

**Q: Wouldn't a HR Act clog the AAT with cases? A: No, minor impact only**

Some people claim that creating a federal Human Rights Act, with conciliation through the AHRC and a subsequent appeal option to the AAT, would create huge workloads for the Administrative Appeals Tribunal. But the current system – which covers discrimination legislation under the conciliation/appeal option process – illustrates a large increase is highly unlikely.

The Australian Human Rights Commission resolved 3736 complaints under discrimination legislation in 2021-22, of which roughly 2% went to the AAT for mandatory remedy (around 74 cases).

The AAT resolved 43,084 cases over the same period.

The AHRC cases are therefore currently about 0.172% of AAT cases...10 times as many cases would still represent only just over 1% of all AAT cases.

*(To lodge a submission on why Australia should have a federal Human Rights Act, you have until c.o.b. on 1 July to do so: go here for details: <https://tinyurl.com/5n7a9b58> Subs can be as short as one page)*

***Police special coverage***

Police behaviour and culture throughout Australia appears to be on a downward slope. In this edition of CLArion, we throw some light on frequent problems, starting with this comparison article:

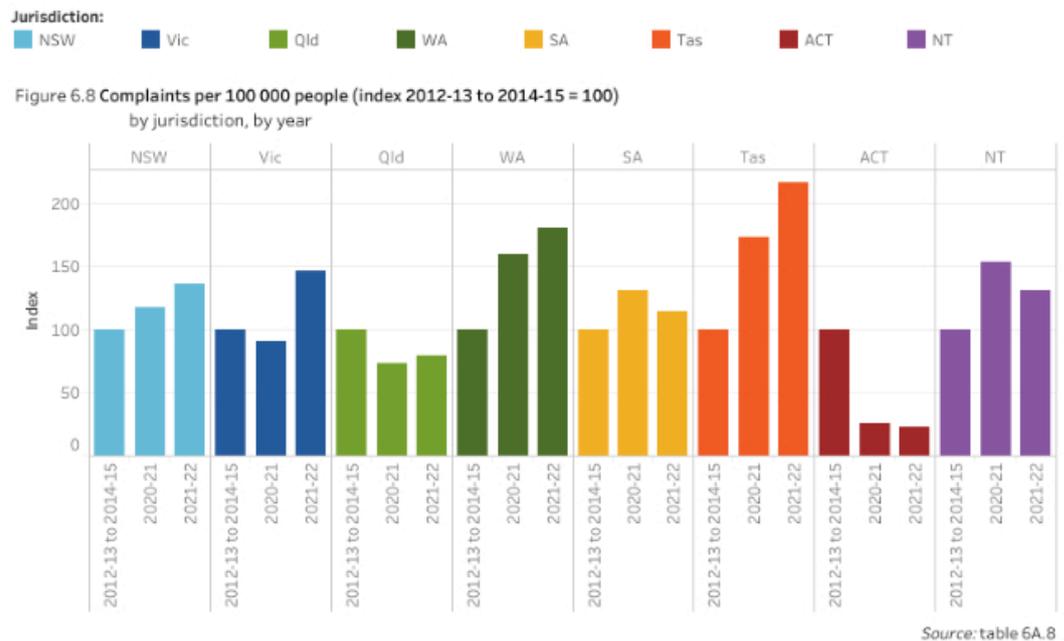
**Tasmania Police are worst in Australia**

More people, pro rata, complain about TasPol than any other police force in Australia.

The volume of complaints is 10 times the pro rata number in the ACT, and more than double that in SA and Queensland.

*For people reading the chart in hard copy B+W, ACT figure is 2nd from right; Tas is 3rd from right, SA is 4th. Qld is 3rd from the left.*

The figures, from a recent release of data by the *Report On Government Services* (the statistics bible for



how well or otherwise government bodies are discharging their duties) shows massive problems for TasPol in how it deals with the state's citizens and – almost certainly – equally alarming problems in how TasPol operates across all its functions. ( See: *Update released 6 June 2023: <https://tinyurl.com/mr2ah62v>* )

The Commonwealth Ombudsman has said for years that TasPol lacks a compliance culture.

The contrast in the bar chart above is enormous, when you consider ACT and Tasmania have roughly similar populations: ACT about 461,000, Tasmania 571,000.

For Australia's one remaining Liberal government, this police force failure is a rumbling warning before a general election possibly two years out – or maybe even less, given the current government is in minority.

Tasmania is also a disaster area in how and in what facilities it jails young people, with double existing facilities needed. Risdon Prison is coming under huge criticism in a current parliamentary inquiry.

In the NT in 2016, it took just one *Four Corners* hard-hitting program about problems at the Don Dale detention centre one month before an election to see the coalition side of politics eviscerated: a two-party preferred swing of 13.3% saw a 12-seat majority become a 2-seat only rump which has so far kept the Country Liberal Party out of power and in internal turmoil for seven years.

State governments always kowtow to police forces, partly because they represent a sizeable voting bloc. But the Tasmanian government could well be advised to hold a Commission of Inquiry into Tasmania Police, with particular emphasis on citizen complaints, forensic issues, failure to disclose mandatory evidence, surveillance practices and record-keeping, the Sue Neill-Fraser and Jeff Thompson cases and the abysmal compliance culture in TasPol as officially reported by the Commonwealth Ombudsman.

## **Aussie police forces must not employ duds from overseas**

Throughout Australia, police forces are recruiting from overseas police to pad out what local police associations (that is, police “unions”) claim are too few police.

Civil Liberties Australia believes the background of every applicant should be checked and double-checked with other police forces in Australian, forces from other countries, and any like entities, such as protective security services, fire brigades and the like.

Any applicant on a banned, barred or similar list should be refused employment in policing and police-like activity in Australia.

The UK’s barred list information is here: <https://www.college.police.uk/ethics/barred-list> It can be searched online.

The UK also has an “advisory list”: such lists everywhere should be searched too.

The UK police advisory list covers all officers, special constables and staff members who have resigned or retired during an investigation, or who leave before an allegation comes to light. It also includes designated volunteers who have had their designated status withdrawn because of conduct or performance matters.

**OOPS** department: last month we had a photo captioned as Toni Pirani as acting FOI Commissioner, when the photo was of Kathryn Jones, the Attorney-General’s Department Secretary. Apologies to both. Thanks to spotter JM for alerting us.

## **Boyle gets help to chase common sense justice**

Human rights lawyers will intervene in the case of Richard Boyle, the tax office whistleblower from Adelaide, as he appeals a local decision to deny him whistleblower protections.

The SA district court ruled Boyle (photo) was not protected by the Public Interest Disclosure Act for collecting evidence to blow the whistle on the Australian Tax Office’s (ATO) aggressive – possibly illegal – debt chasing.

Boyle, aged 46, has appealed to the SA Supreme Court. His appeal is set down for August 2023. The criminal trial being brought by the Commonwealth, involving 24 alleged offences, is due in SA’s District Court in October.



The court has approved the Human Rights Law Centre taking part in the appeal as “amicus curiae”, Latin for a friend of the court. That allows the HRLC to make submissions in court.

HRLC senior lawyer Kieran Pender said: “Richard Boyle’s appeal will determine the strength of protections for all Australian whistleblowers, given similar provisions exist in almost all Australian whistleblower protection laws. It is a vitally important test case with significant implications for truth and transparency in this country.”

Federal Labor has committed to reforming the PID act to better protect whistleblowers, but it has not risen to the top of AG Mark Dreyfus’s priority list yet.

## **Dear AG Dreyfus: you’re accusing the wrong people**

Boyle (above) allegedly did the wrong thing when he tried to hold the ATO to account over unethical, possibly illegal, debt-recovery practices against mainly small business people and individuals by the Commonwealth government. He faces possible life in jail.

David McBride, a Canberra Department of Defence lawyer, exposed alleged murders and other serious legal breaches by some 25 Australian soldiers in Afghanistan. He faces decades behind bars, probably after a secret trial in which you and I won’t be allowed to see or hear most of the evidence. Countless Defence officers failed to notice anything wrong when soldiers under their command did unspeakable things: the senior officers face no charges (nor, so far, do any of the soldiers, bar one).

Executives of PwC, the old PricewaterhouseCoopers as was tax and management advice of dubious worth, allegedly stole and misused secret Australian government tax information around the world. PwC gained some \$537 million in government contracts over the past few years.

Which of Boyle, McBride or PwC executives and staff do you think should be facing trial?

Attorney-General Mark Dreyfus is a smart and sensible man. But he must be far more motivated, adroit and quicker-acting to ensure the wrong people are not held to be guilty in these cases.

He has the ability to draft and table legislation within days that would liberate Boyle and McBride from the charges against them. The federal parliament would pass such a law instantly, because MPs and the Australian public know who is right and who is wrong in the above scenarios.

Without the wholly unfair legal actions against Boyle and McBride, AG Dreyfus, his department and the parliament can turn their minds to charging and jailing those from the corporate world who are stealing hundreds of millions, if not billions, of dollars every year from the taxes major corporations should rightly pay to Australia and Australians.

Please, Mr Dreyfus, just do it. Don't let companies, the ATO or soldiers avoid justice...but punish instead the very people trying to make Australia better, and showing extraordinary moral courage in doing so.

## **DHA ignores standards and rights, wastes \$millions upon \$millions**

The Australian Human Rights Commission has severely criticised the Department of Home Affairs over its "bad treatment" of immigration detainees placed in hotel detention.

DHA has failed to meet minimum living standards for detainees in hotels, the new AHRC report said last month.

People confined to DHA-chosen hotels had limited access to fresh air, exercise, quality health care and privacy. The report commented that using hotel rooms for detention was not cost-effective.

Australian Border Force data saw the AHRC calculate the average cost for detaining someone in hotel detention as \$471,493 in 2019-20.

For a refugee claimant living in the community while being processed, the cost estimate was between \$16,652 and \$46,490. <https://tinyurl.com/4z2cu5ph>

CLA asks: When will Department Secretaries, like Michael Pezzullo in this case, be held responsible for taxpayer money wasted when cheaper alternatives are readily available, as is the case with hotel detention. Why are his and his deputies wages not docked for apparent maladministration of available funds?

## **Police show little caution around Aboriginal people**



Among people proceeded against for possessing cannabis, just 12% of Aboriginal adults were issued a caution compared with 44% of non-Aboriginal adults, according to a report by leading crime research agency, BOCSAR in NSW, last month.

Aboriginal people were among those excluded from the caution scheme if they had prior convictions for drug, violent or sexual offences.

But even amongst people were eligible for diversion, the study found that only 40% of Aboriginal people were cautioned compared with 74% of non-Aboriginal people.

Details, Jackie Fitzgerald (photo), ED, NSW Bureau of Crime Statistics and Research (BOCSAR), [jackie.fitzgerald@justice.nsw.gov.au](mailto:jackie.fitzgerald@justice.nsw.gov.au) or [www.bocsar.nsw.gov.au](http://www.bocsar.nsw.gov.au)

## **SA talks a big, new Indigenous game...but falls short on funding**

SA is making a concentrated effort to reduce Aboriginal incarceration rates through a multi-million-dollar package, according to the state government.

Whether just \$25 million over four years is enough to “deliver a multi-pronged initiative across agencies and support Aboriginal people to reduce incarceration rates is an open question.

Measures include:

- \$11.2m over four years for Aboriginal-led initiatives to keep First Nations people out of jail;
- cultural reintegration, tenancy, and rehabilitation support to help jailed Aboriginal people in SA to apply for bail, successfully comply with bail conditions, and deliver them the treatment they need;
- Accommodation support: A 12-week supported housing, tenancy, and rehabilitation program;
- Drug and alcohol treatment: a 12-week residential therapeutic program for people needing intensive support to comply with bail conditions;

- Aboriginal Justice Agreement: \$737,000 over two years to set up an Aboriginal Justice Agreement, which is a two-way formal undertaking to “improve justice outcomes” (not defined and not to be measured, CLA notes);
- \$4.6m over four years for a new Port Augusta Community Corrections Centre, with the existing facility not fit for purpose, the government says;
- \$6.3m over four years to reduce Indigenous jailing, by extending the Work Ready Release Ready program to more participants. It will be available at Port Augusta Prison, Adelaide Women’s Prison, Adelaide Pre-release Centre, Cadel Training Centre, Mobilong Prison, Port Lincoln Prison and Mt Gambier Prison (this is an average of \$225,000 per prison per year, CLA notes).
- \$1m over two years to continue the program which diverts Aboriginal kids 10-13 who are charged with a minor offence away from a prison environment, with appropriate supports. Short-term accommodation will be provided where there’s no other suitable bail option;
- a two-year trial of a specialist court for Aboriginal children and young people, to be known as YACCA, the Youth Aboriginal Community Court – Adelaide. <https://tinyurl.com/2cams97x>

## **Gobbledegook prevails in a state where justice doesn’t**

In an example of the gobbledegook with which these initiatives and extensions of programs were announced, the SA government says: “(YACCA will involve) expenditure of up to \$716,250 for a culturally-responsive program that aims to disrupt escalation points in a young person’s offending, address trauma and criminogenic needs, implement protective factors and divert young people from further offending.”

If 10-13-year-old Indigenous kids can get their heads around that mouthful, we’re sure the program will be a huge success...but at \$358,125 a year, it’s not likely to do do very much for very many young people. In South Australia, Aboriginal people are 12 times more likely to be imprisoned than the general population and more than 60% of Aboriginal prisoners are on remand.

Young Aboriginal people are over-represented in youth detention by a factor of 18.

Aboriginal prisoners who have been in jail for near-40 years are also highly over-represented: SA refuses to deal with the problem of a chief forensic pathologist, Colin Manock, who had a 30-year tenure but who was unqualified for the position, and should not have been permitted by DPPs and judges to give “expert” evidence, because he was never a qualified expert.

The High Court is about to free, CLA hope, 67-year-old Derek Bromley, one of the victims of forensic and judicial incompetence in SA in 1984.

Bromley has been in jail long beyond his non-parole date, because he has refused to admit he is guilty.

When the legal-judicial establishment in a small town with a continuing colonial mentality refuses to see the trees for the wood, it is difficult to see how a government can claim justice prevails in the state.

If the High Court frees Bromley, the SA judges who refused his earlier appeal five years ago will stand accused. It would be a fresh and compelling example of justice delivered if they were stood down from any appointments or honours.

## **Rolfe lawyers accuse policeman of ‘criminal conduct’**

The *NT Independent* has reported that a senior NT police officer stands accused of “criminal conduct”, including withholding and manipulating evidence.

The claim, in a formal complaint filed with the acting Police Commissioner Michael Murphy, targets a person with a key role in the Zach Rolfe murder charge investigation.

Rolfe’s lawyers allege that Detective Senior Sergeant Wayne Newell, leader of the NT Police’s Special References Unit – may have engaged in “criminal conduct, such as, for example, perverting the course of justice” while investigating Mr Rolfe for murder in the shooting death of Kumanjayi Walker.

The claims relate to failure to disclose (FTD) evidence to the defence, manipulating evidence and withholding information from a person intended to be called upon as an expert forensics scientist.

The complaint called for acting Police Commissioner Michael Murphy to initiate an independent investigation into the matter or refer it to another body for investigation.

Rolfe and his lawyers claim he should never have been charged over the shooting death of Kumanjayi Walker – he was acquitted – and that elements of the NT Police were biased against him.

“Senior detective accused of ‘perverting the course of justice’ in Zach Rolfe investigation” by Christopher Walsh 17 Jun 17, 2023 Behind a paywall: <https://ntindependent.com.au/senior-detective-accused-of-perverting-the-course-of-justice-in-zach-rolfe-investigation/>

## More allegations of inappropriate police behaviour over Rolfe trial

Christopher Walsh and David Wood, writing in the *NT Independent* last month, have blown open a case of police interfering with a draft report to the coroner in the lead-up to the trial of Constable Zach Rolfe.

Rolfe was acquitted of murder after being attacked with scissors by a First Nations' man at Yuendumu and responding with three shots from his police gun which killed the young local.

Former police commissioner Jamie Chalker tried to hide the coronial report, the *NT Independent* pair claim. Then it was significantly altered just two days after the NT Police top brass discovered Mr Rolfe's legal team knew of its existence.

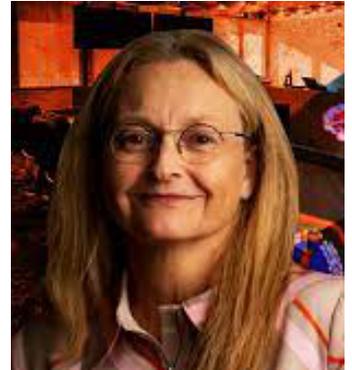
The seven draft reports for the coroner, known as the Pollock-Proctor reports, were only released in May by Coroner Elisabeth Armitage (photo: *NT Independent*), eight months after her inquest into the death of Kumanjaji Walker began.

The drafts contained explosive findings, first reported by the *NT Independent*, including that the NT Police lied to the young man's family about his condition the night of the shooting in Yuendumu, refused to perform mouth-to-mouth resuscitation and highlighted significant internal failures by senior police to properly manage the Immediate Response Team the night they were deployed to Yuendumu in November 2019.

An un-redacted final version of the coronial report also showed that investigators ignored legal advice from the DPP as they prepared to lay the murder charge against Rolfe, including that the two police-chosen, use-of-force experts were not reliable. It also found "critical decisions" about the investigation were made outside of official meetings and not properly recorded, including that former Commissioner Chalker's office directly influenced one of those "critical decisions" to use compromised use-of-force experts against legal advice.

The released documents reveal the last draft before the final coronial report was altered substantially on April 19, 2021 – two days after police knew that Rolfe's defence team had become aware of retired superintendent Scott Pollock's draft coronial reports.

The coroner may refer the police behaviour to the DPP – and to the Police Commissioner – to see whether any charges should be laid. <https://tinyurl.com/3zw5w9wd> (NB: behind a paywall).



## DPP v Police: it happens all over

The battle between the Office of the Director of Public Prosecutions and the Police Force occurs throughout Australia, obviously.

The revelations in the NT add to those being investigated in the ACT by retired Queensland judge Walter Sofronoff KC in relation to the Lehrmann-Higgins aborted trial.

For years, CLA has been calling for proper laws, rules/regulations and guidelines around the areas of responsibility between the two arms of supposed "justice", each with statutory independence formally attached to their positions.

CLA hopes Sofronoff's report will provide a guide as to how to improve accountability and transparency. That was what we asked him to do in our submission to his Board of Inquiry.

## No news is controlled news...but for how long?

The latest wheeze by the NT government to hide and/or deflect what it decides is bad news is to put a marketing consultant in charge of what and when the NT Police can release as factual information.

Writing in the *NT Independent* online newspaper last month, David Wood reported that:

"A marketing manager who gives strategic advice on the 'Territory master brand' to the Chief Minister's department, has been installed by an unknown person to help decide what crimes are reported to the public, usurping the NT Police media unit, sources have confirmed. But the police force and the Fyles Government refuse to say who created the secretive new role and why.

"Sources, who spoke on the condition of anonymity, told the *NT Independent* the unadvertised new role is filled by Sita Bacher, who works in the Department of Chief Minister and Cabinet, and who describes herself on LinkedIn as a senior marketing and digital manager.

"Her spiel on her LinkedIn biography states: 'The team I lead provide (sic) strategic marketing advice and services for NT government agencies, whole of government campaigns, major projects and the Territory master brand'.

The *NT Independent* was first informed Ms Bacher was in the role on June 2, when several sources said the police media unit members, including director of communications Margaret McKeown, were moved out of the police executive headquarters in the NAB building in Smith St, (and) relocated to the Peter McAulay Centre in Knuckey Lagoon.

“The sources say it is now the Chief Minister and Cabinet Department marketing manager Ms Sita, along with the police executive, who decide what crime will be reported to the public and how that will be done, with the work of distributing the information tasked to the media unit.

“Previously, members of the executive would meet with a representative of the media unit daily to discuss those crimes.”

CLA notes that bad news becomes worse the longer it festers behind closed doors.

### **...and stunning a 95-y-o with dementia is hushed up for 36 hours**

A 95-year-old grandmother – with aged care staff, paramedics and another police officer present – was stunned with 50,000 volts of electricity, fell over and hit her head. She died a week later.

*The Guardian* reported that “mentions of paramedics, a knife and a Taser were removed in the (NSW) police’s first statement about the incident, in which Clare Nowland was Tasered during a confrontation with police while walking with a frame and holding a steak knife at the Yallambee Lodge in Cooma on 17 May.”



A 71-word press release, approved by NSW Police Commissioner Karen Webb (photo), was issued 12 hours after Nowland was injured but provided little detail about her “interaction with police”. “No further details are available at this time,” it said.

But documents released under freedom of information laws reveal the statement was published after police slashed a much-longer draft that included several key details, including the use of the stun gun. The 171-word draft prepared by the NSW Police media unit outlined how police responded at 4.15am to reports that an aged care home resident had a knife and found a woman “still armed ... in a small room”.

“Police and paramedics attempted to speak to the woman; however, all instructions were ignored,” it said. “When she stood up and moved towards officers, a Taser was deployed by a constable.”

It took NSW Police more than 36 hours after the incident to come clean, and give a full account.

The officer who fired the stun weapon has since been suspended with pay and charged with three offences, including recklessly causing grievous bodily harm. <https://tinyurl.com/yt7j46vk>

### **Government knew kids’ jail situation was dire**

WA’s Banksia Hill Detention Centre had descended into an “emergency” situation months before a recent major riot, an official reports says.

Staff were depleted, demoralised and traumatised leading to poor hygiene, living conditions and incessant lockdowns, according to the WA official prisons inspector.

Inspector of Custodial Services Eamon Ryan called for a permanent second youth justice facility for higher-risk detainees after visiting Banksia Hill and Unit 18 at Casuarina adult prison, to where “difficult” children are transferred if they can’t be controlled at Banksia Hill.

Ryan had inspected the two juvenile lockups in February for the first time since 2021. He finished writing up his report one day before Banksia Hill erupted into a riot on 9 May by 49 children over 14 hours which caused about \$30m damage. – Hamish Hastie report in *WAtoday*.

The state government announced a \$25 million upgrade to Banksia Hill a day before the report was made public. This was obviously another attempt to “control” the balance and emphasis of news reports. <https://tinyurl.com/vt24m5rb>

### **ODD SPOT: Truth in Counselling?**

Spotted in a ‘Vale’ item for a departed legal worker:

*“Unusually for a barrister, he was liked by all who knew him, and he will be sadly missed.”*

### **Kid’s jail planned for the never-never**

The Tasmanian government promised in September 2021 to shut down the Ashley kids jail and set up a new juvenile centre by the end of 2024.

An inquiry has recently been told of physical, sexual and verbal abuse of child detainees at Ashley Youth Detention Centre.

Come June 2023, the government has now promised “to develop a timeline for building a replacement facility” by August 2023, according to the relevant minister, Roger Jaensch. In other words, care for troubled kids is going backwards in the state. From an actual “building”, they are now to be recipients of a “timeline for building”.

Why should the people of Tasmania hold out hope for improvement in how their most at-risk children are treated if the government’s best solution is double-speak?

The government has said the 20-year-old former boy’s home that is Ashley cannot be closed until appropriate alternatives are in place..

Minister for Children and Youth Jaensch said the state would build five purpose-built facilities to replace Ashley, including a detention centre in the state's south, two assisted bail facilities and two supported residential facilities.

Currently, he said last month, the kid’s jail held 19 youths, with 16 of them not sentenced and on remand. CLA asks why are they detained in jail-like facilities if they have not been convicted of a crime? <https://tinyurl.com/54an8v84>

## Briefs

### ‘Unbalanced’ AG talks nonsense

SA has increased the top penalty for public obstruction from a \$750 fine to \$50,000 or three months in prison. Premier Peter Malinauskas blames an escalating pattern of behaviour on Extinction Rebellion activists. The old legislation had been in place for 51 years, but the Premier decided to increase the penalty to “meet community expectation”. AG Kym Maher claimed the new laws “strike the right balance”, but CLA points out he is talking nonsense, as he has no idea what the right balance is, because the state of SA lacks a Human Rights Act against which such laws can be measured. <https://tinyurl.com/4rer6a4h>

### Jail: England’s first and enduring gift to Aboriginal people in the land down under

The ACT is holding an independent review of why First Nations people are over-represented in the justice system. An independent First Nations consultancy has been tasked to recommend practical measures to reduce over-representation rates. As well, the ACT has allocated \$11 million to address over-representation. An interim report is expected in March 2024, with a final report later that year.

### Finn becomes top union cop

Nathan Finn (photo) is the new president of the NT Police Association. The senior sergeant has been a frontline police officer for 20 years serving both in remote, and regional stations across the Northern Territory.



### Trends indicate what’s happening in society

In the five (5) years to March 2023, two of 13 major offence categories in NSW showed significant upward trends, eight showed downward trends, and three were stable. Recorded domestic violence assault increased 3.0% a year on average and sexual assault increased 6.8% a year. In the two (2) years to March 2023, five of the 13 categories showed significant upward trends, and eight were stable. The five increasing were domestic violence-related assault (up 5.2%), non-domestic violence-related assault (up 13.0%), break and enter-dwelling (up 8.6%), steal from retail store (up 37.6%) and motor vehicle theft (up 21.3%). – Details: <http://www.bocsar.nsw.gov.au/>

### Cherry Creek to house jailed kids

Victoria’s Malmsbury juvenile jail will shut before the end of 2023, with inmates transferring to Parkville and the new \$420 million Cherry Creek. Malmsbury, which opened in 1965, has experienced inmate riots, staff shortages and escapes over recent years. Youth Justice Minister Enver Erdogan said Cherry Creek, near Werribee, will open for business imminently. Erdogan said the new centre is purpose-built and features an intensive intervention community, a specialised primary health centre and two mental health units. Youth jails in Victoria usually house about 100 people in total. <https://tinyurl.com/3bdxwzjy>

## Letters

### And the victims?

Trumpeting the \$25 million "win" in Australia's adversarial legal bear-pit does not create "justice" for the widows, orphans, and communities deprived of their brutally dispatched loved ones who were collateral damage in Bush's ironically entitled "Operation Enduring Freedom". – Albert M White, Queanbeyan, NSW

## Just do it

Lest future generations be accused of a woke cancel culture mentality by right wingers and military hawks, we should take down all the tributes to Ben Roberts-Smith in the Australian War Memorial now rather than arguing over it for years to come. – Keith Hill, Ooraminna Station, NT

## The real heroes

The whistle blowers who were witnesses in the Roberts-Smith case have spoken about the emotional trauma of having to relive the horrors of the war while being mercilessly grilled in court. If you're looking for heroes, look no further than them. – Fred Pilcher, Kaleen ACT

## Some CLA activities for June 2023

### National report

Under the direction of CLA's Human Rights Act (HRA) campaign manager Chris Stamford as lead author, our submission to the Australian Parliament on why Australia should have a HRA is complete, and lodged.

(If you want to lodge a submission, you have until c.o.b. on 1 July to do so: go here for details:

[https://www.aph.gov.au/Parliamentary\\_Business/Committees/Joint/Human\\_Rights/HumanRightsFramework](https://www.aph.gov.au/Parliamentary_Business/Committees/Joint/Human_Rights/HumanRightsFramework)

The CLA submission runs to 35 pages, and includes the compelling argument that an Australian HRA would go a long way towards completing the ethical infrastructure the nation needs alongside bodies like the National Anti-Corruption Commission, NACC.

It also points out how many issues of the past 10 years – many of which resulted in Royal Commissions – could have been avoided completely or nipped in the bud if we had access to a federal HRA. The submission highlights there are just as many issues facing the government in future that benefit greatly by filtering at the earliest opportunity through the prism of human rights and responsibilities.

### Meeting with AGD

To help prepare for the CLA HRA submission, Chris Stamford, President Dr Kristine Klugman and CEO Bill Rowlings met with senior International Law and Human Rights Division executives of the Attorney-General's Department. The meeting was useful in backgrounding CLA on issues within the department, and the steps needed to eventually expand the human rights area needed if a national HRA is enacted.

### WA report:

#### **WA Labor govt should set up an independent, external police complaints commission (IPCC)**

WA AG John Quigley has indicated he might do something about setting up an IPCC, but his letter to CLA's WA lead manager, Margaret Howkins, is unfortunately couched in polly speak.



Replying on Quigley's behalf, his parliamentary secretary Matt Swinbourn of the Upper House said the Department of Justice had begun "work on updating the Corruption, Crime and Misconduct Act 2003," under starter's orders from the AG.

"This work will include consideration of submissions made to, and issues arising from, the Joint Standing Committee on the Corruption and Crime Commission's *Report 17: Meaningful Reform Overdue – The Corruption, Crime and Misconduct Act 2003*," Swinbourn signed off on in his 19 June 2023 letter.

CLA made a series of major submissions on the need for an IPCC to many WA parliamentary inquiries: we wait with bated breath to see whether the DOJ draft update on how the CCC operates responds positively to what CLA and most independent observers believe is drastically needed in the state.

#### **The work behind the simple 'letter received'**

It's important sometimes to acknowledge how much work lies behind achieving a simple reply letter from a Minister, as in this case.

In this case, CLA's lead manager for WA, Margaret Howkins, wrote letters requesting information on who is rewriting WA's 'Corruption, Crime and Misconduct Act 2003' as promised in Parliamentary Report 17 '*Meaningful Reform Overdue*' (tabled November 2020: we have been working on this issue for more than three years) to:

- Police Commissioner Blanch
- Police Minister Papalia
- AG Quigley

- the Justice Dept
- Eamon Ryan, the Inspector Office of Custodial Services
- CEO Dennis Eggington of the Aboriginal Legal Service
- Reece @ National Indigenous Times
- Ben Harvey @ WA News
- Mick Kelly of the Police Union, and
- Megan Krakouer of the Suicide Prevention & Trauma Recovery Unit

CLA's submission – which eventually was incorporated in the report's consideration – proposed a thoroughly researched model for how to rewrite the Act to change the long-standing police culture of public confrontation and harassment, with overtones of racism and misogyny, to one of equal public respect and mutual health and cultural awareness.

The long-term health and well-being of WA police themselves has been a fundamental linchpin in driving CLA's campaign for the updated, cultural reforms needed. Post-Traumatic Stress Disorder, PTSD, amongst police and public victims has never been higher.

### **WA Labor has promised the people an IPCC**

WA Labor's election platform states that, in government, Labor will implement an external, Independent Police Complaints Commission.

Numerous previous parliamentary reports have called for such a body.

CLA believes the WA government must live up to its election commitments. It has not even begun the process yet, two years into its current four-year term, and with a majority of nearly 50 seats.

New Premier Roger Cook could literally make a name for himself as the man who gave the people of WA their rights and liberties.

### **Rights can help tackle housing catastrophe**

CLA's lead WA manager, Margaret Howkins, met with leaders of Soroptimist groups in WA to discuss their interest in writing submissions to the federal Parliamentary Joint Committee on Human Rights.

The PJCHR is considering whether Australia should have a federal Human Rights Act. The Soroptimists believe there's a need nationwide for accessible structural HR for women desperately seeking social housing. Committee chair Josh Burns is known to be personally a fierce advocate for the homeless: he wants housing to be a right for Australians.

In general, the Soroptimists say, social poverty and justice poverty which has grown steadily over the past 40 years, is creating generations of lone women unable to escape domestic violence, arrange self-care, or avoid elder abuse. WA's unregulated and unfunded State Administrative Tribunal (which operates under the Guardianship and Administration Act 1990) stands accused of stripping vulnerable people of assets they have worked a lifetime for. Both a federal HRA and a WA HRA are needed to fix the problems.

Poverty in 2023 is the most likely cause of death in the USA (wealthiest of the 38 countries in the OECD) and in Thatcherite-legacy UK... ahead of illnesses, disease and all crimes, according to a national think-tank.

CLA believes Australia is on the same neo-liberal economic trajectory, so far largely not altered much by a year-old Labor federal government, and certainly not by the 'Labor' WA government under Mark McGowan, who held sway for the first two years of the current term of office.

### **NO MORE CLArions mailed to prisoners and others**

This note is to let prisoners and others know that we are no longer mailing copies of CLArion to them. The JUNE 2023 issue was the last CLArion mail-out to prisoners, etc. For many years, we have mailed free or highly-subsidised copies to some prisoners each month. We are stopping mail-outs for three reasons: 1. our manager of prison mail-outs has retired from her regular task; 2. photocopying has increased in price significantly; and 3. postage cost has risen.

Prisoners can ask their families/friends to download CLArion from the CLA website each month, and then print and mail a copy to their prisoner. There is no charge for downloading a CLArion, which is posted on the CLA website by the 2nd day of the month of the issue date, eg the JULY issue will be available online, for free downloading and printing by prisoners' families, on 2 July 2023.

We do not deal with individual legal or similar quasi-legal cases: prisoners are advised we will not be responding to letters asking for help with their appeals, for legal advice, for recommendations of lawyers to write to, pro bono services to consult, or similar requests.

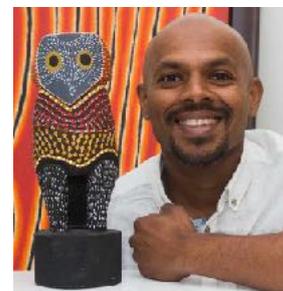
## **NT report:**

### **Meeting with AG**

CLA's Human Rights Act campaign team – Stamford, Klugman, Rowlings – met electronically with the Attorney-General and Minister for Justice of the NT, Chansey Paech, and two of his advisers last month. We discussed the need for a HR Act in the NT and other jurisdictions without one (NSW, Tasmania, SA and WA). Mr Paech (pron. PAKE) said issues around human rights would come more to the surface of discussion and debate with the then-imminent appointment of a new Disability Commissioner for the NT.

### **New Disability Commissioner**

A week later, the AG announced Jeswynn Yogaratnam (photo), a long-time academic and human rights lecturer at Charles Darwin U (among other senior positions in other parts of the world) as the person appointed. CLA met with the new Commissioner in 2011 when CLA President Dr Kristine Klugman and CEO Bill Rowlings made a formal visit to Darwin Ministers, politicians, lawyers and others and to CDU, including attending an address organised by Yogaratnam by the then-Australian Human Rights Commission President, Catherine Branson.



## **ACT report:**

Several issues are being advanced in the ACT, with new laws setting the long-term Age of Criminal Responsibility for Children at 14, starting with an immediate increase of the age from 10 to 12.

### **Right To Appeal**

The ACT is also about to pass what CLA calls 'Right To Appeal' (or R2A) legislation. This is an amendment to the Crimes Act which allows prisoners a second or subsequent appeal if new evidence emerges indicating they might be innocent. SA passed the first such legislation in 2013, and Henry Keogh was released after 19 years in jail under a miscarriage of justice. Tasmania passed a similar law in 2013, though it was not enough – according to two judges, one judge said it was sufficient – to release Sue Neill-Fraser from one of the greatest miscarriages of justice in Australia's history. Other states have adopted the legislation too, so that the ACT move will put pressure on NSW and the NT to follow suit.

### **VAD**

Voluntary assisted dying legislating, allowing people to make a personal choice if they want to end their life, is expected to pass in the ACT shortly. For two decades the ACT, and the NT, were held back from even debating the law in their parliaments because of a bigoted law introduced by former MP Kevin Andrews into the Australian Parliament. Fortunately, that law, like Andrews position in parliament, has now been condemned to the history books. CLA comments that one person's private religious beliefs are no reason for interfering with the personal religious beliefs of another person, or of the community.

### **No Rights Without Remedy**

The 'No Rights Without Remedy' amendment to the ACT Human Rights Act is expected to go before the ACT Legislative Assembly shortly. It will give people the right to have conciliation by the ACT Human Rights Commission around any human right in the ACT, rather than just in relation to disability issues, which is the current limit. Next year, it is expected a second tranche of legislation will extend the right across all ACT HR provisions to refer a matter to the ACT Civil and Administrative Tribunal (ACAT) if conciliation is not successful. The No Rights Without Remedy approach is a cornerstone of a proposed new federal HRA.

### **Watchirs retires**

Dr Helen Watchirs OAM, who has led the ACT Human Rights Commission for 19 years, steps down at the end of June. Watchirs has been a resolute, consistent, relentless and successful advocate for human rights in the territory across her entire appointment. Many reforms in the juvenile detention area, amongst others, would not have occurred without her personal close involvement. As well, she has been a strong supporter of making improvements to the ACT HRA, scheduled for its 20th anniversary in mid-2024.

And **Joanne Dean-Ritchie** is leaving too, after seven years as CEO responsible for keeping the barristers of the ACT Bar Association in order, a task of some magnitude she has accomplished with aplomb.

## **Tasmania report:**

### **Risdon Prison, Tasmanian Police: surveillance devices and illegal warrants**

CLA has been very active in providing background research and comments to the Legislative Council, which is dealing with a difficult issue around how to inquire into illegality around surveillance warrants and

secret audio and audio/visual devices left in place by Tasmanian Police at Risdon Prison. The issue has revealed a long-term lack of a compliance culture in general across the state by TasPol.

What is needed is a full Commission of Inquiry into TasPol surveillance and other misbehaviour in Tasmania since 2002, with the broadest possible terms of reference to capture wholesale wrongdoing, even possibly criminality, by the police themselves. Tasmania has never held an open and transparent inquiry into its police force and all their operations.

### **Assistance with Nazi symbols consideration**

CLA also provided, to select MPs who requested it, a copy of our submission to the ACT government early in 2023 over the issue of legislating to ban Nazi symbols, which the Tasmanian Parliament has been grappling with.

### **Forensic science issues: presentation and major world conference**



CLA member – and also qualified scientist/chemist and lawyer Barbara Etter APM – attended the forensic science presentation by Walter Sofronoff KC held in Melbourne last month. Commissioner Sofronoff is the man who sorted out the disaster that was forensic science and court/legal issues in Queensland over the past few years. He has set forensics in Qld and perhaps other parts of Australia off on a better path in future.

(He is also the current Commissioner of Inquiry into the recent Lehrmann-Higgins aborted proceedings in the ACT, where he is investigating the actions and inactions of the ACT Director of Public Prosecutions, ACT Policing and the Territory's Victim of Crime Commissioner).

Etter (photo: ABC pic) will also attend the International Association of Forensic Sciences conference in Sydney in November. It is being held in conjunction with the ANZ Forensic Science Society, from 20–24 November 2023. The conference program looks extraordinarily broad, and interesting: <https://iafs2023.com.au/>

## **INTERNATIONAL**

### **Men boss biases, UN finds**

Some 8 out of 10 men and women hold fundamental biases against women, a UN report has found. In 38 of 80 surveyed countries, the share of people with at least one bias decreased to 84.6% from 86.9%. For example, 69% believe men make better political leaders than women, and only 27% believe it is essential for democracy that women have the same rights as men.

Nearly half – 46% – believe that men have more right to a job, and 43% that men make better business leaders. A quarter think it justifiable for a man to beat his wife, and 28% believe that university is more important for men.

UNDP tracked the bias issues through its Gender Social Norms Index, which uses data from the international research programme World Values Survey. The survey draws from data sets spanning 2010-14 and 2017-22 using data from 80 countries and territories, covering 85% of the global population. <https://tinyurl.com/4tr8k76c>

### **Safeguards progress with all the speed of Morse code**

While “law” issues like taking away people’s rights and making bail harder to get can be legislated in a trice, “order” issues take a full term of parliament “to consider”. So it seems from a recent UK government revelation.

In a letter to parliament’s Joint Committee on Human Rights, published last month, Care Minister Helen Whately confirmed that legislating Liberty Protection Safeguards would have to wait until the next parliament.

Whately said: ‘The government still accepts the need for change... There was clear support for implementing the LPS to replace (the existing scheme) at consultation, which will be a matter for a future government to consider.

“The decision to delay the implementation of the LPS will enable us to focus on our priority of ensuring that everyone can access the right care, in the right place, at the right time,” Whately said.

Deprivation of liberty safeguards protect adults – detained under the UK Mental Capacity Act – who lack the ability to consent to being accommodated in a hospital or care home. The safeguards enable the family or patient to challenge any such deprivation.

Liberty protection safeguards were proposed by the Law Commission in 2017 after the Supreme Court's *Cheshire West* judgment widened the number of vulnerable people considered to be deprived of their liberty. Liberty protection safeguards were due to be legislated and rolled out in 2022.— source: [parliament.co.uk](http://parliament.co.uk)

### **ODD SPOT: Heil human rights**

Austria will spend \$32m to convert the house where Germany's World War Two Nazi leader, Adolf Hitler, was born into a police station, which will also provide human rights training to police. The elegant 17th-century house in the town of Braunau am Inn, near the German border, was bought by the Austrian government in 2016 under a compulsory purchase order after a long-running legal battle. Hitler was born in a rented room on the top floor 1889. <https://tinyurl.com/yc29wswp>

### **Police won't respond to mental health callouts**

London's Metropolitan police – the UK's biggest force – will stop attending emergency calls related to mental health incidents, Police Commissioner Sir Mark Rowley has notified people by formal letter.

Rowley says the change will happen on 31 August: the ban will only be waived if a threat to life is feared.

He claims officers are being diverted from their core role of fighting crime: patients who need medical experts are being failed when a police officer attends instead.

The letter cites data from a national police study that says officers spend almost a million hours a year waiting in hospitals for mental health patients to be assessed, the equivalent of attending 500,000 domestic abuse incidents or 600,000 burglaries.

The plan could cause consternation among ambulance workers, paramedics and NHS staff who are already under pressure as a result of cuts and at a time when mental health services are already stretched. <https://tinyurl.com/ykpx5kux>

### **Drug dog nose which way to react**

For decades, American courts have had to take it on faith that drug-sniffing dogs were impartial, but the recent spread of body cameras now threatens to upend that faith.

In a new federal lawsuit in Texas, Houston resident Alek Schott accuses Bexar County Sheriff's deputy Joel Babb of pulling him over on Interstate 35 on false pretences, and, when he refused to give permission to search his ute, he says K-9 unit deputy Martin Molina III prompted his dog to "alert" to the scent of drugs.

"These guys are trying to destroy my life," Schott claims.

Historically, that claim would have been nearly impossible to prove. But in this case, Schott requested and received the officers' body camera footage, giving him almost the same view the K-9 handler had – including the moment the handler's right hand made a gesture toward the attentive dog, which then jumped up on the ute's door.

"It's clear to me that he's telling the dog to alert," Schott says. "I thought, 'These guys are trying to destroy my life.'"

No drugs were found in Schott's pickup, and the county later reimbursed him for damage done during the search – including dog scratches outside and inside the truck. The sheriff's office would not comment to NPR on the case, citing "pending litigation". <https://tinyurl.com/3f9u4a3c>

### **Police charge their own 'conduct director' with rape**

British prosecutors have charged Michael Lockwood, the former director general of the Independent Office for Police Conduct, with six counts of indecent assault and three offences of rape against a girl under the age of 16.

The crimes were allegedly committed between October 1985 and March 1986. The 64-year-old resigned from his role at the IOPC in December 2022 after it emerged he was the subject of a police probe. <https://tinyurl.com/mr3tipvy>

The IOPC, formed in 2018, is responsible for overseeing the system for handling complaints made against police forces in England and Wales

In the UK, police officers are being accused of rape at a rate of one a week, according to a report last month by the Bureau of Investigative Journalism <https://tinyurl.com/2p87bk2t>

Over the past five years, more than 300 British officers have been reported for rape and 500 for sexual assault, the report said. Only 10 of those accused of sexual assault have been convicted. The vast majority – 350 – are still working for the police.



## Air-freighted man sues Nissan for lost pay and moral damage

The man carried as “musical equipment” air freight in a box to flee Japan has sued car maker Nissan for \$1.68 billion.

Carlos Ghosn (photo: *BBCpic*) is stuck in Lebanon, his childhood home, which has no extradition treaty with Japan.

The former Nissan chairman, who also headed Renault, was arrested in Japan in late 2018 and charged with under-reporting earnings, breach of trust and misappropriation of company funds. He denied the charges and said his detention was part of a plot against him by Nissan.

Ghosn fled Japan in December 2019 from house arrest in Tokyo. He travelled in disguise by train to Osaka, and was smuggled onto a private jet in a box for musical equipment. The plane stopped in Turkey before discharging its unusual cargo in Lebanon. <https://tinyurl.com/yjth73pf>

Ghosn’s Lebanon-filed legal claim alleges defamation, slander, libel and fabrication of material evidence by Nissan as well as 12 individuals and two other firms. He is seeking \$880m in lost remuneration, and another \$800m in moral damage. <https://tinyurl.com/6mwt7kvx>

Tokyo prosecutors have previously said Ghosn’s allegations of a conspiracy were false. Photo: Eric Piermont/AFP

## International briefs

### Health and aged patients, families to get new rights to visits

The UK government plans to bring in new laws to enforce people’s rights to have visitors in health settings. Allowing visitors will become a legal requirement for hospitals, care homes, mental health units and other health and care operations. A round of consultations will extract views from patients, care home residents, their families, professionals and providers on introducing secondary legislation on visiting restrictions. The new laws will strengthen rules around visiting, providing the UK’s Care Quality Commission with a clearer basis for identifying where health facilities are not meeting the required standard. <https://tinyurl.com/3h29d9t2>

### Muslims singled out for surveillance

Muslims in American jails complain they are singled out for pat-downs and metal detector checks, because of their religion. When Jumma, or Friday, prayer time comes, four or so guards implement the security regime, and then listen and watch in the room as Muslim inmates pray. No guards are inside the prayer room, there are no pat-downs and no metal detectors when 150 people show up for prayers by other religions, Muslim prisoners say. And Muslim prayers are frequently closed down for weeks, and simply not available, whereas prayer times for other faiths remain open. Lawyers say jails treat Muslims as a de facto prison threat. <https://tinyurl.com/mrk8tvbu>

### Court upholds family adoption for Native American children

The US Supreme Court last month upheld federal requirements that Native American and Indigenous tribal members must be given preferences in adoption or temporary fostering of Native children. The 7-2 ruling thwarted a challenge to the Indian Child Welfare Act of 1978, which set federal standards for removing Native children from their families and placing them for foster care or adoption, requiring that “preference” is given to members of a child’s extended family, other tribe members or “other Indian families”. There are 574 federally recognised tribes in the USA and nearly two dozen state attorneys general across the political spectrum had come out in support of the law. – *Al Jazeera* <https://tinyurl.com/2p88axce>

### Irish plump for facial recognition

Irish Justice Minister Helen McEntee is buying bodycams for frontline gardaí (police) officers which will be used for facial recognition technology with major criminals involved in crimes punishable by life in jail. These include homicide, rape and aggravated sexual assault, child sexual abuse and child abduction. Under a new Digital Management and Facial Recognition Technology Bill, FRT would only be used retrospectively to search images that are already legally in the possession of gardaí. Once enacted, the bill would allow for the use of FRT, with a number of safeguards, such as the banning of mass surveillance and profiling. Live FRT would not be permitted.

### Refugees double in a decade

On 31 Dec 2022, there were 35.2 million refugees globally, up more than 8m from the year before, according to the UN High Commissioner for Refugees. More than half (52%) came from just three

countries: Syria (6.5m), Ukraine (5.7m) and Afghanistan (5.7m). The number of refugees has more than doubled over the past decade from 15m in 2011. <https://tinyurl.com/24sfc7jm>

### **Stunning cop goes on UK police barred list**

A police officer who stunned a vulnerable man – who had committed no criminal offence – six times in a short time has been sacked. When responding in a group of police to a reportedly suicidal man in a Manchester village in June 2018, he stunned the man twice in his bedroom, twice in his hall and porch and twice in his front garden: for the last four electronic assaults, the man was handcuffed. PC Phillip Smith was found guilty in court of common assault in September 2021. In 2023, after a three-day hearing, a police disciplinary panel ruled Smith's had fired the 3rd to 6th discharges in temper, amounting to gross misconduct, and fired him. Smith has also been placed on the College of Policing's Barred List. <https://www.college.police.uk/ethics/barred-list> <https://tinyurl.com/ymrdpnp7>

### **Transgender rates vary**

There are just two transgender inmates held in Irish prisons, or 0.04% of the prison population. Even taking into account the small size of Ireland's prison population, it's a tiny number. The equivalent figure for Britain is up to 1.8% while in Thailand it's 2.6%. <https://tinyurl.com/3tesp3dm>

### **Russia pardons prisoners who morph into soldiers**

The Russian parliament's lower house, the State Duma, has approved legislation that would pardon criminal convicts who volunteer to join Russian forces fighting in Ukraine, a move aimed at boosting troop numbers during the first stages of Ukraine's counteroffensive. The legislation makes legal a practice first adopted by the Wagner mercenary force last year before Russia's Ministry of Defence took over prison recruitment in early 2023, the *Moscow Times* reported. <https://tinyurl.com/3396z5ps>

### **Partners lose right to past privacy**

Ontario is moving to allow access to information about a partner's past charges or criminal convictions, following the lead of Saskatchewan – the first province in Canada – and Alberta. The law allows partners or their loved ones to request information about someone's violent background, and gives police the ability to disclose it to someone vulnerable. There's a "right to know" and the "right to tell" someone at risk, with details shared confidentially, not in writing, which may not be divulged publicly. In 2014, the British government implemented Clare's Law, years after a young woman was killed by her partner who had a long history of abuse of which she was not aware. <https://tinyurl.com/4bhxbpve>

## **DATES**

### **2023:**

**14 July, Sydney (Newcastle U):** *Algorithmic Justice Symposium*, 9:30am - 5:00pm, Terry Carney (AAT, U. Sydney): *Learning from Robodebt*: John Zelesnikow (U. La Trobe) at Sydney campus of Newcastle U, 55 Elizabeth St. Contact: email: [socialjustice@newcastle.edu.au](mailto:socialjustice@newcastle.edu.au)

**20-21 July, Melbourne:** Constitutional Law Conference 2023, Centre for Comparative Constitutional Studies, Melbourne Law School, inaugural Michael Crommelin lecture by former CJ of Australia, Robert French. <https://tinyurl.com/2dnwevny>

**28 July, Perth:** WA Parliament: Research Symposium 2023; on women in parliament, Aboriginal and migrant voices, democracy and representation in WA. 9-4.30, Parl House, Perth. Free. <https://tinyurl.com/5erf3zsr> Andrew Urban's new book:

**14-15 August, Sydney:** Applied Research in Crime and Justice Conference. The conference will be held at the International Convention Centre, Sydney. BOCSAR <https://tinyurl.com/pbaum2ps>

**23 August, Hobart:** Launch of new book, *The Case for Exoneration: The Murder Conviction of Sue Neill-Fraser*, by Andrew Urban, at Fullers Bookshop, 131 Collins St, 5.30-6.30pm

**21-23 Sept, Gold Coast:** *Cornerstone – The Rule of Law*, Australian Bar Association conference at the Langham facility. <https://austbar.asn.au>

**11-12 October, Sydney:** 'Accountability in crisis: the rise of impunity as a challenge to human rights', A. Human Rights Institute at the U. of Sydney, online and 'live' sessions, with closing keynote address by AG Mark Dreyfus. Details <https://tinyurl.com/2b5bke4j>

**27-28 Oct, Canberra:** Continuity and Change: Public Law Weekend 2023, Centre for International and Public Law. Details: <https://tinyurl.com/5n7uat4h>

**29-24 Nov, Sydney:** 23rd Meeting of the International Association of Forensic Sciences in conjunction with the 26th Symposium of the ANZ Forensic Science Society: details: <https://tinyurl.com/344u5fzz> Conference program: <https://iafs2023.com.au/>

## **Election cycle for Australia:**

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

2026 **South Australia:** 21 March 2026

**Victoria:** 28 November 2026

2027: **NSW:** 27 March 2027

*CLArion* is the regular e-newsletter of Civil Liberties Australia Box 3080 Weston Creek ACT 2611 Australia. Responsibility for election comment in *CLArion* is taken by CLA's Public Officer, Bill Rowlings, of Fisher, ACT. Please feel free to report or pass on items in *CLArion*, crediting CLA and/or any other originating source. We welcome contributions for the next issue: please send to: [Secretary\(at\)cla.asn.au](mailto:Secretary(at)cla.asn.au) Closing date for this issue was 28 June 2023.

ENDS    ENDS    ENDS

## **LATE NEWS:**

### **Brits abandon plan to weaken human rights**

The British government won't legislate a new bill of rights, instead keeping its existing human rights law.

Justice Secretary Alex Chalk late last month confirmed that the government would not proceed with the Bill of Rights Bill, ending long-term speculation. Chalk told the House of Commons the government had abandoned the proposed legislation.

The Bill would have explicitly given UK courts supremacy over rulings of the European Court of Human Rights and introduced a new permission stage for human rights challenges.

Law Society president Lubna Shuja said: "We are pleased the government has seen sense and decided not to pursue the Bill of Rights Bill, which would have been a step backwards for British justice. Scrapping the bill is the right decision as it would have created an acceptable class of human rights abuses, weakened individual rights and seen the UK diverge from our international human rights obligations."

The Opposition Labour Party's shadow justice secretary Steve Reed said: "The plans were a dangerous threat to peace in Northern Ireland, prevented us from deporting foreign terrorists and dented the rights of rape survivors. What's astonishing is that a string of Tory prime ministers indulged this half-baked nonsense for so long." <https://tinyurl.com/yz9hfvva>    ENDS



### **Tas govt withdraws Bill for 'inquiry' into TasPol warrant/surveillance misuse**

After a specific briefing on 28 June 2023 to most Members of the Legislative Council, the Tas government withdrew a proposed Bill already listed for debate and for finalising later that day.

The briefing itself resulted from consistent analysis and reporting by CLA over numerous weeks to LC members that the proposed government amendments were themselves "ultra vires", that is beyond the government's power, because draft clauses ignored already existing laws around surveillance.

The amendments purported to allow a former Solicitor-General, the retired barrister Michel O'Farrell, to hold a pseudo-inquiry into how and why Tasmania Police failed to secure a valid warrant but nevertheless left a supposedly one-interview-only pair of surveillance devices in place at the lawyers-inmates meeting room at Risdon Prison for two months, able to monitor and record every legally-privileged conversation.

The briefing for LC Members was given by the government itself and by the Australian Lawyers Alliance and the Law Society of Tasmania. The matter only elevated to this level of importance because of the work of CLA in keeping the original illegalities of police, and the illegality of draft legislation, in political view. ENDS