

## **Nation heads towards police state after ‘law and order’ elections**

Australia’s “diabolical” treatment of asylum seekers and youth crime has worsened, a global human rights advocacy body has warned, urging voters to push back on leaders politicising the issue for gain.

Human Rights Watch’s (HRW) latest world report has lashed Australia for going backwards on children in the criminal justice system in 2024, referencing the Northern Territory’s decision to reintroduce spit hoods for youth detainees and to lower the age or criminality to 10, as well as the continued use of watch houses to detain children in Queensland and other states.

Everywhere, including newly in Tasmania, there are laws coming into play to be able to search kids and adults randomly for knives. The benefit of doubt has now switched over to police, not citizens, and there is absolutely no doubt they will misuse it: Indigenous people beware.

A state election is due in WA on 8 March. No doubt, both major sides will create false fear in the community, aided by irresponsible media. Tougher laws – which will not PREVENT crime – will be promised; more police resources for police who are failing women over domestic violence and need better training and supervision, not more money and manpower.

At every turn, Australians’ civil liberties and human rights are being whittled away to nearly none in some areas. We are in serious danger of becoming a police state, because we are allowing our politicians to run fear and scare campaigns not backed up by data reality, CLA says.

### **Australia Day letter from Civil Liberties Australia:**

*Every year, CLA writes one or more letters on Australia Day aimed at ‘State of the Nation’ issues. This year, our No 1 OzDay letter is to the Prime Minister, Anthony Albanese. Here is an excerpt.*

### **CLA sends Australia Day letter to PM**

The Hon Anthony Albanese, MHR for Grayndler and PM  
([an CLA Australia Day 2025 letter](#))

Dear PM

We write to you to urge you to commit to a federal Human Rights Act (HRA) for Australia during the 2025 election campaign. There is overwhelming backing for one in the community, as we have learned in speaking with thousands of influential people on the issue while you have been PM.

Your Government has made substantial progress in difficult economic and social circumstances toward your promise of a fair go for everyone over the past three years.

Stronger jobs growth, higher participation rates, lower unemployment, lower debt and shrinking the gender pay gap, coupled with increasing the minimum wage, reintroducing sector-wide bargaining and the right to “disconnect”, implementing the National Anti-Corruption

Commission and substantial reforms to aged care and the NDIS – amongst other initiatives – should be a ticket to a second term, but the polls appear to reflect other perceptions, and not reality.

A human rights act is the cure for Coalition-driven malfeasance like Robodebt, and citizens’ helplessness and lack of recourse in the face of the COVID-19 pandemic-driven lockouts, lockdowns, and removal of basic individual rights such as freedom of assembly and freedom of travel locally and overseas.

Labor has the chance to be on the front foot with real commitment to positive social change...beyond the publicly-expected commitments such as cost-of-living relief, reducing homelessness and the like.

Civil Liberties Australia is non-party political but it is obvious that a federal HRA is unlikely to be enacted if the Coalition returns to power. It is for that reason that we write to you. We should also disclose that we have met and/or held two-way communications with half of Caucus, the ‘teals’, the Greens and key Independents such as Mr Pocock and Mr Wilkie. Some 95% of these MPs strongly support a federal Human Rights Act for Australia. Several are likely to make a federal HRA a prominent promise in their campaign commitments.

Yours Sincerely, Dr Kristine Klugman OAM, President, Civil Liberties Australia

## **UN finds Australia breaches human rights**

Australia can’t avoid refugee responsibility, a recently released UN report says. Australia is directly and wholly responsible for breaching the human rights of refugee claimants it tries to “hide” on Nauru.

Australia effectively controlled Nauru, because it paid all the detention costs and made up the rules of “permanent jailing” on the tiny island so the refugees could not come to Australia.

To enforce its perfidy, it captured people on the high seas, “jailing” them without trial or hearing.

In rebuttal, the Department of Home Affairs continues to claim that Australia did not and does not exercise effective control over “regional processing centres”, eg Nauru now but including Manus Island in PNG in the past as well.

About 100 people are believed to remain on Nauru in Australia’s immigration jail.

The UN found that Australia ‘jailed’ 20 minors, without parents or guardians, in Nauru’s overcrowded processing centre, without enough water and sanitation, and subjected them to high temperatures and inadequate healthcare. The physical and mental health of the vast majority of the teenagers deteriorated, through self-harm, kidney problems, memory issues and losing weight.

The UN’s human rights committee wants Australia to provide “adequate compensation” to the victims and to make sure similar violations don’t happen again. It also wants Australia to review its migration legislation and bilateral transfer agreements to align with international human rights standards.

CLA believes our own citizens should gain international human rights standards within Australia, as well the nation treating refugee claimants to similar standards. <https://tinyurl.com/4j92f9bp>

## HRW calls Australia's treatment 'appalling'

Last year, there was confronting footage of children in Queensland watch houses, locked in "freezing" isolation cells, becoming panicked and struggling to breathe, writes Sarah Basford Canales in the *Guardian*.



In December, the new Queensland government passed "adult crime, adult time" laws, dramatically increasing maximum sentences for child offenders. The government concedes the laws are contrary to international and state human rights law, are discriminatory against young people and will "have a greater impact on Aboriginal and Torres Strait Islander children".

The state's premier, David Crisafulli, has vowed to make "many more" changes to strengthen the state's hardline youth justice laws. <https://tinyurl.com/3k2vh6p9>

Human Rights Watch Australia director, Daniela Gavshon (photo), said concerns worsened last year and that recent changes in the youth justice system were "appalling" and a "complete flagrant disregard of international standards". <https://tinyurl.com/yckbtbnw>

## Saved! Premier throws kitchen sink to turn back the tide and wrestle control

The Queensland Premier, David Crasafulli, has taken to hurling rhetoric at crime and criminals.

"We are throwing the kitchen sink at turning the tide on a decade of runaway crime...to wrestle back control," said the new, on-trainer-wheels Crisafulli last month, after taking over in December 2024.

The King Canute-emulating premier was announcing a "flying squad" of 58 specialist police – up 41 – to be deployed to "strike at the heart of crime".

Unfortunately, he can only afford \$32.4m over five years. Roughly calculated, this means about an extra 7-8 new "flying-bird-man" cops on duty, with half based in Brisbane and half in Cairns probably, at any one time of the working week. How long the "FIFO Few" take to get to the scene of a crime in rural or regional Qld is anybody's guess.

But Minister for Police Dan Purdie has promised miraculous and instant transportation...presumably by electronic travel over copper wire. "Our new State Flying Squad will be able to deploy at a moment's notice into any corner of Qld, providing on the ground support to police on the front line," Purdie crowed.

If anyone thinks this might be a bit of a beat-up by learner ministers and their media advisers, the media contact listed on the "joint statement" is Nat Gradwell and his media phone number is 0449 186 116. Read the media announcement: <https://tinyurl.com/3k88vkev>

As is alarmingly the case for the quality of journalism in Australia, this drivel was faithfully reported word for word throughout Queensland and across the nation by the "usual suspect" networks.

## AGs argue to maintain a law logically flawed

The Attorneys-General of NSW, Victoria, WA, SA and the NT have joined Queensland in the High Court in support of "no body, no parole" laws.

The law is being challenged by Rodney Michael Cherry, 62, who was convicted in 2002 of killing his wife and stepdaughter. Cherry, jailed for life, maintains his innocence.

His stepdaughter's body has not been found. Applying for parole in 2023, Cherry was refused because a convicted killer cannot be paroled if, through their act or omission, a victim's body has not been found.

He claims the law allows the government to alter the punishment imposed by the Qld Supreme Court of a minimum 20 years imprisonment.

Qld argues he is not permanently banned from parole and that he could be considered for parole if someone else locates the remains.

The issue is a double-reverse-gotcha for an innocent person wrongfully convicted. How could they know the location of a body if they had nothing to do with the killing?

The law is logically flawed. It will doubly penalise a proportion of the calculated 6% or so of people wrongly convicted each year in Australia for crimes like murder. <https://tinyurl.com/3vkrprf>

## CLA proposes a 'dashboard' for wrongful convictions in Australia

The Bureau of Crime Statistics and Research in NSW (BOCSAR) asked Civil Liberties Australia to fill in a survey on its performance (which has been excellent in all our dealings, by the way).

The final question was: What else should BOCSAR do?

CLA said:

"Australia needs a dashboard for wrongful convictions in cases of murder, rape and Gross Bodily Harm crimes.

"Difficult to do, but the England/Wales Criminal Cases Review Commission 26-year experience may help determine how we could do it.

"If not for all Australia (preferred), NSW would do. CLA would be happy to work on it. – Bill Rowlings OAM, CEO of ACT-based Civil Liberties Australia (and team, including Dr Bob Moles of Flinders U, Barbara Etter APM of NSW-NT-WA Police and now Tasmania, and Estelle Blackburn OAM of WA and the ACT)."

## Why are fire bombings and murders occurring in Australia's cities?

The root cause is federal government policy, which is dictated by a relatively small number of ideologues, probably well under 4% of the population, who don't believe in freedom of choice of legal products.

Together, federal governments and their wowsers friends have imposed the Australian cigarette economy on the nation.

Under it, smuggling and tax avoidance are encouraged, murders and arson result, and police forces prioritise chasing criminal profiteers rather than domestic violence perpetrators.

Dr Rob Preece (photo), writing in the *World Customs Journal* in late 2024, explained how things work by quoting the Black Economy Taskforce (BET), which was appointed by the Australian Government.

In its 2017 report, the BET made a statement related to 'profitability' of illegal cigarettes in a comparison



with illicit narcotic drugs. Although the methodology was not provided, nor the term 'street price' defined, the report was seemingly based on private submissions.

Dr Preece says: Significantly, the observation is that profitability in 'smuggling' of tobacco is some four times higher than illicit drugs – with a penalty if caught being only modest in comparison with the level of imprisonment given to those smuggling cocaine or heroin (Commonwealth Treasury, 2017, p. 306), stating:

*We have been informed that cocaine with a street value of \$2.3 million here will have a cost of about \$150,000, with heroin being similarly priced. The penalty for smuggling both is imprisonment. Whereas smuggling tobacco costing \$150,000, with a street value of \$10 million (in Australia) would, under current sentencing practices, generally result in a modest fine.*

Dr Preece has calculated 1 shipping container of tobacco costs about \$500K, sale price is \$8.5 million, and only 1 in 16 needs to evade detection to be profitable.

When governments themselves create the root causes of regular murder and arson across our capital cities, they have a responsibility to improve their policies to minimise mayhem, CLA believes. <https://tinyurl.com/2hmrkwsb>

For a similar reason, treating cigarettes and alcohol differently – when alcohol is probably a leading cause of domestic violence – seems inappropriate for MPs and public servants whose job description is caring for the nation.

### Commentary from America:

Christopher Snowdon, writing from San Francisco, said Australian police had linked a dozen arson attacks in Queensland to the illicit tobacco trade over the past 12 months.

Queensland Police Service's Taskforce Masher has investigated attacks from Mount Isa to Townsville, as well as the south-east, where a Brisbane tobacco shop was firebombed on Boxing Day.

"Queensland has got off lightly," Snowdon wrote. "Nationwide, Australia had seen around 215 arson attacks on tobacco and vape shops since the nicotine turf wars began in 2023."

He highlighted that, last month, a 27-year-old woman died after her house was set ablaze. It appears that the gang targeted the wrong address.

"This escalating catastrophe was completely avoidable. All the government had to do was legalise vapes and set tobacco taxes at an affordable level."

– 'Australia ablaze: neo-prohibitionists have normalised arson and murder', The Snowdon Substack: <https://tinyurl.com/yasuj39v>

### AFP takes the money first, convicts second...

The AFP-led Criminal Assets Confiscation Taskforce (CACT) "restrained" over \$110 million in assets over the last year, bringing the total tally to \$1.2 billion in alleged criminal assets in the past five years.

The AFP targets criminal syndicates in two ways. The first, and more difficult, is to initiate a criminal prosecution based on hard evidence. The second is legally putting in limbo and confiscating assets allegedly bought with tainted funds. That's easy, so that's what police do first, before gathering harder evidence needed for a criminal conviction.

In one operation the AFP restrained waterfront properties, a high-rise unit, cash, cryptocurrency, and funds held in bank

accounts following a money laundering investigation on the Gold Coast.

The CACT applied to restrain the assets, worth an estimated combined value of \$15.6 million, under the *Proceeds of Crime Act 2002* (Cth) in the District Court of Queensland on 26 July 2024.

The assets include seven Queensland properties worth an estimated \$12.96m, cryptocurrency worth an estimated \$514,000, \$1.95m in cash, and about \$118,000 held in bank accounts.

CACT members in the AFP's Southern Command obtained the forfeiture of a \$3.9 million house under construction and \$170,000 in cash as part of a money laundering matter.

The AFP also restrained \$780,000 in cryptocurrency after investigating an attempted illegal importation and trafficking of firearms into Australia. Several Glock semi-automatic pistols were paid for using a form of cryptocurrency, restrained by CACT and then forfeited in February last year.

CACT has restrained almost \$2 billion in criminal assets since being set up in 2012.

Commonwealth's proceeds of crime laws allow the CACT to restrain both proceeds and instruments of crime based on a civil standard of proof ("balance of probabilities"), as well as obtain financial penalty and unexplained wealth orders – regardless of whether there is a related criminal prosecution or investigation. <https://tinyurl.com/2bsy4r69>

### Govt abuses obligation to consult

Writing in *The Australian* last month, the VP of the Rule of Law Institute of Australia has backed up constant complaints over many years by Civil Liberties Australia that the federal government abuses the mandatory requirement on it to consult on new laws.

The erosion of parliamentary scrutiny is now so entrenched it has become a repeated focus for criticism (by) the Law Council of Australia, Chris Merritt wrote last month.

He lists example after example of the government giving civil society sometimes as little as two to three weeks to respond to government requests for detailed analysis of upcoming laws.

The practice occurs with important laws with far-reaching consequences, such as creating a new entity, the Administrative Appeals Tribunal. The government-supplied paper work which had to be analysed in that case comprised 1050 pages of draft legislation and explanatory material.

The government gave civil society – including the Law Council and Civil Liberties Australia – from 14 December to 18 January to consider the draft legislation.

Of course, during that time, all the MPs and most government bureaucrats go on holidays, enjoying Christmas and the New Year, while they expect volunteers, who get paid nothing, to slave away over the paperwork to correct the copious errors likely made by highly paid drafters of laws and PR spin merchants authoring the "explanatory" waffle.

CLA has complained for decades about how governments expect civil society's unpaid experts to do their work for them, with no recompenses whatsoever to impossibly short timeframes.

In more than 20 years, CLA has contributed to something like 400 such reviews with minor and major submissions...and not received even a ream of A4 paper as "thanks".

There should be a mandatory public scrutiny period of three months for all but the most emergency draft legislation, such as going to war.

Similar mandatory scrutiny weeks or months should be set aside within the parliamentary processes – such as the Parliamentary Joint Committee on Human Rights and the Scrutiny of Bills Committee – to make sure Australia gets the best and fairest laws possible.

There should be a fixed period of mandatory consultation by such parliamentary bodies: the requirement should form part of a Human Rights Act for Australia. A HRA is what Australia needs, what about 75% of Australians want, and what the Australian Human Rights Commission and the Parliamentary Joint Committee on Human Rights have recommended in late 2023 and May 2024.

## Feds respond at last to surging DV

The federal government has allocated \$12 million towards new programs teaching men and boys about healthy relationships with women in remote NT and WA communities.

Another 10 centres elsewhere in regional Australia will also be announced shortly.

The NT communities of Barunga, Wuggular and Wadeye will set up three wellness centres, and there will be several in remote desert communities in WA.

The NT has the highest rates of domestic violence (DV) in the country, with the rate of intimate partner homicide seven times the national average. Data shows Indigenous women and children are 33 times more likely to be put in hospital due to violence than non-Indigenous women, and six times more likely to die as a result of family violence.



Federal Social Services Minister Amanda Rishworth (photo) last month announced details of the \$12.2 million package in Katherine, where the 25-bed women's crisis centre cannot keep up with demand: 239 women had to be turned away in 2023-24 financial year.

The programs in WA will be run by Ngaanyatjarra Health Service. <https://tinyurl.com/bddr8add>

## Money and people resources needed urgently

The overwhelming lesson, CLA says, is that federal, state and territory governments and police need to allocate vastly more resources to combatting domestic violence (DV) as early as possible.

In the NT, 82 Aboriginal women have died since 2000 in the context of DV.

Severe criticisms by the NT coroner Elisabeth Armitage of NT Police have recently come to light in relation to the DV deaths of two Aboriginal women in Darwin.

In both reports the coroner found there were "specific and systemic police failings" across numerous violent incidents preceding the deaths.

A 20-year-old woman died in 2020 after her partner stabbed her multiple times in broad daylight at a park in Darwin's northern suburbs. Armitage found the woman had 47 recorded interactions with NT police and her male partner had 28 recorded interactions before the murder.

In another report, Armitage (photo: *NT Independent*) examined the death of a 47-year-old woman apparently bashed at a bush camp in Darwin in 2022.

The coroner again called for the NT government to fund specialist domestic violence training for all NT Police staff,

including new recruits and emergency call centre workers. She also called for the government to reduce alcohol availability "taking into account that alcohol increases the frequency and severity" of domestic violence". These were some of the 35 recommendations she made to better protect NT women from their violent partners.

The government is yet to implement the 35 recommendations or roll out a promised \$180 million for the sector.

The new Country Liberal Party government said the action plan made under the former Labor government had to be reviewed before the CLP govt allocated \$180 million in promised funds to the sector. The CLP govt had no such need for a review when it unilaterally lowered the age of responsibility for crime from 14 years to 10 years immediately on assuming office.

## Police need specialist DV training, at all levels

Coroner Armitage again called for the NT government to fund specialist domestic violence training for all NT Police staff.

The training should include new recruits and emergency call centre workers, police or civilian.

<https://tinyurl.com/4k5bectc>

(See also: **WA report – 'Cabinet fails on measuring tool, timeline'**)

## State lab to catch up, two years late

Queensland will this year catch up with other jurisdictions in being able to identify alleged rape criminals.

In 2025 the state will introduce the DNA profiling technique Y-STR testing, which can find trace amounts of male DNA. NSW began using the technique in 2009, and most other Australian labs have used it for seven years or more according to Lydia Lynch, writing in *The Australian*.

The beleaguered Queensland government-run DNA lab tried to bring in the technique in 2015 but failed. Inquiry Commissioner Walter Sofronoff recommended the lab implement Y-STR testing "as a matter of urgency" by June 2023.

But the lab missed the June 2023 deadline: introduction is now scheduled for early 2025. Since the Sofronoff inquiry, Qld has been sending samples to a lab in New Zealand for Y-STR testing.

The number of untested rape kits in Qld has dropped 14% in the past three months. The number of kits waiting on results for longer than a year dropped from 420 in September to 363 in December. – *Australian* 4 Jan 2025 (paywall)

## NT heading towards hell on earth for prisoners

Record inmates in jail has taken the NT prison system beyond breaking point.

Last month there were 2613 people locked up in the NT, more than 1% of the territory's population of 255,100, according to the Department of Corrections as quoted by Ella Archibald-Binge in *The Guardian*.

There are 250 people held in police watch houses in what lawyers describe as "appalling" conditions.

The NT's new chief minister, Lia Finocchiaro, said the figures showed her Country Liberal Party's "tough on crime" approach was working.



But the government is scrambling to build 1000 more beds in jails by 2028. From March 2025, the old Berrimah adult jail – previously condemned, then repurposed as the Don Dale youth jail, then closed again – will newly hold 200 adult male inmates.

Under the new government, children can be locked up, including for minor bail breaches, from 10 years old. <https://tinyurl.com/5urwu3z2>

### **Children in watch houses rise 50%**

The number of children aged 13 or under in Queensland's adult police watch houses has increased by 50% in 12 months, according to the Office of the Public Guardian.

Its report to parliament showed that 120 children aged between 10 and 13 spent at least one night in a police watch house in 2023-24, a 50% increase on 2022-23.

### **PathWest sets new baseline for forensic labs**

PathWest Forensic Biology last year became the first NATA-accredited laboratory in Australia which abides by a new international forensic standard.

NATA is the National Association of Testing Authorities, which sets the quality standards for Australia.

There has been great debate in recent years over the standards to which individual labs in Australia are qualified... or, rather, not qualified.

The PathWest development raises the bar for all forensic labs Australia-wide.

Now with the first parts of the ISO 21043 standard available, other laboratories are opting to seek accreditation to the international standard

"It contains requirements designed for forensic labs, including chain of custody for samples," said Anna Heavey, the Manager – Quality, Safety, Training & Risk at PathWest Forensic Biology. <https://tinyurl.com/4jcf8f34>

### **Govt announces kids' programs just-in-time**

In another pre-election promise, the WA government has announced \$7.8m to try to prevent young children aged 5 to 9 from entering the criminal justice system.

The money will pay for a trial in Perth and Geraldton, focusing on early intervention for children showing offending behaviours who are below the minimum age of criminal responsibility.

The govt says the pilot program will involve a collaborative effort of the Departments of Justice, Communities, Education, and Health.

That itself is a recipe for sub-optimal outcomes: no-one person or department will have clear responsibility, CLA says.

Another \$2.1m has been set aside for expanded bail support services for young people aged 10 to 17 in Perth and Geraldton.

The Youth Engagement Program (YEP), run by the Aboriginal Legal Service of WA, will now extend to Geraldton, while Legal Aid WA will launch a parallel program for non-Aboriginal youth. <https://tinyurl.com/42j2v6sv>

The last-minute announcements, just before the 8 March 2025 state election is no replacement for a properly funded, state-wide effort to tackle youth problems, kids in watch houses and jails, and WA teenagers being set on a path to crime as adults by poor government management, CLA says.

In terms of the richness of WA's wealth, the allocation of less than \$10m to the problems of Indigenous young people in the state is an insult to them and to all electors.

## **BRIEFS**

### **'Protecting' kids: vapes banned, alcohol not**

A Victorian boy aged 16 drank himself to death on Christmas Day 2022, after consuming possibly a dozen or more cans of drinks often described as "alcopops" given to him by his parents to consume over the holiday period, not on one day/night. Had they given him vapes to "smoke", he would be alive. In Victoria, as in most of Australia, vapes are practically banned for kids, but alcohol is not. Go figure! – AAP report, in the *Guardian*. <https://tinyurl.com/549cuut9>

**ODD SPOT:** Vapes are an untaxed market substitute for tobacco, currently taxed at \$2300+ per kilogram, with 1600% profit as postulated by Dr Rob Preece, compared to 400% profit on illegal narcotics.

### **'Alleged' journalist training in ABC not what it used to be**

A woman died last month after falling from a balcony in Parramatta. The partner was being questioned by police when an ABC journo, in a standup report in front of the fall site on the midday news, referred to the "crime scene". After some trouble finding a number, a trained CLA journalist member rang the ABC newsroom in Sydney to point out that – at highest, and legally – it was an "alleged" crime scene. The ABC news report was prejudicial, and could well be wrong. The report on ABC news tonight did not refer to a "crime scene". The next day, police formally announced the partner was not a suspect in any crime. ABC training of journalists has fallen off dramatically, while their workload has increased across numerous platforms. Training of for-profit journalists is nowhere near what it used to be.

### **Govt proposes to take Aboriginal kids away from Indigenous families**

The new NT Country Liberal Party government plans to set Aboriginal child care back decades by not ensuring Indigenous children are fostered almost exclusively to Indigenous families. The govt plans to amend the "special and exceptional circumstance" provision so courts can order children be removed from their homes and placed with non-Indigenous families, something that does not adhere to the Aboriginal Child Placement Principle. Under the changes, an Aboriginal child's family may not be involved in decision-making; decisions about an Aboriginal child will not have to be healing-focused and trauma-informed; and an Aboriginal child will not have to be put in care close to their community. NT Attorney-General Marie-Clare Boothby said: "We will do things differently under this government, and we won't apologise for that." – *NT Independent* <https://tinyurl.com/52r8r6ey>

## **LETTERS**

### **No longer the 'fair go'?**

Cassandra Goldie ('*So much for Mr No-One-Left-Behind*', 8 January 2025) observed that despite Prime Minister Albanese's election promise "no one held back, no one left behind", almost three years later, "some people are doing extremely well while millions are struggling to put food on the table". As Ms Goldie suggested, our government seems to lack a social conscience. Australia is no longer the country of the "fair go." – Dr Douglas Mackenzie, Deakin ACT

### **This isn't fair**

(M)any companies receiving federal government contracts paid no corporate tax at all in Australia. We, the pensioners

and self-funded retirees, pay all of our due taxes. We have no choice in the matter. – Sankar Kumar Chatterjee, Evatt ACT

## They're dreaming

Constitutional reform to grant fixed four-year federal parliamentary terms is yet another pipe dream from a government that is divorced from reality. Constitutional concerns and voters' desire to ditch incompetent governments sooner rather than later will derail this poorly considered proposal. – David D'Lima, Sturt, SA

## Why not an e-election?

Does the Prime Minister know we now have MyID and MyGov? Both are digital platforms that can be used for an online electronic election. – Mokhles Sidden, Strathfield, NSW

## Slow off the mark

It's been a while since a raft of public figures rushed to label the arson at a Melbourne synagogue a terrorist attack. I don't recall hearing of any arrests. If VicPol, the AFP and Mr Burgess's secret police have yet to identify the "terrorists" responsible for the fire, then heaven help us in the event of an actual terrorist attack. – Peter Moran, Watson ACT

## The organ grinder

World leaders should demand to meet with Elon Musk rather than Donald Trump, given one should always talk to the organ grinder, not the monkey. That would send egomaniac Trump completely bananas. – Kristine Klugman, President, CLA

## Birds of a feather

Kristine Klugman is right about Elon Musk and Donald Trump (Letters, Canberra Times, 15 January). I am reminded of a wise observation by Nicholas Boileau-Despreaux in *The Art of Poetry*, "Un sot trouve toujours un plus sot qui l'admire" (A fool always finds a greater fool to admire him). – Ken Maher, Ainslie ACT

## A Human Rights Act now

"Labor has to do a lot of work to convince a critical mass of voters that Labor is fighting for people like them" (Crispin Hull, 18 January). Australians deeply believe in the need for a fair go. We like to think it is intrinsic to our national character. A federal Human Rights Act would give leverage to the little people, and help hold governments to account. It would give powerless people a fair go. Labor has the opportunity to differentiate itself from populist rhetoric by appealing to fundamental values and promising a Human Rights Act for Australia. – Dr Kristine Klugman, president Civil Liberties Australia, Fisher ACT

## CLA main activities for January 2025

### National:

CLA wrote directly to the Prime Minister, Anthony Albanese, calling on him to promise a Human Rights Act for 2025 if re-elected in 2025 (see page 1 of this newsletter). The correspondence was our Australia Day letter for 2025.

We have also contacted a wide range of federal MPs by email and letters on the same topic.

CLA's judgement – as we enter the fifth year of campaigning and lobbying – is that there is overwhelming and growing support for a Human Rights Act in Australia among citizens and among federal parliamentarians. For example, the last robust survey on public support for a federal HRA, taken in a "barometer" survey by Amnesty Australia in 2022, found:

- A vast majority (73%) of Australians support the national parliament passing a law\* for a Human Rights Act when told Australia doesn't currently have one; and
- When told Australia is the only liberal democracy without a Human Rights Act bolsters the case for its introduction: 59% of the sample become more supportive when they know this.

\* Note: this would be an ordinary federal law, not a change to the Australian Constitution.

Labor, the Greens, independents like Andrew Wilkie and David Pocock, as well as about 90% of the MPs described as "teals" support a federal Human Rights Act. Only a majority (but not all) Coalition MPs oppose one, and on spurious grounds which have been overcome in reality by adopting a "dialogue model" which gives Parliament the ultimate power if any human rights clause is found by the courts to be uncertain in its wording.

Australia already has 42-plus years of experience with human rights acts: since 2004 in the ACT, since 2006 in Victoria and since 2020 in Queensland. These cover state/territory law, not the federal laws, rights and liberties that a national HRA would cover. Like being able to choose to travel overseas when you want to (denied during COVID) and being free to appeal to an "independent umpire" for conciliation or a tribunal ruling (denied and made futile by government bureaucratic dictates during Robodebt).

## Meetings

We continued during the month to lobby actively for a federal Human Rights Act and for new state HRAs, noting that the issue has not hit the public debate yet in terms of the federal election campaign. Insiders believe the election is likely to be held on 12 April.



People we met with in January 2025 included:

- Abi Rajkumar, advisor to federal Attorney-General Mark Dreyfus (photo, with CLA President Dr Kristine Klugman and CEO Bill Rowlings)
- Akano Amuda, advisor to federal Minister of Industry and Science Ed Husic MP (Teams)
- Sen Lisa Darmanin ALP Senator for Victoria (Teams)
- Katrina Stratton MLA for Nedlands WA (Teams)
- Fiona Carrick ACT MLA (new) independent member for Murrumbidgee ACT
- Elizabeth Lee MLA Member for Kurrajong ACT (former leader, Canberra Liberals)

We have held several strategy meetings to progress the federal HRA campaign, and discussions with our partner agencies in the campaign. We have sent emails to Labor

caucus members, and background HRA papers to a wide range of MPs and others.

In the state sphere, we expect calls for a HRA to be made by lawyers before the 8 March election in WA. In SA, a major parliamentary report on prospects for a HRA for that state is under consideration, and in Tasmania a formal approach is operational, stemming from the Upper House of parliament and triggered by the second time this century that the Tasmanian Law Reform Institute has reviewed the need for such an act, and come out wholly in favour.

### **Submission:**

Inquiry into the operation of the 2024 ACT Election and Electoral Act 1992. Lead author: President Dr Kristine Klugman.

### **WA report:**

#### **Fires may become greater threat to prisoners**

With a fire raging in high winds at outer metropolitan Wooroloo, about 800m from Acacia Prison, prisoners remained locked in their cells due to continuing understaffing. It was a terrifying ordeal, inmates reported.

Temperatures outside were 45C but it was hotter inside the crowded cells.

Reports to CLA indicate there is no adequate-working air conditioning throughout most of the prison. Inmates can only douse themselves with water for brief relief. In the late afternoon a meal of processed ham and salad was shoved through prisoners' hatches, falling on to cell floors.

With more than 50% of Acacia's 1500+ prisoners believed to be mentally ill, the fire lockdown and food throwing treatment may well have caused deaths amongst some elderly prisoners.

Serious further trauma to prisoners everywhere throughout WA is highly likely as the fire season has months to run. Cells could never be unlocked in time if a fire like the one at Wooroloo got out of control, prisoners and staff fear.

Roebourne jail, 1500km north of Perth near Karratha, still doesn't have air con throughout (it has been promised). Outside air temperatures at Roebourne frequently reach 50C.

With fires springing up all over WA, including near another prison area 400km south-east of Perth in Albany, which usually has more temperate conditions, the possibility of prisoner deaths due to fire and/or smoke inhalation is increasing with climate change, CLA believes.

#### **WA: Cabinet fails on measuring tool, timeline**

CLA's Barry Lydon has pointed out in a letter to Premier Roger Cook that the WA Cabinet's promise of a law to curb coercive control in relationships is welcome...but there's no detail to allow follow through.

Lydon points out the Minister for the Prevention of Family and Domestic Violence, Sabine Winton, has repeatedly refused to commit to a timeline for the promised law on the grounds that further public awareness and education is required. There is no measure announced on how/when education will occur and awareness raising will be completed, or on funding, so there can be no measure of when Cabinet will be in position to endorse a draft law.

As well, only a few WA Police are being properly trained on Family Violence Restraining Orders (FVROs), even though all police have the power to issue like orders. Vexatious FVROs issued have caused victim/survivors to lose faith in the system.

Lydon has asked for a response from the Premier – well before the 8 March election – on how he plans to fix the mess

under which a promise has no funds, no timeline, no police education component and no implementation date.

Though he doesn't say so, such a promise would appear to be along the lines of those previously announced pre-elections by the Labor government, as highlighted in this report from the Kimberley: <https://tinyurl.com/a7m5yxbu> 'Big promises made and delayed in WA's Kimberley as Labor seeks new term'. ABC report.

## **INTERNATIONAL**

#### **1000 soldiers face image evidence of treating Palestinians as 'less than vermin'.**

The HRF Foundation has filed 1000-plus cases in the International Criminal Court after 15 months of Israeli soldiers sharing videos of themselves committing potential war crimes in Gaza.

The videos and stills show soldiers forcing Palestinian men to parade in their underwear, abusing captives, looting and vandalising homes and even dressing up in women's clothing they ransacked, HRF claims.

The foundation is named after Hind Rajab, a five-year-old girl killed in a car in Gaza by Israel as she pleaded on the phone for three hours for help, surrounded by members of her dead family and in sight of the Palestinian paramedics who were also killed as they attempted to reach her.

Ori Goldberg, a former university professor who is an independent Israeli political analyst, said: "People (Israelis) don't regard Palestinians as even human now, if they ever really did. To most people, Palestinians aren't even vermin. Vermin has to be killed. Palestinians are less than that." <https://tinyurl.com/yc8dty9y>

#### **Iraq lowers marriage age of girls to 9**

The Iraqi parliament has legislated to allow children as young as nine to marry.

The new law gives religious authorities the power to decide on family affairs, including marriage, divorce and the care of children.

There had been a ban on marriage of children under 18 in place since the 1950s. For the majority of Shia Muslims, the lowest age of marriage for girls will be nine; for Sunnis, the official age will be 15.

"We have reached the end of women's rights and the end of children's rights in Iraq," said the lawyer Mohammed Juma, one of the most prominent opponents of the law. <https://tinyurl.com/2mz3mhsh>

#### **New privacy paper puts the dead first**

A major new UK research paper is opening up a needed debate around privacy for the dead.

"Privacy is regarded as a fundamental right that is protected in multiple and varying ways," the abstract says.

"This cannot be said for privacy of the dead.

"This (research) article considers the importance of post-mortem privacy and reviews the law of privacy and post-mortem privacy in England and Wales, including under the European Commission of Human Rights.

"It also considers medical confidentiality and whether common arguments that pertain to the dead (eg organ donation, burial, testamentary dispositions and posthumous copyright) lend support to post-mortem privacy arguments." <https://tinyurl.com/z5225ras>

## INTERNATIONAL BRIEFS

### Murders continue to drop

Through October 2024, data collected by the Real-Time Crime Index, based on reports from hundreds of law enforcement agencies, showed a nearly 16% decline in murders in the USA from 2023. The FBI's preliminary data for the first half of 2024 showed an even steeper decline. On the campaign trail, now-President Donald John Trump insisted that FBI data was "fake" and that crime is "through the roof". Detroit, which in 2023 recorded the lowest number of homicides in 57 years, is on track to see even fewer in 2024, according to the city's data. In San Francisco, homicides have fallen by a third, according to that city's Police Department. Murders spiked in 2020, when the pandemic disrupted family finances, schools, social services, courts and policing. However, in 23 cities, shoplifting increased by about 25% in the first half of 2024. <https://tinyurl.com/bdd3e8hm>

### Israel's 'targeted' raids rack up big numbers of apparently 'untargeted' deaths

The number of journalists and media workers killed in the Israel-Palestine conflict since 7 October 2023 was 220 as of 6 Jan 2025, according to health sources in Gaza. Palestinians killed by Israeli attacks in Gaza were at least 45,805 since October 2023. An estimated 109,064 people have been injured. – Al Jazeera <https://tinyurl.com/528xz93s>

### Trump on way to new record?

According to *The Washington Post*, Donald John Trump uttered 30,573 "untruths" during his first term (2016 to 2020) as President of the USA. Presumably, the news outlet will continue to keep count to see whether – during his second term, which has just started – he creates a new record. To do so, he will have to maintain a pace of 21 lies a day. This is a relentless target, day-after-day for four years. But many Americans think he has stayed in heavy training since 2020, and then stepped up conditioning to new levels during the 2024 American election campaign.

## DATES

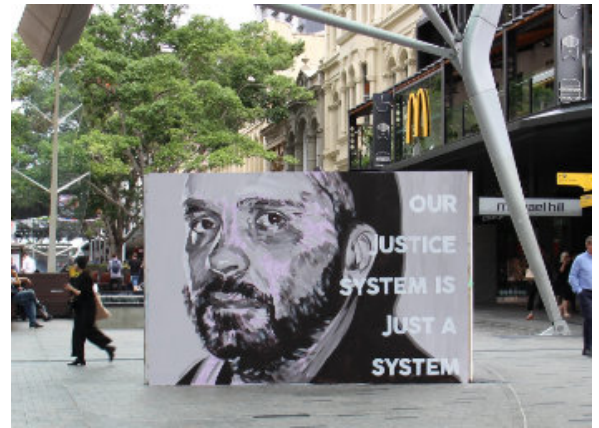
### 2025:

**12 Feb, Brisbane and online:** *'Human rights in the Coroners Court'*, Human Rights Law Association. 6–7.15pm 'The impact of domestic human rights statutes on the coronial function in Australia has so far been canvassed in a series of coronial decisions in Victoria and one decision in Queensland. There are divergences in those decisions. The issue is yet to be ventilated in the ACT.' Details: <https://tinyurl.com/btntsxr7>. Register: <https://tinyurl.com/yndnten7>

**20-21 February, Wellington NZ:** Pacific Island Political Studies Association hosts Pacific Islands conference: *Zone of Peace or Ocean of Discontent?* Uni of Wellington. Details: E: [pipsa2025@gmail.com](mailto:pipsa2025@gmail.com)

**28 Feb, Sydney:** Commonwealth Law Conference, run by the Federal Dispute Resolution Section, Hilton Sydney. 8.30am to 1.10pm. PS: None of the 15 speakers "renowned for their expertise and experience" appear to be discussing wrongful convictions resolution. To register: <https://lawcouncil.eventsair.com/2025-commonwealth-law-conference/registrations>

**8 May, Brisbane:** *Recasting the law on a more merciful basis: juvenile justice then and now* – Dr Robyn Blewer, Griffith Law School, part of the Selden lecture series. QE2 courts, Brisbane. Details: <https://tinyurl.com/bdcw2xjt>



**14-25 May, Hobart:** *'Denied'*, exhibition of Sky Parra's portrait series on Wrongful Convictions, Salamanca Art Centre, 67 Salamanca Place. The artist has painted Scott Austic, Derek Bromley (see photo above, in Queen St Mall, Brisbane in 2022), Frank Button, Henry Keogh, Andrew Mallard and Lloyd Rayney, among others, with a new portrait likely to be unveiled for the first time in Hobart. Details: <https://www.skyparra.com/>

**27-30 July Cambridge, UK:** World Congress on Family Law and Children's Rights. Theme: *Children Caught in Conflict*. Info: <https://www.worldcongress.co>

**4-5 Aug, Sydney:** Applied Research in Crime and Justice Conference, hosted by BOCSAR with Griffith U, Intntl Convention Centre, Sydney. Details and rego: <https://tinyurl.com/hm6dk7dw>

### Election cycle for Australia:

- 2025: **WA:** 8 March 2025  
**Federal:** April 2025 possible (12 April is the tip); latest is Saturday 17 May 2025
- 2026 **South Australia:** 21 March 2026  
**Victoria:** 28 November 2026
- 2027: **NSW:** 27 March 2027
- 2028: **Tasmania:** likely date is 27 May 2028, but the minority government is inherently unstable  
**NT:** 26 August 2028  
**ACT:** 21 October 2028  
**Queensland:** 28 October 2028

*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 January 2025.

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.

ENDS    ENDS    ENDS