

Human Rights a titch closer, but with Vic bias: no mandated remedy yet

The governing Labor Party has ‘titched up’ its “commitment” to introducing a federal Human Rights Act (HRA) for Australia.

In Brisbane last month, the party’s national conference passed a motion that:

“A federal Labor government will consider whether our commitment to the implementation of human rights standards could be enhanced through a statutory charter of human rights and responsibilities.”

But there is already a full-on committee inquiry with exactly the same brief under way. The Parliamentary Joint Committee on Human Rights is due to report in March 2024. So the new national conference commitment to “consider” does not particularly advance the cause. The PJCHR has the question of implementing a HRA firmly in its terms of reference..

It’s also noticeable that the new Labor conference wording uses “charter of human rights and responsibilities” – that’s the Victoria lingo for its state Act – but the best HRA in Australia is now in the ACT. There, the Labor/Greens government is introducing the principle of ‘*No Rights Without Remedy*’, which is missing from the Victorian “charter” legislation.

In the ACT, the government is committed to enabling its citizens to enforce all rights listed in the ACT HR Act either through conciliation or, ultimately, through a ruling of the small claims tribunal, known as ACAT (the equivalent of VCAT in Victoria or QCAT in Queensland).

Only the ACT HR Act will have such broad remedy: a similar right to remedy does not exist in Vic or Qld.

Territories will get more Senators, but possibly not full equality?

Labor’s national conference last month (August) agreed to boost the number of Territory senators and to respect the jurisdictions’ autonomy to make their own laws.

Both currently elect 2 Senators while the states each have 12. An earlier version of the motion called for territory seats to triple to 6 but the resolution adopted as part of the Labor Party platform doesn’t stipulate a number.

Construction union national secretary, Zach Smith (who is also ACT Labor branch secretary) and NT Attorney-General, Chansey Paech, formally proposed the move.

A boost to territories’ Senate representation, up from two senators from each of the NT and ACT, could be made law simply by passing an Act of the federal parliament.

The ‘Teal’ independents support the proposal, as does ACT independent Senator David Pocock who campaigned for greater territory representation at the past election. He welcomed Labor’s commitment to increase the number of Senate seats and protect territory rights. "I look forward to the government acting on this ahead of the next election," he said.

The primary argument for the change is that the voters in the territories do not have anywhere near equal rights when it comes to the Senate vote. The ACT, for example, returns two Senators for its 450,000 population; Tasmania’s 550,000 people elect 12 Senators.

Australia’s population has increased by 10 million, from about 16m to 26m, since parliament last increased in size in 1984, 40 years ago. <https://tinyurl.com/yeyv3b43>

Australia may get bigger and better representation

Special Minister of State Don Farrell has previously said the government is actively considering a significant expansion of parliament, including more senate seats for the ACT and the NT, to address population changes. <https://tinyurl.com/2cd646vc> (paywall)

Senator Farrell has asked the Joint Standing Committee on Electoral Matters, which is reviewing the 2022 federal election, to look at measures to increase electoral participation, previously stating he will wait for the final report from the review before taking the matter further.

How do you get young people to engage with nation-building?

That’s the subject of Churchill Fellowship investigation by CLA member and world parliamentary committee expert Dr Sarah Moulds (photo).



“Many young people 15-20 feel disconnected to parliamentarians and the work of parliaments and disempowered to change the laws that impact their lives,” she says.

To target the opportunities, she is exploring how parliaments in the UK, Scotland and Ireland are experimenting with new engagement tools, including social media, legislative tracking apps, online gaming and regional outreach programs for teenagers and young adults.

The aim, she says, is to develop a toolkit for Australia’s parliaments to empower young Aussies to participate better in the lawmaking process. Details: <https://tinyurl.com/2b6vbups>

Dr Moulds, of the Uni of SA, for her PhD literally wrote the book on how parliamentary committees operate in Australia. A senior lecturer in law, she is editor of the Australian Parliamentary Review and co-founder and director of the Rights Resource Network SA, which is actively campaigning for a Human Rights Act for SA. She is also an executive member of the International Parliamentary Engagement Network, a group that helps connect people to parliaments all around the world.

She spent seven years with the Law Council of Australia including as director of criminal law and human rights, and was also senior project officer at the SA Law Reform Institute.

ODD SPOT: Gaudron supports ‘Voice’, as do other judges

A letter supporting the Voice, signed by eight eminent judges, even brought former High Court judge Mary Gaudron KC out into the sunlight. The normally reclusive Gaudron (photo, when much younger), the first female HC judge, was named first, followed by Carmel McLure, Stephen Charles, David Harper, Robert Redlich, Paul Stein, Anthony Whealy and Margaret White, as co-signatories. For those who like irony, Gaudron – one of the strongest judicial advocates against discrimination in Australian history and a fierce advocate for women’s rights – was replaced on the HC when she retired in January 2003 by Dyson Heydon. Seventeen years later, a HC-generated “private” inquiry found Heydon had sexually harassed six female associates (junior, but very well qualified lawyers, employed by the HC as assistants to eminent HC judges). For years, the associates had said nothing, until they found their “voice” to speak up about Heydon’s alleged misbehaviour, which he has denied.



Secret inquiries investigate Australia’s forensic mess

A hush-hush, behind-the-scenes review of quality standards at all Australian forensic laboratories is under way, the Attorney-General’s Department has confirmed.

Hopefully the review will ultimately recommend the AG, Mark Dreyfus, establishes a national Forensic Science Regulator, as Civil Liberties Australia proposed to him in our Australia Day letter of 2023.

The AG’s Department has apparently confirmed the current inquiry will “facilitate national consistency across identified issue and corrective actions noted in the (Sofronoff) commission’s final report”.

The least of what is needed is a national regulator, CLA says.

The National Institute of Forensic Science is also conducting a current closed-door review into 19 laboratories across Australia and NZ. This is another outcome of the Sofronoff Qld forensic inquiry.

SPECIAL: DNA fails to match the hype

‘Forensic’ Sofronoff sparks action

All moves in the forensic space stem from the shocking findings of former judge Walter Sofronoff’s \$6m inquiry in 2022 into the state of forensic science in Queensland.

Standards and quality had dropped so low that killers and rapists may have been going free.

Sofronoff’s forensics inquiry recommended 123 corrections and improvements to the Queensland forensic system. They are now being checked for relevance to all other labs in A and NZ.

Sparks are expected to fly at the 23rd International Association of Forensic Sciences meeting which is being held (in conjunction with the 26th symposium of the ANZ Forensic Science Society) between 19 and 24 November 2023 at the International Convention Centre in Sydney.

Program details: <https://tinyurl.com/4vaucwyr>

The world’s top forensic scientists, across dozens of specific disciplines, are expected to analyse and discuss standards in Australia and worldwide.

It is highly likely Australia will come in for detailed criticism in relation to the profession’s local standards over the past two decades, even the past half century in SA. Those problems appear to CLA to be worst among state forensic laboratories.

Call for better standards began years ago

CLA has been calling for years for closer analysis of forensics failures in Australia by laboratories, police, DPPs, barristers and judges.

Many – if not most – of the wrongful convictions for major crimes of murder and rape in Australia over the past two decades can be attributed to forensic failures, mistakes, sloppiness, misinterpretation and/or failure to disclose results by police and DPPs.

Just some of the wrongful convictions which occurred because of forensic failures include the Mickleburgs, Button, Beamish, Mallard and Austic in WA, Keogh and Bromley (most likely) and hundreds of others in SA, Farah Jama in Victoria, Gordon Wood in NSW, Stafford in Qld, Eastman in the ACT and, famously, Lindy Chamberlain in the NT.

The better-informed, public opinion jury in Tasmania is still out on the as-yet-uncorrected wrongful conviction of Sue Neill-Fraser where a key piece of evidence used forensically “disappeared” for three days in a police garage, and detailed forensic findings never found their way to the defence. A forensic scientist who said openly in court that she was not qualified to give an opinion on an aspect of the case was allowed by the judge to be considered an expert witness on that very aspect.

National Regulator needed, as CLA told AG in Australia Day letter

It is encouraging that CLA’s call in January for national action by appointing a national forensic regulator is now backed by the whistleblower who alerted Queensland to what was going wrong there.

Forensic biologist Kirsty Wright told *The Australian’s* Lydia Lynch last month that crucial forensic evidence was being missed in other Australia states “without question”. She was “absolutely certain” things were slipping through the cracks in other jurisdictions because of weak quality standards.

She called for a new national standard for forensic labs, echoing CLA’s call in January this year for a National Forensic Regulatory Authority.

Ex HC judge Kirby supports CCRC for Oz

A Criminal Cases Review Commission is urgently needed in Australia, wrongful convictions expert Dr Bob Moles of SA says.

“In the USA, a US leading forensic ‘expert’, Henry Lee, has been found to have given false evidence to secure convictions (which have been overturned after people have spent decades in prison).

“News from Manchester, Maryland and Massachusetts, where their crime labs have had staff who have also lied or given false evidence in the most outrageous circumstances.

“Yet, when we raise issues with our crime labs here in Australia – as in SA or Tasmania – those responsible stick to the well-worn responses ‘nothing to be concerned about here’.”

Dr Moles was commenting on a ‘Bridge of Hope’ innocence project in Melbourne saying it would be ‘premature’ to seek to establish a CCRC in Australia, as a discussion starter for a webinar.

“What madness!” Dr Moles said.

“Former High Court judge Michael Kirby has asked me to inform those in the web discussion that he supports the views I have expressed in this briefing paper:” <http://netk.net.au/CCRC/CCRC30.pdf>

Centre announces pro bono help for whistleblowers

The Human Rights Law Centre will provide a pro-bono specialist legal service for whistleblowers.

The HRLC’s Whistleblower Project will help people navigate existing whistleblower protections and empower them to speak out against human rights abuses, HRLC CEO Caitlin Reiger said.

“People who courageously speak up when they see something wrong are vital to ending cultures of impunity. They should be recognised as human rights defenders, not punished,” she said.

Two out of three Australians support stronger whistleblower protections, an Essential Media poll found. Some 68% of people believe whistleblowers should not be prosecuted by the government when they speak up in the public interest.

Former Tax Office employee, Richard Boyle is facing life in prison after blowing the whistle on debt recovery tactics at the ATO.

Former military lawyer, David McBride, will appear – yet again – in the ACT Supreme Court in November, accused of leaking documents about Australian soldiers’ alleged war crimes in Afghanistan.

An official report, which took four years to compile, said 19 Australian soldiers had illegally killed 39 and “cruelly treated” another 2. Yet McBride is being persecuted for NOT hushing that up! Madness, CLA says.

Federal member for Clark, Andrew Wilkie - who blew the whistle on Australia's involvement in Iraq two decades ago - said Australians pay the price for speaking up. "No wonder there are so few whistleblowers, and that those who do dare speak truth to power often end up unemployed, friendless and broke at best, or facing jail or suicidal ideation at worst," he said.

Mr Wilkie said the HRLC's service would support those hoping to speak up, and "be a warning to wrongdoers that there's now a better chance they're going to get caught". <https://tinyurl.com/3pp8pfha>

Gageler to be head judge

Stephen Gageler (photo) becomes the next top judge of Australia's High Court on 6 November 2023. Aged 65, he can serve for nearly five years until July 2028 when he turns 70.

The baton is likely then to pass to Michelle Gordon for about six years, or to James Edelman, who could serve on the top bench for 15 years from 2028 to December 2043, just short of his 70th birthday, which is in January 2044.

There are plenty of people who believe the High Court needs a long-serving, reformist judge to blow away the cobwebs and bring the institution from early 1900s thinking into the mid-21st century.

Robert Beech-Jones will be the new judge on the court, effectively replacing the retiring (slightly early) Susan Kiefel, who is stepping down due to age. The less said about her term as head judge, the better, CLA believes.

She will be forever known for presiding over the judge Dyson Heydon scandal, where Kiefel's carefully stage-managed "independent", non-judicial, non-police inquiry found Heydon engaged in sexual harassment of his female staff...without any referral to police or the local DPP by Kiefel when the findings were reported by her hand-chosen investigator..

The way Heydon was treated makes it seem that High Court judges are above the law.

Sawmiller's son with a black belt makes it to the top

Gageler and Beech-Jones are both graduates of the Australian National University in Canberra. Gageler also studied at Harvard. He has only 12 years experience as a judge, having never been on a judicial bench before ascending to the High Court in 2012 from being Solicitor-General of Australia.

His is a remarkable story of the son and grandson of sawmillers from Sandy Hollow, a hamlet near Muswellbrook in north-western NSW, making it from a one-teacher school to the big concrete court beside the lake in Canberra.

(Interestingly, Gaudron – see above – was born in another smallish town not far away, in Moree in NSW. She also worked in the Australian Public Service for a time).

Beech-Jones solves a long-standing dilemma for the Australian government: he is the first Tasmanian-born person to serve on the High Court, though he was appointed a judge in NSW in 2012. He also brings a Science degree to the top court, which is seriously lacking in criminal expertise, particularly in forensics knowledge, though B-J's original barrister background was in white collar crime, not the daggers and bullets variety. He is a known supporter of human rights legislation for Australia.

Beech-Jones takes the cake for the smallest, remotest birthplace: Savage River, on the west coast of Tasmania, a magnetite mine site (still is).

* If the High Court of Australia was once fit for purpose, it has not been so for at least 70 years, CLA believes. Major reform of the High Court should be on federal AG Mark Dreyfus's second term agenda.

Down the mine? Or down the gurgler?

Guess who is going down the mine? Or perhaps, guess who's reputation is going down the gurgler?

None other than former six-year WA Premier Mark McGowan.

He announced a shock resignation out of the blue on 29 May 2023 because he was "worn down by the relentless pressure" of having to work for a living, as a politician-become-premier.

Now, come August, he's registered his own firm name, and there are hints he'll become a mining employee with BHP. Or perhaps the former Navy lawyer can learn to go down with AUKUS submarines?

The gravy train for ex-pollies in Australia appears to remain on track.

Presumably a massive pay packet for having a good insider's memory of how things work in WA's State of Enticement, under the Old Pals' Act, can heal the burden of polly pressure.



Scrutiny committee comes down on hate and broad surveillance

Parliament's Scrutiny of Bills Committee was not at all impressed with the proposed federal law to ban Nazi hate symbols.

Scrutiny Digest 9 of 2023 questions whether the law curtails freedom of expression, reverses the legal burden of proof, is fuzzy in its definitions and removes the usual sunset clause which means a review in 5-10 years.

The Committee, chaired by Liberal Senator Dean Smith of WA, is also highly critical of yet another telecommunications surveillance act.

Why does the act involve such broad powers? Why does it give such broad powers to a second person and let them spill the beans on foreign intelligence to anyone they like? Why did the Bill pass in two days? Basically, for the umpteenth time under both Labor and Liberal governments, this "safeguard" committee is questioning why Australia's Parliament is abandoning the principles and rule-of-law that makes us the nation we are, CLA observes.

Every federal parliament heaps new powers on spook bosses and secret operatives: no parliament ever reduces their powers, which is the direction Australia should be aiming for, CLA says.

Counter-Terrorism Legislation Amendment (Prohibited Hate Symbols and Other Measures) Bill 2023
Telecommunications (Interception and Access) Amendment Bill 2023

Which state has the cruellest prison regime?

We rank states and territories by their points scored in the Shield cricket and baseball, wins in the football sports, and in terms of manufacturing, productivity and fiscal growth, not to mention population.

So why don't we rank them in terms of things that impact in other ways:

Which Office of the DPP is guilty of most Failures To Disclose (FTDs) annually?

Whose police force, each year:

- kills more people in car chases?
- stun guns more people?
- shoots people dead?
- arrests pro rata more First Nations people? and
- detains more Aboriginal and Torres Strait Islander kids?

Which state has the most overcrowded jails?

Whose courts are most clogged, and what's the ranking order?

Which states' judges produce the most wrongful convictions?

Whose barristers are the most incompetent?

None of these important aspects of the rule of law in Australia are ever measured.

Anyone got any ideas about how we might produce an "ill-being" index to rank the states/territories?

Murphy appointed as top cop in NT to re-establish integrity

Michael Murphy has been appointed the NT's Police Commissioner, five months after taking over in an acting capacity.

He has been a deputy commissioner since 2018, becoming top cop on an interim basis in April 2023.

Murphy joined NT Police in 1997, rising to superintendent in 2008 and commander in 2011, assistant commissioner in 2017, and deputy commissioner in 2018.

Jamie Chalker had been the NT police commissioner since 2019, but retired after reaching a secret legal settlement with the NT government earlier in 2023. Media reports speculated he had been asked to resign.

A previous top cop, John McRoberts, resigned in 2015 after six years in the top job, but resigned when the government lost faith in him. He was jailed in 2018 for perverting the cause of justice by trying to frustrate a fraud investigation into his girlfriend, Xana Kamitsis, who herself was jailed for defrauding a government travel scheme.

The top cop job in the NT has been a poisoned chalice for most of the past decade. Everyone hopes that Murphy, with a reputation as an honest and fair cop, can restore lost integrity to the position. <https://tinyurl.com/53e25zwz>

Murphy comes from a police family – his father was a senior officer in NSW – and his sister, Barbara Etter, was at one time Assistant Commissioner of Police (and acting Deputy Commissioner) in WA. She also served as a Commander and acting Assistant Commissioner in the NT Police, and in the police force of NSW originally as well as heading the national police research body, based in Adelaide. She is a qualified pharmacist and lawyer also, which makes her much sought after as an expert on forensics integrity.

Photo: Barbara Etter (nee Murphy) and Michael Murphy at a family event some years ago. Disclosure: Barbara Etter is a member of CLA.



Former police union president leads review

A former NT Police Association president, Vince Kelly, will head a review into NT Police, the government announced last month.

Critics are calling for a totally independent inquiry led by a retired judge due to allegations of potential corrupt and criminal conduct.

Police Minister Kate Worden said that Mr Kelly, a former NT Police officer, would lead the review, along with the support of a team of un-named senior police and government officials “with expertise in policing, human resources and finance”.

For still unexplained reasons, according to the *NT Independent*, Labor backbencher Brent Potter originally announced the review on Katie Woolf’s Mix 104.9 FM radio program in April 2023, saying it would investigate “systemic issues”. Both parties would have input into who would run it, he said.

Worden said the review would focus on staffing structures, operations and employee well-being, including fatigue and minimum staffing, as well as organisational culture and leadership practices.

She said it would also look at remote and regional policing modelling, review general orders, look at the design and application of policing systems, including response protocols, internal communications and integration of modern technologies, as well as budget trends and resource distribution across operational units, capital expenditure and revenue streams.

The review starts 1 September, with a final report by the end of March 2024. <https://tinyurl.com/3s6mhyjm>

ODD SPOT: Is this a record?

A 38-year-old NT woman – who was driving an uninsured car while seven (7) times over the legal booze limit –has been charged after smashing into a parked truck on a suburban Malak street in Darwin while trying to reverse her car last month, according to NT Police. Police said they arrested the woman who later returned a breath analysis result of 0.371% – seven times the legal limit of 0.05. The woman faces charges including driving with high range blood alcohol content, driving on a public street with undue care and driving an unregistered/uninsured vehicle. <https://tinyurl.com/2s3zd48m>

Fyles tells outright lie on national TV during Press Club address: claim

When asked by ABC’s Laura Tingle why her government does not allow an award-winning news outlet to attend press conferences, NT Chief Minister Natasha Fyles told a straight out lie, the news outlet claims.

“Why is that [the ban on dealing with the *NT Independent*] happening and shouldn’t you be lifting it, given it’s broken a lot of important stories in the Territory?” Tingle asked Ms Fyles during an Australia-wide TV broadcast from the National Press Club. “Shouldn’t you lift that [ban] in the name of press freedom and broader debate in the Northern Territory?”

Ms Fyles appeared annoyed by the question. “I think we’re gonna have to disagree on this one. We feel that it’s a blog page and it’s not a professional media outlet.”

Tingle replied: “It’s won all sorts of awards for its coverage.”

NT Independent editor Chris Walsh strongly refuted Ms Fyles’ “defamatory and untrue” comments and pointed out that the *NT Independent* has won the NT Media Award for Best News Coverage for the last two consecutive years, beating out stiff competition in the ABC and other local media outlets for the honour as judged by interstate journalism professionals.

CLA adds that the *NT Independent* runs more government, police, ICAC and other scoops, with a miniscule staff, than the more generously-staffed *NT News*, the Murdoch daily, runs.

Alas, the *NT Independent* loses out to the *NT News* in the crocodile count, with Murdoch’s crew able to conjure up a croc story just about every day, aided by happy snaps from punters and snappy headlines from sub-editors. <https://tinyurl.com/3226u7p2>

Qld police shoot most

Queensland Police shot more people last year than police in the rest of Australia combined.

In 2022-23, Qld police shot 14 people, NSW police shot 8, WA 2, Victoria 1, SA 1. About two-thirds of those shot died.

In 2022, two Qld police officers were murdered at a remote property: the three people responsible were later shot dead by police and are included in the Qld statistics. <https://tinyurl.com/2satxsxn>

State pays up big to try to curb its police-shooting-people habit

A new stun gun, brand name Taser, based off a US model that can strike from 13.7m away will mean fewer people are shot, Queensland Police claim.

Queensland will be the first outside the USA to use the Taser 10, which cost \$7000 each. The stun guns used by officers at present had a range of 4.5m and cost \$2000.

The announcement of the new weapon came days after police fatally shot a 29-year-old at a home in Burpengary East, the fourth police shooting in the state in 2023.

QPol Commissioner Katarina Carroll said 65 of the new stun guns would go to district duty officers throughout the state, which she said would help limit serious harm to police and the community. <https://tinyurl.com/58zr7c3a>

Better training, a much improved police culture, and shoot as a last resort police would limit serious harm to the community even more, CLA says.

Qld: Torturing kids today, saving money to hold Olympics tomorrow

Queensland is changing the law to lock up kids in police cells, over-riding the QLD Human Rights Act.

The state's Police Minister Mark Ryan told parliament the watch house amendment would only be used in "extraordinary circumstances".

"The amendments will override the Human Rights Act ... to allow a detention centre to be established at a police watch house or a part of a corrective services facility," he said.

"It will ensure that immediate capacity issues can be addressed while young people are held safely."

Any state that has to break its own law to torture children by inappropriate detention is a failed state, CLA says.

Mr Ryan said the amendment would be "time limited" until new youth detention centres open in Cairns and Woodford in 2026...but children's rights are not capable of being "time limited" in a functioning rule-of-law state, CLA says.

Inappropriate detention would be considered a form of torture under international protocols, CLA's CEO Bill Rowlings said.

The Greens and opposition LNP have accused the government of disregarding democracy. <https://tinyurl.com/3zab2u9u>

Qld will host the 2032 Olympic and Paralympic Games.

Estimates report: Where the money is going in Qld?

The QPS police officer headcount has increased by 187 from the baseline of 12,038 at 30 June 2020 to 12,225 at 30 June 2023.

The QPS staff member headcount has increased by 1709 from the baseline of 3302 at 30 June 2020 to 5011 staff at 30 June 2023 and the QPS personnel headcount has increased by 1954 from the baseline of 15,580 at 30 June 2020 to 17,534 at 30 June 2023. - Legal Affairs and Safety Committee, Min for Police/ etc, Estimates Pre-Hearing Question on Notice No. 7

Qld cops get lots of new toys in Budget

The 2023-24 Queensland Budget supports the acquisition of:

- 5 new Beechcraft King Air 360 turboprops,
- 3 new POLAIR Bell 429 helicopters,
- 2 new Gulfstream G280 jets...among other things.

– Legal Affairs & Safety Committee, Min for Police/etc, Estimates Pre-hearing, QON No 10.

But, of course, Qld can't afford proper detention facilities for kids, and will use police jails instead.

State puts people's privacy at risk

WA has linked about 75 million unique current and archival data records of its citizens for the first time. "PeopleWA", as it is called, "will revolutionise the way researchers access data, helping to address the state's most complex social, health, environmental and economic issues," according to the anti-privacy pushers from the government who are promoting the idea.

"PeopleWA brings together de-identified data from across government services in a way that protects individual privacy, providing a richer understanding of the community impacts of government decisions, services, and programs over time," they claim.

CLA has one basic question: will this benefit you, the individual, or is it aimed at benefiting the government? The Office of Digital Government and the Department of Health "will govern the data linkage in a safe, privacy-preserving environment". <https://tinyurl.com/bddezfs>

Why do they keep emphasising privacy? Well, for a tale of what can go wrong, see: <https://thetyee.ca/News/2023/07/28/Identity-Theft-Nightmare-Search-Answers/>

Remote lands planned to benefit from police, art, child hub

SA has set up a collaborative hub on the APY Lands to improve agency cooperation aimed at better public and child safety. The APY lands cover the Anangu Pitjantjatjara Yankunytjatjara groups, famous worldwide for Aboriginal art.



Known as the Umuwa Multi-Agency Facility, Commonwealth and State governments jointly funded the \$14m initiative, which includes building new police facilities in Indulkana, Fregon, and Pipalyatjara. SA Police and the Department for Child Protection among the entities whose activities should be better coordinated.

A purpose-built, multi-agency facility includes forensic interview capabilities, family breakout zones, shared agency spaces, and advanced technology to enhance community connectivity.

"The opening of this new facility at Umuwa is a significant step towards improving community safety and child protection outcomes," the SA AG and Minister for Aboriginal Affairs, Kyam Maher, said.

The photo shows him at the Ernabella Arts Centre in Pukatja a place of cultural and national significance, known for its prolific production of Aboriginal art, which will be one beneficiary of a \$1m injection of funds.

Upper House's Webb wants inquiry to prove justice is fair and fit

As about 40 people rallied outside the Tasmanian Parliament last month in support of a Commission of Inquiry into the Sue Neill-Fraser case, one MP called for proof that the Tasmanian system of justice was fair and fit for purpose.

Independent Member for Nelson, Meg Webb MLC said a formal inquiry was needed into the SNF case to explore serious questions raised over a possible miscarriage of justice.

SNF was convicted of murdering her husband, Bob Chappell, on their jointly-owned 16m yacht *Four Winds* motor sailer moored in Sandy Bay in 2009..

She is serving 23 years in jail, but has been out on parole for one year after being locked in Risdon Prison for 13 years

Webb and others at the rally said the case highlighted the need for Australian Criminal Cases Review Commission to review cases of possible wrongful conviction.

"The lack of an independent review mechanism which is truly at arm's length from state authorities, risks undermining public confidence in Tasmania's justice system," Webb said.

"In the absence of a federal review commission, questions hanging over the SNF case can only be resolved by the Tasmanian Government establishing a long-overdue independent inquiry.

The mechanism for that would be a State Commission of Inquiry."

She said the government had refused to hold an independent inquiry despite "resounding" calls from thousands of community members and numerous national and international legal experts.

“We all want to have confidence in a Tasmanian criminal justice system that is fair, accessible and fit for purpose – an independent inquiry into the SNF case is essential in delivering that confidence.” Webb said. <https://tinyurl.com/mr5ben7n>

L to R, outside Tas Parl House on 19 Aug 2023: Kathleen Moore, Rod Butler, Meg Webb MLC, Judy Benson and Rosie Crumpton-Crook.

– Pic” Rosemary Phelps.



SNF echoes call for CCRC

Sue Neill-Fraser, who did not attend the above rally due to parole constraints, sent a message via her supporter group president, Rosie Crumpton-Crook, expressing SNF’s profound appreciation of her supporters’ support and her own personal commitment to establishing a CCRC so that no one else will end up in the position she found herself in, wrongly charged and convicted of murdering her husband, who disappeared and whose body remains missing since January 2009.

Letters

What a crazy world

From the letters (25 July) I learnt that a man received a six-year sentence for murdering a young woman and a woman received a 15-year sentence for embezzling the NAB of millions. It just illustrates the power of corporations in our society. – Felicity Chivas, Ainslie ACT

Flip, backwards, with (silent) twist



Dear Ms Mettam (photo), Just as I was beginning to respect you as a member of the WA Liberal Party, willing to speak out for ‘healing’ in a state suffering serious social neglect, you have back-flipped. Deciding that you will not support the Voice in the coming referendum but instead toe the Dutton line is politically expedient and pointless. I think that your career as a political representative will be viewed as bland and self-serving because of this. Constituents look for courage and integrity in unfair times. Yours sincerely, in disappointment, Margaret Howkins (6th generation white Australian), Maylands WA. (*Libby Mettam, Opposition Leader WA, Member for Vasse: ABCpic*)

On Americanisms

The words John and Ken dislike (Letters, August 12) – get-go, bucks, ass (for arse), gotten – are an indicator of our integration into the corporate “warfare state” which enforces our allies’ global influence. That said, French fries have nothing in common with Aussie chips. They are two very different things. – Peter Curtis, Waramanga ACT

War Memorial nurses its funds

The Australian War Memorial put up statues of a dog and a donkey before a woman (decorated nurse Vivian Bullwinkel) got one...and then it made the nurses pay for it. – Peter Stanley, Dickson ACT

Letter summary: Prisoners are grumbling

Well well, ACT DPP Shane Drumgold, don't ask the question you don't know the answer to! All the guys in one Australian jail have been grumbling that only Drumgold got inquired into by Sofronoff, why not all their prosecutors, they ask, citing their prosecutors' lack of ethics! Perhaps all prosecutors with marks against their name should be inquired into. In which case, there'd be inquiries Australia-wide for years and years, the prisoners say. – Name and location withheld.

Some CLA activities for August 2023

The issue of possibly introducing a federal Human Rights Act is now being carried forward by the Parliamentary Joint Committee on Human Rights. The total number of submissions on 28 Aug 2023 was 318, with some 60 or more being substantive, while many were clearly “roneoed” versions spurred by a few groups with their own take on the issue.

With the PJCHR considering the subs, and planning to hold about six hearings in various locations, the CLA Human Rights Campaign team has been focusing on encouraging new Bills in those states and the NT where there are no HRAs at present.

In South Australia, an active campaign led by the Right Resource Network of SA is under way. Dr Sarah Moulds (see pages 1 and 2) leads the network.

In Tasmania, there is renewed interest in a HRA after some dormant years. AG Elise Archer has repeatedly said she is waiting on a long-delayed report (requested in 2019) from the Law Reform Institute. Back in 2007, its first report on the topic was produced under a government commitment to progressing Tasmania Together Goal 2: *“To have a community where people feel safe and are safe in all aspects of their lives.”* The TLRI received a record 407 submissions under its community consultations, with 94.1% supporting a HRA for Tassie. In 2007 the TLRI strongly recommended a HR Act for Tasmania.

In NSW, the election of a Labor government has spurred groups back into action after little activity for many years. A coalition of liberties and rights groups has coalesced to advance the concept of a NSW HRA. Several supporters in the state parliament are now in position to influence positively any future inquiry and report, or to support a Bill if the Labor government acts on the overwhelmingly community support.

In the NT, there is a positive prospect with the new Anti-Discrimination Commissioner, Jeswynn Yogaratnam, a committed supporter of a HRA, as is the AG, Chansey Paech. Strong and widespread support bodies existed, covering the entire NT, over the past decade but they will have to be “resurrected” to carry the concept forward. Undoubtedly, a HRA for the NT would help to ameliorate some of the divisive community problems that have emerged since the federal NT “Emergency Response”, more usually known as the NT Intervention, which was a political response in September 2007 by the Howard Coalition government to an inquiry and two *ABC TV* programs. The Labor federal government extended the program in 2012, and it was not finally shut down until July 2022. The prospect of a HRA may well become top of mind in the NT during 2024.

Unfortunately, **in WA**, despite a record majority held by the Labor government and an ALP policy platform which promises to “further human rights for the state”, the government continues to show no interest in doing so, despite clamours from underprivileged, homeless, disadvantaged and Indigenous communities. Thinking West Australians are starting to realise there must be some rebalancing of the overwhelming power exercised by miners, pastoralists and politicians to the detriment of ordinary people in Australia’s ABBA state, where *Money-Money-Money* is the theme song.

The campaign team in Canberra held several important meetings in August:

Teams meeting with Dr Jeswynn Yogaratnam, newly appointed NT Anti-Discrimination Commissioner, on enacting a human rights act in NT.



Face-to-face meeting in Canberra with Dr Valmae Kitchener (*photo, with CLA President Dr Kristine Klugman*), over the prospect of renewing the push to enact a human rights act in Tasmania.

Meeting with Senator David Pocock at his Gungahlin office re progressing a federal HRA. He highlighted the growing number of people who understood the need for a federal HRA after COVID-19 lockdowns and other sudden restrictions on people’s rights to free movement.

WA

CLA manager Margaret Howkins provided a positive submission to the National Rental Inquiry in early August listing 10 requests from WA’s homeless citizens about how to make renting in WA fairer.

In her own right, she also emailed last month to WA’s Housing Minister and two WA Liberal politicians as well as federal Labor MP Patrick Gorman and Independent Kate Chaney, asking:

- a) why has failing neo-liberal ideology given housing over to unregulated private enterprise creating a society divided into housing winners and losers and a human rights disaster for the public good?
- b) what’s gone wrong when today’s much wealthier Australia can’t deliver decent, secure, affordable homes to rent or buy for all but the wealthiest under-40s?
- c) why hasn’t Labor reversed the obvious and deliberate rot of decades of housing policy decisions such as negative gearing and the capital gains tax discount guaranteed to keep prices rising relentlessly?

- d) why has WA state housing with affordable rentals been deliberately allowed to wither for 40 years, leading to a massive rise in mental illnesses, domestic killings, prisoner recidivism, street sleeping and suicides? She pointed out these were human rights, civil liberties and public well-being issues.

No replies had been received by the end of the month.

Mrs Howkins received correspondence from Acacia prison reporting increasing deterioration in prisoners' freedom of movement and food (including half portions of burgers/raw meat/oil-drenching) , Conditions are worsening as numbers of prisoners increase, intelligence from the jail indicates. As well, released prisoners are returning to prison in rising numbers due to a lack of shelter anywhere outside WA's prisons. 'Shelter', charities and churches are at breaking point, she reports.

She has exchanged emails and met with a retired teacher who plans to create an active citizens' state Human Rights Act discussion group in Perth to raise awareness of the increasing number of HR violations by WA's governing departments, agencies, authorities and businesses.

Mrs Howkins also exchanged emails with state Liberal Member for Vasse, Libby Mettam (see above) regarding her public backflip from Yes to No on a First Nations' Voice in the constitution.



WATCH: Sue Neill-Fraser attends book launch in rare public appearance

Convicted Tasmanian murderer Sue Neill-Fraser has made a rare public appearance, almost one year after she was released on parole to attend the launch of a book written in her honour.

Tasmania Hate symbols:

CEO Bill Rowlings 'appeared' on SBS TV news commenting on how silly it was of Tasmania (and other jurisdictions) to ban Nazi symbols, when it was misuse of the symbols that is the problem, not the symbols themselves. Like with motorcycle gang 'colours' on jackets, banning something drives it underground. Better you can allow people making little contribution to society to self-identify as "out there" by the symbols they choose to wear. It's easier to spot them when they proclaim their likely illegality publicly by choice of apparel.

Mercury helps highlight *The Case for Exoneration*

CLA member SNF featured in *The Mercury* (left), with article and video, for just turning up in public for an event. Mind you, it was the launch of another book – by Andrew Urban: *The Case for Exoneration* – on how she has been wrongly convicted.

INTERNATIONAL

Corruption in forensic science is harming the criminal justice system

Forensic science is only as reliable as the people performing the tests, writes Jessica S. Henry, Professor, Department of Justice Studies, at Montclair State University in New Jersey, USA.

Alcotest instruments are used in drunk driving cases throughout America to determine whether a driver's blood alcohol content is above the legal limit. But these tests needed testing themselves.

Sgt. Marc W. Dennis, a former coordinator in the NJ Drug and Alcohol Testing Unit, was responsible for conducting twice-a-year tests to confirm the accuracy of the machinery, and recalibrate the machines where necessary. Dennis, however, did not perform the required calibrations and he falsely certified the accuracy of the machines.

Thousands of people in New Jersey were convicted based on the readings from these instruments.

The NJ Supreme Court in a December 2018 ruling decided that the accuracy of the 20,000 breath tests results couldn't be trusted.

In Massachusetts, Annie Dookhan, a forensic lab scientist, was arrested in 2012 after admitting that she falsified drug tests in nearly 24,000 cases; most of the Dookhan convictions were eventually dismissed. In a different Massachusetts crime lab, Sonya Farak, a forensic scientist who both tested drugs and illegally used them, falsified lab results in thousands of cases; 11,000 convictions were dismissed after her misconduct was uncovered.

In Oregon, Nika Larsen altered drug evidence and stole controlled substances from her lab, requiring review of some 2,500 cases. In 2018, Ana Romero from Texas, was accused of falsifying test results for alcohol samples, causing the wrongful conviction of 22 people. John Salvador, a scientist who worked in a different lab in Texas, was accused of falsifying drug test results, impacting thousands of cases.

Calls for national forensic science regulation in US and Australia

Prof Henry (see above) says here are plenty of reasons for forensic misconduct.

"Career advancement, laziness and greed are only part of the story. But there is also the reality that many crime labs lack proper oversight, and that it is rare for misconduct to be uncovered.

“Yet, in 2017, just as forensic reform was picking up momentum, then-US Attorney General Jeff Sessions shut down the National Commission on Forensic Science – a national independent oversight board has yet to be created,” Prof Henry said. First reported in *The Conversation*, <https://tinyurl.com/mr49np3f>

NOTE: CLA wrote formally to federal AG Mark Dreyfus on Australia Day 2023, proposing that an Australian Forensic Science Regulator be appointed. We have had no positive response so far.

County spends big to tackle racism as public health crisis

One county in the USA is funding 123 organisations sharing \$38 million in grants to run wide-ranging programs tackling racism as a public health crisis.

The community organisations, nonprofits and small businesses include Black Coffee Northwest, Chief Seattle Club, Wa Na Wari, the Tenants Union of Washington State, Young Women Empowered and dozens more.

They will address disparities in health care, mental health supports, maternal health, and healthy ageing, as well as food access, youth mentoring, housing, art, nature and outdoors groups, and capacity-building for small organisations that provide services and more. The 123 awardees were chosen from 800 applying for funds.

In 2020 the King County Board of Health declared racism a public health crisis because of a disproportionate impact of COVID-19 on communities of colour and due to the national racial-justice protests that followed the killing of George Floyd by police officers.

In the early months of the pandemic, health care workers in King County gathered by the thousands to demand that public officials declare racism and police violence as crises that public health policies should address. <https://tinyurl.com/3n3y8jwu>

UN criticises NZ for same problems as in Oz

The UN Committee Against Torture’s report on NZ has criticised the disproportionate representation of Māori in the entire justice system, particularly children.

It also highlighted persistent problems in the youth justice sector. The UN called on the government to raise the age of criminal responsibility from 10 to 14 and urged ending physical restraints such as pepper spray, spit hoods and solitary confinement for children.

The UN was also seriously concerned that no individual had been held accountable for the numerous allegations of torture and ill-treatment of young people in institutions. <https://tinyurl.com/4z5y98we>

Prisoners paying cash-for-justice errors scheme ends

Wrongly convicted people will no longer face having “saved living costs” deducted from compensation payments following an update to guidance made today (Sunday 6 August).

Lord Chancellor Alex Chalk has taken decisive action to inject greater fairness into how payout decisions for miscarriages of justice are made, ending the scheme of ‘charging’ the acquitted for saved living costs.

This element of the guidance was added in 2006 and will be removed with immediate effect, applying to all future payments made under the miscarriage of justice compensation scheme.

Decisions on whether a case is eligible for compensation will be determined by the Justice Secretary or his delegates.

The maximum amount of compensation payable under the miscarriage of justice system is £1 million for 10 or more years imprisonment or £500,000 for up to 10 years. <https://tinyurl.com/2p8sz46r> That’s roughly \$Aust 2m or \$Aust 1m for up to 10 years.

Hall gets nearly \$5m for wrongful conviction

The NZ government will pay Alan Hall just under \$5 million in compensation for wrongful conviction and imprisonment – he was set up by NZ police and Crown prosecutors 36 years ago by their failure to disclose evidence and the altering of witness statements.

One of the tricks NZ police used was to not tell the court witnesses described the fleeing perpetrator of a bayonet murder as tall, strong and Maori. Hall is white, weak, short and was found to be autistic.

“The government accepts Mr Hall’s innocence, and apologises unreservedly for his wrongful convictions and imprisonment,” acting Justice Minister Dr Deborah Russell said last month.

In 1986 Hall was convicted of murdering Arthur Easton and intentionally wounding his son, Brendon Easton and sentenced to life in jail. In June 2022 the Supreme Court quashed his convictions and ordered a verdict of acquittal instead.

Hall spent nearly 18 years in prison as a result of his wrongful convictions but was ultimately found innocent of all charges laid against him. Hall will receive an ex gratia payment of \$4.55m, about \$5m in NZ money. <https://tinyurl.com/3pmwfxp2> and <https://tinyurl.com/kvte8h3n> and https://en.wikipedia.org/wiki/Wrongful_conviction_of_Alan_Hall

International briefs

Camera surveillance aims to save dolphins

Surveillance cameras have gone 'live' going live on the first 23 boats in NZ's commercial fishing fleet. Minister for Fisheries Rachel Brooking said: "Initial installations on these 23 boats will be followed by a further 70 by the end of the year, and up to 300 by early 2025, helping to raise to about 15% the number of such cameras worldwide". The NZ rollout follows trials focused on protecting Māui dolphin habitat, which were accompanied by bans on trawling across 12,000 sq km and bans on set netting over 32,000 sq km. <https://tinyurl.com/yksusa7b>

Innocent inmate forced to pay prison board and lodging?



Andrew Malkinson, 57, who spent 17 years in British prisons for a rape he did not commit had been facing deductions from any compensation for his board and lodging while in jail. Even Primer Minister Rishi Sunak believes that's unfair. Malkinson (photo) was wrongly found guilty of raping a woman in 2003: in 2004 he was jailed for life with a minimum seven years. He served 10 more years because he maintained his innocence. Recently his conviction was quashed by the Court of Appeal after DNA evidence linked another man to the crime. <https://tinyurl.com/5cpyzysk> (See "... scheme ends' above)

Kiwis take surveillance to new level

A camera system for tracking vehicles used by police in NZ thousands of times a month has been suspended by police in Australia, *Radio NZ* reported. The AFP had been letting more than 100 staff use the system, mostly in Canberra, despite not doing a privacy assessment, media reports said. The system links thousands of retail business and police cameras in an automated number plate recognition web. The company running it is Auror, whose primary focus is retail crime. NZ police run a third of a million checks a year on the system, and more than 6000 staff can access it. They have done their own privacy impact assessment. <https://tinyurl.com/5n7ykduy>

Courts linked for crime

Under the UK's new 'Common Platform' electronic system, all relevant court case materials are available across all criminal courts – from arrest through to trial and, for those convicted, on to the prison and probation service. Courts, police, prosecutors and legal professionals can track cases moving through the justice system, continuing the move away from time-consuming paper-based processes and separate IT systems. The move improves collaboration and replaces outdated processes. As the UK system is roughly double the size of Australia's, all equivalent bodies throughout Oz should be easily linkable. <https://tinyurl.com/er6k7eey>

Court rules for 'live' evidence over camera evidence

When a woman refused to testify against a man accused of assaulting her, a Los Angeles County judge used the accusations she made the night of the incident that were recorded on a police officer's body camera. Last month, the California Supreme Court unanimously ruled that the judge erred by using the body camera footage to stand in for the woman's testimony. Doing so, the court ruled, denied the accused man a chance to confront his accuser in court. <https://tinyurl.com/yxwdamkz>

Off (with) their trolley

One of New Zealand's major supermarket chains is investing \$40 million in security measures after a jump of more than 300% in physical assaults and thefts over the past six years. Woolworths NZ, formerly Countdown, says it has seen a significant increase in aggressive, threatening and brazen behaviour by offenders with a rise in shop lifting and retail crime, including the use of knives and threats using guns. In the same period, security incidents have increased more than 800%. There's been a huge rise in people walking out of supermarkets with full trolleys without paying. <https://tinyurl.com/mpybabnz>

Survey points to high sexual assault numbers

According to Crime Survey for England and Wales (CSEW), in the year ending March 2022, an estimated 1.1 million adults – 798,000 women and 275,000 men – were victims of sexual assault (including attempted

sexual assault). The CSEW data was based on six months of data collection between October 2021 and March 2022. <https://tinyurl.com/vntp4ymn> That would suggest that, pro rata, about 430,000 adults may have been victims of sexual assault in Australia over the same period, roughly 330,000 women and 100,000 men.

DATES

2023:

6 Sept, Perth: *The work of the High Court in the administration of criminal justice*, Supreme Court of Western Australia, 5.30 for 6pm. John Toohey Oration by Virginia Bell, retired High Court judge

8-10 Sept, Sydney: *Enduring Courts in Changing Times* conference, Banco Court of the Supreme Court of NSW, Friday 8 Sept 4pm to Sunday 10 Sept 4.30pm, celebrating the bicentenaries of the Supreme Courts of NSW (promulgated 13 Oct 1823) and of Tasmania (first sitting of the SC of Van Diemen's Land on 10 May 1824). Attendees/speakers: All the cracks are gathering to the fray, without regret. Register: www.eventbrite.com.au

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

5 Oct 2023, Sydney: All-day Folbigg Symposium: The Unconscionableness When the Law and Science Head-butts, Centre for Crime, Law and Justice at UNSW, Sydney Institute of Criminology at U Syd. Suggest paper to, details: g.edmond@unsw.edu.au or m.sanroque@unsw.edu.au

11-12 Oct, 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>

19-21 Oct, Gold Coast: Australian Lawyers Alliance annual conference, Sanctuary Cove. Details: events@lawyersalliance.com.au or 02 9258 7726 Natalie Burt

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/>

11 Dec, Adelaide: Former ACT Human Rights Commissioner Dr Helen Watchirs address to the SA Law Society on need for a HR Act in SA. Details: email@lawsocietysa.asn.au

2024:

May, NSW, Van Diemen's Land: Bicentenary of the Supreme Courts (NB: VDL = Tasmania)

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 August 2023.

As we are not a law firm, and are not licensed to give legal advice, we do not deal with individual legal or similar quasi-legal cases: prisoners and others are advised we will not be responding to letters or emails asking for help with appeals, for legal advice, for recommendations of lawyers to write to, pro bono services to consult, or similar requests. We work to change laws rules and anomalies for the generic benefit of all Australians.

STOP PRESS – STOP PRESS – STOP PRESS:

Drumgold sues in the ACT

Former ACT Director of Public Prosecutions, Shane Drumgold, is suing the ACT Board of Inquiry (an ACT entity which was headed by former Queensland judge Walter Sofronoff KC), the ACT Government, and the ACT Attorney-General Shane Rattenbury over a number of matters, the main thrust of which is a claim he was not afforded natural justice.

In pub speak, Drumgold says it wasn't fair that Sofronoff leaked his inquiry's findings to the media (*The Australian & ABC*) before Drumgold had a chance to try to refute some of the findings against him. Drumgold claims Sofronoff just plain got it wrong in some parts of his analysis of the doings and misdoings of the DPP and AFP in the ACT..

So, the upshot is that a whole lot of lawyer types will join battle with each other in court, hoping to restore/destroy other lawyers' reputations, and gain large payouts of local ACT taxpayer funds for injury and hurt, while all the while people in black gowns and wigs need trolleys to cart away the gross profit daily pay they receive for representing their lawyer clients, usually under public funding or private insurance schemes.

If you think this is the law gone crown-of-thorns shape, it's not so. Nor is the law an ass...it's more like an organised cartel of roundworms that's constantly eating all our brains, leaving behind desultory castings and a weed-upon experience.

However, we must officially say that everyone has a right to their day (or days) in court...even when their days in court are not designed so much to enhance the rule-of-law, or fairness, or justice, but make privileged claims towards restitution, rightful indignation, redress or revenge most likely in the form of cash.

Drumgold has resigned from the position of ACT DPP, so he's not likely to get his job back. Meanwhile, an acting DPP toils away – one very senior staff member down – trying to cope with your average capital crime wave, as opposed to your lawyerly do-it-yourself “crime” wave.

Sofronoff probably wants to wash his hands of the whole matter, but he has to be careful, because he is not long finished an inquiry into skulduggery in DNA laboratories in Queensland: any skin he washes off might be genomically sequenced, put under a microscope and used against him.

The Australian will milk the story for all it is worth – in the great tradition of the aged, philandering Pommy-American, Rupert Murdoch – creating, participating in and reporting the news simultaneously, so that the profit churn goes round and round but remains Limited within News.

Judges of the ACT will be queueing up to take the case and the myriad points of order, claims of apprehended (or even inadvertent, unknowing) bias, and sub-cases which might arise. The High Court of Australia, just across the lake from the ACT Supreme Court, may be putting aside Court No 3 for an ultimate decision from on high of the censorious seven.

CLA's advice to all lawyers involved: keep your wig warm – this may well last a long while past winter 2024 and even into 2025, beyond Donny Trump's own Capitol charges and after the US federal election.

By the way, this now-grand schmozzle bar none began with an allegation of a sexual assault happening, which was vehemently denied by the accused, who said nothing had happened.

All of which is now moot...as student lawyers might opine. What a lesson this now is for them and for the rest of us. The entire system of police investigation, DPP charging, juries in courts and 'justice' in Australia needs radical, major and total overhaul.

ENDS