for remand prisoners: about 45% of the people in jail there have not been sentenced. <https://tinyurl.com/2p8venf4>

On-topic letters

The honey trap

Pedantic, perhaps, but how did foreign spies in Australia suddenly grow from a nest thereof, ASIO's earlier language (and a common usage) into a hive? The average beehive contains 20-to-60 thousand bees so would ASIO director-general Mike Burgess have us now understand that this is analogous, or remotely comparable, to the number of spies? Are they buzzing about the place? Where and when do they swarm? Is this the ultimate honey trap?

Seriously though, official language can be critical in shaping our attitudes and anxieties, deliberate or otherwise, and, while not wishing to diminish threats, such exaggerated language surely diminishes credibility. – Keith Simpson, Hackett ACT, *Canberra Times*.

Bromley case: chance for a State to right a 40-year wrong

Dear Mr. Maher (South Australia AG): ...many people watched 'Under Investigation' last week on *Channel 9* and would have been just as disgusted as I at the injustices dealt out by Colin Manock and the failure of successive governments to adequately address the matter as if hoping it will just go away. In the meantime innocent people continue to suffer in order to protect the reputations of a handful of corrupt elites in the legal fraternity, and government, who are basically criminals in their own right.

The case of Derek Bromley particularly stands out. Three Attorneys General before you have had the case of Derek Bromley presented to them and each has failed to take action.

I sincerely hope that you are not like them and possess the conviction and courage to pursue truth and justice, at any cost, as is your duty. You are in a position to right a terrible wrong while restoring peoples'

faith in the justice system. Please don't let us down. – Kerry Helman, SA

RECOMMENDED: Link to Ch 9 program: <https://www.9now.com.au/under-investigation/season-5/episode-3>

Link to Bromley High Court case: awaiting decision in 2023: https://www.hcourt.gov.au/assets/cases/01-Adelaide/a40-2021/Bromley-King_Res.pdf Thanks to Dr Bob Moles for the links and extra information.

Some CLA activities for February 2023

National:

Trends: Here's the problem...do you have any answers?

Civil Liberties Australia is starting to think we have to deal as much with society trending in the wrong direction as we do with politicians making laws, rules and emergency declarations in individual contexts. Here's some new thinking for members to consider:

Child-hating, ageist and racist social media ratbags distort individual location crimes (Alice Springs, Toowoomba, Cairns, etc) – which are down in total throughout Australia and in the western world – for their own local 'Look at me' phone performances. These electronic-me-me-me outbursts are usually by a handful of people, say 20-30, who represent less than about 0.01% of their community.

Toxic Murdoch* newspapers outlets megaphone the individual hate and discrimination tall tales, from which seat-seeking politicians pick and choose unreliable reports that allow them to create new laws as part of law-and-order campaigns. Police everywhere demand more resources...in reality, to cope with fewer crimes.

This is currently how Australian society works.

How about politicians first demand that police ensure "order": that is what they are paid to do, and they have more than enough laws now to in their armoury, and more than enough arms between them, particularly as crime in general is declining. If 5000 police in a state can't keep order, why would 5500 be able to achieve any improvement when they doing exactly the same things in the same manner?

* Not exclusively Murdoch, but overwhelmingly so as Murdoch dominates suburban, rural, regional as well as metropolitan media in Australia.

How about we think of the reverse: police union demands for more police and more pay will be met happily by governments when they deliver more and better positive outcomes. Plus police officers will get incentives and support for further resources, TAFE and uni advancement courses with time off, and international training when they show increasing excellence and improving productivity.

Why, for example, are more police on duty in daytime than at night when there is allegedly most youth misbehaviour? Why do police concentrate on locking up people caught with minuscule amounts of drugs, but fail to root out drug dealers and the distributing Mr Bigs?

How about a rethink of where Australian society is headed, and whether we're going in right direction?

Briefing to federal MPs: Prof Croucher meeting

CLA's core Federal Human Rights Act (FHRA) team, President Dr Kristine Klugman and FHRA campaign manager Chris Stamford, met at Parliament House Canberra last month with the President of the Australian Human Rights Commission, Prof Rosalind Croucher, and its chief executive, Leanne Smith. They discussed the AHRC's timetable in light of the next steps in CLA's campaign to legislate the first-ever FHRA for Australia, which will include the CLA-promoted 'No Rights Without Remedy' concept due to start in the ACT jurisdiction imminently. The AHRC report, *Free & Equal*, is due for release on 7 March 2023.

While CLA had been working with party officials to provide an eminent group for a Caucus briefing, with an all-MPs briefing to follow later, the Parliament itself may take over the briefing process through its Joint Committee on Human Rights, PJCHR. At the time of writing, the exact date, timing, format and organiser of the first briefing was up in the air. The AHRC and CLA each met with PJCHR chair, Josh Burns, last month.

Submissions:

CLA has made several submissions in recent weeks.

Nomination for a Supreme Court judgeship in the ACT: we have nominated the same person for the third time in eight years. Why the ACT Government cannot appreciate that this person is by far the most outstanding candidate is beyond belief, and flies in the face of the government's own selection criteria.

Public display of Nazi symbols (Part 7.1.2 of the Crimes Legislation Amendment Bill 2022). CLA pointed out that the relevant section of the Bill was virtually useless, as it was the use/abuse of any symbols, not just Nazi ones, that was a problem, not the symbols itself. The ACT committee examining the issue ignored our suggestion that the relevant section of the Bill be rewritten.

Right To Appeal law: We made our submission to the final draft of the amendment that would bring the ACT in line with SA, Tasmania, Victoria and other states. This was about our 10th submission on this issue, which we began campaigning for in the ACT in 2015, shortly after achieving our first target, getting the same law up in Tasmania. With the ACT Government now committed to the legislation amendment under its Labor-Greens ruling agreement, we expect it to be enacted in 2023. The law will allow second and subsequent appeals, and help to overcome the 6% of major criminal cases in Australia where the legal system has got it wrong, and an innocent person is in prison.

Sofronoff inquiry: Former Qld judge Walter Sofronoff has begun an inquiry, like a Royal Commission, into the circumstances involving the ACT Office of the Director of Public Prosecutions and ACT Policing over the eventually aborted “Lehrmann” trial in the ACT Supreme Court. The trial involved an allegation of rape by federal parliamentary staffer Brittany Higgins. Bruce Lehrmann has at all times and at every opportunity denied the charge, which has been dropped officially. CLA plans to make a submission highlighting issues around alleged prosecutor and police Failure To Disclose (FTD) matters, and other concerns.

Western Australia

CLA’s WA leader Margaret Howkins returned to Perth after two months away to more than 20 letters from prisoners and 700-plus mails from justice organisations, politicians, journals, newspapers and individuals seeking support from CLA.

Three of the prisoners’ letters detailed their experiences of WA courts refusing to file admissible evidence and concealing facts by corruption and misconduct in their duty-bound requirements to deliver genuine justice.

- One prisoner included a page of formal details of a day-long case in WA’s District Court which he claims demonstrates evidence of proceedings being altered after the trial, by transcribers rewriting content. There were, he claimed, even cases of audio being re-recorded to replace original content so that the “new” content becomes the “correct” version of proceedings. Situations such as these would be discovered publicly if the Corruption and Crime Commission or the Justice Department would to investigate claims they had received.
- Other letters expressed thanks to CLA for listening and continuing the good fight for generic changes such as a critically needed Human Rights Act nationally and one for WA as most inequities occurred under state, not federal, law.
- Howkins received a letter from the Parliamentary Secretary to the Attorney-General, responding to CLA’s Critique of Report 2 of the Joint Standing Committee on the CCC titled: ‘If Not the CCC... Then Where?’ He stated that until the “Corruption, Crime and Misconduct Act 2003’ is redrafted as a matter of priority, police oversight cannot be given prioritisation”.

CLA’s demands for external, objective police oversight began seven (7) years ago. The issue remains on WA Labor’s Law Policy Platform but, like other issues, has not been addressed.

Currently the only recent reining in of WA Police ‘Starsky & Hutch’ culture occurred last month when the Police Union demanded a stop to high-speed chase tactics.

While the police union’s first concern, quite rightly, is the life and health of its members in car chase crashes, the police commissioner should be banning such chases except in specific circumstances – there are a host of such policies in place in other Australian and international jurisdictions.

Howkins reports that activism is alive and well on the south coast of WA, where a strong local groups continues to campaign repeatedly for freeing refugees locked up and/or closed in by restrictive visas.

Photos show the group protesting in Albany in February, with the photo at right of Howkins (left) and former Greens MLC Diane Evers showing off their signs together.



Tasmania:

There are a series of developments in Tasmania being investigated in relation to FTD (Failure To Disclose) allegations of serious impropriety against Tas Police.

The matters relate to TasPol allegedly providing vision only from police Body-Worn Cameras until receiving legal demands to provide audio also, removing key sections of BWC tapes, planting evidence and the like. CLA reminds TasPol that it has a duty to fully disclose all material it holds, regardless of whether the material is favourable to a person or people charged.

The new Tasmanian Police Commissioner Donna Adams was quoted in the media in February as saying she sets the standards for TasPol: if that's the case, a serious re-set is in order.

Separately to the above, there are long-running issues in relation to the Sue Neill-Fraser case over possible FTD failings of police: you can read about them in the Etter-Selby Papers, which are completely open to the public as they have been tabled in the Upper House of the Tasmanian Parliament.

SNF has been on parole for about six months, with 9.5 years still to go, after serving 13 years of a long sentence for killing her husband on their jointly-owned yacht, moored in Sandy Bay on Australia Day 2009.

SNF has always maintained she did not kill her husband, Bob Chappell. CLA has always believed that the police and prosecutor failed to prove that she did, because material presented to the jury – including a murder weapon or two when no body has ever been found – was hypothetical, exaggerated, wrong in photographic nuance and forensic presentation and in at least one aspect a direct error by the DPP.

INTERNATIONAL

Another criminal cases review commission will improve just outcomes

Canada is introducing an independent commission to review miscarriages of justice.

The Minister of Justice and Attorney General of Canada, David Lametti, last month introduced into parliament legislative amendments to the criminal code of Canada.

This is the same mechanism CLA has been campaigning for, with others, for Australia.

The new Canadian commission would replace the current ministerial review process. It would review, investigate, and decide which criminal cases should be returned to the justice system due to a potential miscarriage of justice.

The law – called David and Joyce Milgaard's Law in Canada – is named after a man released in 1980 after serving 23 years wrongly imprisoned, and the mother who fought to free him.

“Establishing an independent commission would make it easier and faster for potentially wrongfully convicted individuals to have their cases reviewed,” AG Lametti said. “The commission would remove barriers to access, for Indigenous peoples, Black persons, and members of marginalised communities.”

Addressing miscarriages of justice more quickly would help mitigate the devastating impact they have on the potentially wrongfully convicted person, their family, victims, and improve access to the justice system.

The independent commission would review miscarriage of justice applications and decide whether to grant a remedy, such as ordering a new trial or new appeal. These applications would no longer be decided by the Minister of Justice.

Applicants must first exhaust their rights of appeal before requesting a miscarriage of justice review by the commission. If the commission decides a miscarriage of justice may have occurred and it is in the interest of justice, the commission will grant a remedy, such as ordering a new trial or new appeal. Only the courts have the power to overturn a conviction.

“Establishing an independent commission responds to calls from stakeholders and advocates for the wrongfully convicted, and follows the establishment of similar independent commissions in other countries, such as England, Wales and Northern Ireland, Scotland, and New Zealand.

“The creation of independent commissions in those jurisdictions has led to significantly more applications being made and more wrongful convictions being identified and remedied, compared to Canada,” Mr Lametti said. <https://tinyurl.com/3yucasmf>

President wants to rein in PM lurching to the far right

The President and PM of Israel are at loggerheads over proposed judiciary changes.

The Israeli president, Isaac Herzog declared recently about the so-called judicial reform proposed by Prime Minister Benjamin Netanyahu

“The democratic foundations of Israel, including the justice system, and human rights and freedoms, are sacred, and we must protect them and the values expressed in the Declaration of Independence. The dramatic reform, when done quickly without negotiation, rouses opposition and deep concerns among the public.”

Netanyahu wants to emasculate the judiciary, by grabbing Executive power to override the decisions of judges, starting in April.

He also wants the right to select judges, usually handled by an independent panel. <https://tinyurl.com/yc4k5zc9>

Man freed after 28 years...prosecutors failed to disclose facts in his favour

Missouri judge David Mason has overturned the conviction of a man, Lamar Johnson, 50, who has served nearly 28 years of a life sentence for a killing that he has always said he did not commit.

His lawyers said the evidence proving his innocence was available at his original trial “but it was kept hidden or ignored by those who saw no value in the lives of two young Black men.”

He had been convicted on the basis of a line-up identification by someone who said he had been coerced, and a conversation reported by a jailhouse informant.

In coming to his decision, judge Mason explained that there had to be "reliable evidence of actual innocence — evidence so reliable that it actually passes the standard of clear and convincing".

Mr Johnson walked free after he was processed out at the courthouse.

The case for Mr Johnson's release was centred around a key witness who recanted his testimony and a prison inmate who says it was he — not Mr Johnson — who joined another man in the killing.

<https://tinyurl.com/4wy34668>

International briefs

All Austrians' data stolen

A 25-year-old Dutch hacker arrested late in 2022 obtained and offered for sale the full names, addresses and dates of birth of virtually all Austrians, police have revealed. In an online forum in May 2020, he offered "the full name, gender, complete address and date of birth of Austrians, as well as similar data sets from Italy, the Netherlands and Colombia. The Austrian information is so-called registration data - basic information including a current address that residents are required to provide to the authorities. <https://tinyurl.com/2p95t59t> In another revelation, German company T-Mobile has admitted that hackers stole the details of about 37m customers in another major data breach. The carrier said that it discovered the issue on 5 January 2023, but that it believed it was being hacked since 25 November 2022.

Child gun deaths up, police kill more people:

In 2021, the child death rate from guns was the highest it has been in more than 20 years, according to provisional statistics from the Centers for Disease Control and Prevention. That year, 3597 children died by gunfire and nearly two-thirds of those – 2279 – were homicides. <https://tinyurl.com/2jsyp2d2> In 2022, police killed a record number of people in the USA, 1060, which was 13 up on the 2021 record of 1047. <https://tinyurl.com/ydwj7bzbv>

Children, women die in immigration detention

Some 150 people died in immigration detention in Malaysia last year out of about 18,000 detained, the nation's Home Minister Saifuddin Nasution Ismail said last month. Seven children and 25 women were among them. “The fact that so many foreigners, including children, die in immigration custody is a scathing indictment of Malaysia's failure to treat those they are holding as human beings who have rights,” said Phil Robertson, deputy Asia director at Human Rights Watch. Amnesty International called on the government to take action to prevent people's death in detention. <https://tinyurl.com/4cmn7w4p>

DATES

2023:

2 Mar, Sydney: ‘Chasing Wrongs and Rights’: Elaine Pearson, in conversation with ABC presenter Fauziah Ibrahim, discussing her new book before she moves offshore to become Asia Director of Human Rights Watch. 1-2pm UNSW Law Theatre G02, Law Building F8, Kensington. <https://tinyurl.com/2p9bkb96>

20 Mar, Sydney: Environment law and governance expert, Dr Kate Owens, presents the 2023 Iain McCalman Lecture on how to effectively harness climate governance to achieve deep coordination and sustained change. Sydney U. Law School <https://tinyurl.com/43ndc5bt>

25 March, NSW: State election

26-28 April, Melbourne: Humanitarian leadership conference, Deakin U in Melbourne City and online: 'Re-energising the global disaster response system. <https://centreforhumanitarianleadership.org/the-centre/events/2023conference/>

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 26 Feb 2023.

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