

## Vote for a future MP who would vote for a HRA

As Australians gird their loins for an imminent federal election, the choices are simplified:

- Choose a social justice party, or a party of social righteousness;
- Choose a long-term ruling party or an independent candidate who might, with others, hold the balance of power; and/or
- Vote in anger, against the past; or vote in hope, for the future.

Anyone wanting to choose social justice and hope would vote for a person supporting a federal Human Rights Act for Australia.

So, before you vote, for the perfect “civil liberties” approach to the ballot, ask the prime possible candidates in your electorate whether they will vote for the new Parliament of Australia to enact a HRA, or they will vote against one.

## Which way will Australia pivot?

Unfortunately, in some countries in recent years, a “parties of social righteousness” have morphed into parties of personal and corporate – even national – enrichment.

So, people vote against the poor and homeless, and to benefit the comfortably off, entitled, richer and full-time employed sectors of society. The very rich vote for corporate benefits for themselves and their usually well off shareholders, who are frequently located overseas.

It will be fascinating to see whether Australia follows a trend in that direction, or chooses a more balanced society where the disadvantaged are offered a hand up and not a push in the face further into the ground.

## WA poll will be first test

Before Australia votes, WA will go to the polls on Saturday 8 March.

As Australia’s richest state, by a long stretch, the same questions as above apply: in particular, will WA prioritise its Indigenous and its young non-Indigenous people – who are doing it extraordinarily tough – over the demands of Australia’s richest miners and mining companies?

To become a fairer place, WA needs to pivot its Budget to lift the downtrodden, rein in the over-powerful, and rebalance the rights of 90% of the state’s people to be able to call out bureaucratic wrongs so as to share more equitably in the resources available.

## WA is racist police state: old man tripped, shoved, shown contempt by officer

This is how Police Minister Paul Papalia’s officers apparently treat old Aboriginal men: see the video – click on this link, or copy it into your browser: <https://tinyurl.com/m6we4cfc>

A police officer tripped and threw an old bloke in Broome to the ground suddenly, impacting his head. Police Minister Paul Papalia’s officer then quickly jumped into his police vehicle and drove away. Apparently the officer had the old man’s bag. He soon after drove his van back into the park where the old man was apparently assaulted and battered, according to footage in a video taken at the time, and threw “the old man’s bag on the ground like he was a dog”, the National Indigenous Times said.

*Right: Minister Papalia and friend.*



If this is the standard that Police Minister Papalia endorses, it is no wonder that Aborigines make up most prisoners in WA jails, that young Aboriginal kids comprise just about all detainees in youth jails, and that WA is one of the most racist states in the world under the rule of Premier Roger Cook.

The people of WA go to the polls on 8 March. How Papalia’s police treat old First Nations men now will be exactly how they treat other old men, from other sections of the community, in future. And, as the WA

police are not sexist, we are always told, they will treat old women in WA, Aboriginal or white, the same way, when it suits them.

The video footage strongly suggests the Minister (or Premier Cook) should sack the police officer immediately. The Papalia officer should be charged with at least assault and battery, and therefore likely serve three months or so in jail, in the general area of the jail, without special protection. If he believes that would be harsh industrial treatment, he should be free to appeal. The old man he tripped had no opportunity to appeal.

If immediate remedial action is not taken, the citizens of WA should vote in a way that clearly indicates the behaviour of Papalia's police officers is not acceptable, and Cook's failure to make Minister Papalia adopt humane and human rights standards as regards police for all West Australians, is also unacceptable.

## **Youth parliament set for 2026**

Australia is to get a national youth parliament next year, with 150 high school students converging on Canberra to play pretend MPs, under the watchful eye of the Speaker of the House of Representatives. Representing every Australian electorate, they will spend three days learning about being an MP, and how laws are proposed, drafted, considered and passed.

There is already a 'Parliament in Schools' program, which has run in 145 schools throughout Australia.

The youth parliament is responding to a call for better civics education in Australia (see below). Further details: [https://www.aph.gov.au/Senators\\_and\\_Members/Members/The\\_Speaker](https://www.aph.gov.au/Senators_and_Members/Members/The_Speaker)

## **More civics education needed, say MPs**

Australia's federal MPs want strengthened and standardised civics education for Australian students.

This is a core finding of the Joint Standing Committee on Electoral Matters in its report, *From Classroom to Community: Civics education and political participation in Australia*.

The report makes 23 recommendations, which include:

- national and mandated civics and citizenship content in the curriculum and better support for teachers;
- more money so more students can visit Canberra or take digital learning trips instead;
- civics education for adults, through community organisations and leaders;
- letting diverse young people have their say on formal policies and processes;
- prioritising media and digital literacy;
- more money to translate material to counteract disinformation; and
- researching how people 'consume' media and social media.

Committee chair, Senator Carol Brown, said: 'Australia's compulsory voting means all Australians need to be informed to participate.' <https://tinyurl.com/573u524m>

## **Nightly report sums up Labor complete cave in**

Writing for *The Nightly*, an online publication of The West Australian newspaper, Katina Curtis and Nicola Smith said Prime Minister Anthony Albanese and Labor had caved in to Coalition pressure over mandatory jail terms for terrorism and hate crimes

"Labor has caved to demands to introduce mandatory minimum jail terms for terrorism and the display of hate symbols — prompting unhappiness among its MPs and party members — as the government faces rising pressure to take tougher action against anti-Semitism," they wrote.

Many Labor MPs conceded the government couldn't fall prey to the Coalition's wedge on the issue, which appears to CLA to be a forerunner of the core tactic of the Coalition's election campaign.

Legal and civil liberties groups have slammed the mandatory one-year sentences for displaying nazi symbols or salute in public, Curtis and Smith wrote.

They quoted Civil Liberties Australia chief executive Bill Rowlings, who said that under the Australian constitution it was the job of judges, not politicians, to make punishments fit crimes.

"Politicians have not heard the evidence of any particular case, and their main aim is to be re-elected, which requires being seen to be reacting to vigilante and media excesses," he told *The Nightly*.

CLA's statement said mandatory sentencing had no place anywhere in Australian law or courts, federal or WA or anywhere else.

The Albanese changes, which passed federal parliament with bipartisan support even though they are contrary to the Labor Party platform, also impose six-year sentences for terror offences and three years for financing terrorism.

The laws were rushed through the Senate in a matter of hours last month after having been in limbo in the lower house since September 2024. <https://tinyurl.com/23j8gsyh>

## **ODD SPOT: Indigenous children lead in all the 'wrong' statistics**

The latest figures from the Productivity Commission show 23,956 First Nations children were in at least one out-of-home care (OOHC) placement in 2023-24 – over 43% of all children Australia-wide. Nationally, Indigenous children aged 0-17 were placed at least once in OOHC in the last financial year at a rate of 60.6 per 1,000, 10.4 times higher than non-Indigenous children and a slight increase from 12 months earlier.

## **Australia jails even more Aboriginal people**

In December 2024 the number of Aboriginal people in prison was 4114; equating to 32.3% of the prison population, the highest proportion on record.

The number of Aboriginal adults in prison rose 9.7% from December 2023 to December 2024; Aboriginal adults on remand rose 11.8% and sentenced prisoners rose 8.0%.

In December 2024 there were 225 young people in detention; up 54 or 31.6% from December 2023.

The increase since December 2023 is mainly due to the increase in young people on remand. In December 2024 there were 172 young people on remand, an increase of 34.4% or 44 young people since December 2023.

At the end of December 2024, there were 129 Aboriginal young people in detention; which is 57.3% of the youth detention population. The number of Aboriginal young people in custody rose by 21.7% from December 2023 to December 2024.

– BOCSAR Information Service. Details: email: [bcsr@dcj.nsw.gov.au](mailto:bcsr@dcj.nsw.gov.au)

## **Why do we spend billions to make communities less safe?**

Prisons don't create safer communities, so why is Australia spending billions on building them? is the question asked by a series of analysts on The Conversation online academic news website.

Emma Russell, Andrew Burrige, Francis Markham (photo), Naama Blatman, Natalie Osborne, The Conversation January 23, 2025 <https://theconversation.com/prisons-dont-create-safer-communities-so-why-is-australia-spending-billions-on-building-them-247238>

Data from the Australian Bureau of Statistics show prisoner numbers are growing in every Australian state and territory, except Victoria.

Nationally, our per capita imprisonment rate outpaces Canada, the UK and all of Western Europe. Annual operating and capital costs for the nation's prisons have surpassed \$6 billion annually — more than double what they were a decade ago.

As of January 2025, the Northern Territory hit a grim milestone. More than 1% of the territory's total population is locked up in an adult prison. This is the first time this has happened in any Australian jurisdiction.



## **Bell critiques Trump and US pardon regime**

Chief judge of NSW, Andrew Bell, in opening the 2025 law year, delivered a seminal speech on the importance of the rule of law in national and international affairs, and used the example of one particular pardon granted by the US President, Donald John Trump. It is recommended, and CLA congratulates Bell for speaking out: <https://tinyurl.com/4m4vxyhs>

## **Local govt increasingly bearing burden**

The importance of local government in Australia, frequently overlooked or ignored, is getting its spot in the sun in an inquiry by a committee of the federal parliament.

Chair of the committee, Mr Luke Gosling (MHR for Solomon, NT, Labor) said local governments were increasingly having to provide healthcare services and housing, manage ageing infrastructure and assets, and respond to current and future climate needs.

“These additional responsibilities are placing a significant financial strain on local governments who are struggling to meet community expectations,” he said.

His committee held extensive consultations with stakeholders including local governments, councils and shires, receiving more than 280 submissions and holding 16 public hearings in regional areas.

The House of Representatives Standing Committee on Regional Development, Infrastructure and Transport recently presented its interim report for the inquiry into local government sustainability. <https://tinyurl.com/2epkry3v>

## **FEATURE: How Senators keep Ministers and public servants ‘honest’**

*Scrutiny News* is a publication of the Department of the Senate, which highlights the ‘backroom’ work of Senators who scrutinise proposed laws and rules-regulations to make them legal in the first instance, and better if possible.

What is little known is that, without the Scrutiny Committees (there are formally two: one for draft laws and one for proposed “delegated provisions” under laws), Australia would be an even more inequitable place than it is.

For example, *Scrutiny Digest 1 of 2025* dated 6 Feb 2025 reports what the committee said about 16 bills (draft laws) and amendments introduced in relation to 18 bills. It also contains the committee's comments on ministerial responses in relation to 5 bills, where the committee had asked for clarification or improvement.

Under its “delegated rule regulations” scrutiny, the committee looked at 278 matters.

The committees pull up Ministers and Departments when they try to make laws that interfere with citizens’ lives illegally or negatively when that is not needed.

For example, a proposed Health bill about your personal data “leaves a number of potentially significant matters to delegated legislation and includes powers that may trespass on an individual’s right to privacy”, the committee said. In other words, the bureaucrats could make up new regulations (under “delegated legislation”), as they wish, down the track. [scrutiny.sen@aph.gov.au](mailto:scrutiny.sen@aph.gov.au)

## **Many proposed laws fail on principle(s) when they reach Parliament**

It is frightening the number of draft laws put forward by Ministers and government departments that offend basic principles, such as under the Health bill (above), plus a number of others in areas like Fair Work, petrol and gas storage safety, vaping laws, how much you’ll pay in government fines, excessive and punitive migration rules, and so on.

For example, the recent *Scrutiny News* criticises numerous proposals that

- trespass unduly on personal rights and liberties,
- inappropriately define administrative powers,
- inappropriately delegate legislative powers to bureaucrats,
- avoid appropriate parliamentary scrutiny in future, and
- reverse the burden of proof, so you have to prove you are innocent rather than the Crown proving you are guilty.

## **Bills that fail at first glance should never be written**

Bills – draft laws – should never get into parliament, or even be drafted, if they offend the basic principles of human rights and civil liberties that we are all meant to enjoy living under.

But governments and public servants are driven by securing maximum power.

And the problem is that governments and bureaucrats have nothing to restrain them, so they can draft “illegal” laws. We need to safeguard ourselves from proposed “illegal” laws by having a mandatory obligation to meet basic human rights standards in all the proposed laws presented to parliament, and in how bureaucrats interpret and abide by proper laws once they are passed.

What is needed is a federal Human Rights Act to make sure citizens are protected from their own parliament and public servants.

If you want to know how badly things can go wrong, just remember what happened under Robodebt's robbery of people on the dole, and COVID locking you within Australia even if you had valid reasons to leave Oz for a country that was willing to have you.

## Scrutiny committee complains

The Scrutiny Committee is constantly complaining about "the speed of the bill's passage".

That's a polite way of saying that the government rams something through without allowing enough time for the scrutineering Senators to do their much-needed work.

The committee also regularly complains about how extraordinarily slow responses to queries to ministers "largely frustrated" the committee's scrutiny.

## Why isn't the supposed 'scrutiny' mechanism working properly?

While we agree with the committee's complaints, Civil Liberties Australia is also critical of why you never see media reports from the press gallery about how the system fails the people.

For the press gallery, it seems, attending the staged performances of question time is more important than digging behind the scenes and analysing the crucial work of dozens of committees of parliament.

We need more hard digging by journos behind the scenes, rather than having them operate as an echoing audience in the front seats of the daily theatre.

*Ends SCRUTINY feature*

## ODD SPOT: 'Bum money' claims rip off sexual abuse scheme

"Seven arrested over alleged sexual abuse 'claim farming' scheme that police say netted more than \$1bn" said the headline. Emily Wind reported last month in the *Guardian* that "NSW police alleged that young offenders, inmates and public school students were encouraged to file fraudulent claims of historic sexual abuse. The proceeds were reportedly known as 'bum money' within criminal syndicates. Police said they suspected "a significant portion" of the \$1.3bn worth of claims were fraudulent. <https://tinyurl.com/47927tnh>

## Govt skews 'evidence' rules to benefit scammers

"Given the low legal standards in which Australian governments have created Victims Compensation Schemes, I suspect this is just the tip of the iceberg," says CLA member Victor Piggott.

Reminding us that such schemes have been around for 40 years, he says they have caught some high profile victims who have been proven innocent in the court system: in some cases, even the claimants have later admitted their target was innocent!



"The National Redress Scheme is similar to the victims compensation scheme created by NSW Labor under Barry Unsworth in 1988. John Marsden\*\* (photo) labelled it 'the oneway' compensation scheme as nominated defendants (those never charged or found not guilty) are not a party to the subsequent 'claims' proceedings," Piggott writes.

"The targets are not even informed that a victims compensation application has been made. Thus any evidence prime targets may have to show that the application is a fraud is not assessed. As proceedings are heard in chambers with neither party required to give testimony, the evidence is not tested."

Marsden's 2000 defamation case against Channel 7 well and truly exposed the weakness of the NSW Victims Compensation Scheme, he says. Despite the defendant, Channel 7, calling more than 30 alleged victims to give "evidence" in the NSW Supreme Court, trial judge David Levine, who was

formerly a highly respected criminal and defamation barrister, did not believe any of them on the civil standard and found for Marsden.

"However, some of these so-called victims applied to the NSW Victims Compensation Scheme and received payments, also on the civil standard," Piggott writes.

"In one case the application was knocked back by a magistrate but the decision was reversed on appeal by District Court judge Kevin Coorey. Unlike the NSW Supreme Court where both Marsden and the

alleged victims gave evidence and were cross-examined, the District Court did not hear from Marsden as he was not a party to the proceedings.

“The sole evidence was provided by the alleged victim with an accompanying police ‘fact’ sheet, which reiterated the details told to police. Later it was reported in the media that two of these recipients of Victims Compensation whose allegations were not believed by Justice Levine admitted they had lied and wished Marsden all the best,” Piggott writes.

The National Redress scheme is very similar in that the nominated defendant is not a party to the proceedings – any evidence they may have to show the application is fraudulent is not considered.

Like the NSW scheme it is heard in chambers (not a courtroom) with the evidence untested. But unlike the State Victims Compensation scheme the adjudicator is drawn from a number of professions, and may not be a lawyer. Also the legal standard is lower than the civil standard.

### \*\*\* John Marsden:

Marsden was patron of Civil Liberties Australia when he died of stomach cancer in 2006. He was about to take up a much greater role with CLA. CLA’s website continues to remind people about what Marsden did for other people, and society: <https://www.cla.asn.au/Articles/060518%20Vale%20Marsden.pdf> What the ABC reported: <https://tinyurl.com/r5vx73ea>

### ODD SPOT: Pell’s reputation, in death, suffers from evidence-free ‘Redress’

One man was awarded \$90,000 and another \$45,000 after making claims under the National Redress Scheme against the behaviour of Cardinal George Pell (died January 2023) when he was a young priest in Ballarat. In another, full, Victorian Supreme Court case, Pell had won his appeal to the High Court of Australia and, unusually, was acquitted by the High Court of Australia over claims of pedophilia. Under the redress scheme, an independent decision maker (not necessarily a lawyer) made a decision based on information provided by the applicant and “information known about the institution” (the Catholic Church, in the current case). One legal commentator described the redress scheme as a “joke” which “proves nothing”. Another commentator pointed out the scheme “stinks”. No-one, including the Catholic Church, had the chance to give counter evidence to the claims-only made the the two people who benefited substantially in cash awards. The Redress scheme ends in 2028, so CLA will waste no further comment on how unfair it is on anyone, dead or alive, selectively chosen as a “defendant”. <https://tinyurl.com/5n6wxypt>

### Lambie claims ‘suicide’ was in fact murder; Tas Police ‘incompetent’

Senator Jacqui Lambie speaking in the Senate on 4 February 2025 on the Eden Westbrook “suicide” case, said she believed the 15-year-old girl was murdered.

She severely criticised Tasmania’s “justice” system, the Coroners Act, Attorney-General Guy Barnett and Tasmania Police.



“This whole case stinks to high heaven of incompetence,” Senator Lambie (Jacqui Lambie Network party, Tas) said.

“They didn’t interview key witnesses, ask for Eden’s mobile phone or check her social media to check whether she was being groomed or abused.

“This was a botched investigation.”

Eden Westbrook was found hanging from a high branch in a park in the middle of the coastal town of St Helens on 18 Feb 2014.

A brief investigation was run under the management of now-known pedophile Senior Sergeant Paul Reynolds, who was aiding the coroner. TasPol later gave Reynolds a full state funeral, parade through the streets and all, after both interstate and local Tasmanian police had earlier reported to senior officers that they suspected he was a pedophile.

The ABC reported: “Tasmanian former police officer Paul Reynolds used positions of authority to abuse children for three decades, interim report finds.” <https://tinyurl.com/2pps53ye>

Reynolds killed himself in 2018 when he became aware – after police searched his house – that his behaviour had come under suspicion in a police inquiry. As soon as he committed suicide, TasPol closed down the inquiry into Reynolds' behaviour.

Lambie speech: Senate\_2025\_02\_04.pdf;fileType=application/pdf The speech is at pp.107-109. Eden died on 18 February 2015. The Westbrooks have been fighting for the truth for 10 years.

## **Police union denies incompetence, but silent on pedophilia**

The police union has slammed claims of incompetence and cover-up made in federal parliament over the handling of the decade-old Eden Westbrook case as reckless.

In *The Mercury* newspaper two days later, Police Association president Shane Tilley called on Senator Lambie to withdraw her allegations, claiming “very serious allegations of incompetence by local and senior Tasmania Police” were “all unfounded”. Mr Tilley provided no proof that incompetence had not occurred in the Eden Westbrook case. He made no comment on pedophilia or other similar activities in TasPol.

## **Police union can't deny extensive misconduct by officers**

Multiple Tasmania Police officers committed various forms of misconduct in their duties last year, a new report has revealed, as reported by *Pulse Tasmania*.

According to the force's annual professional standards report, 194 public complaints and 166 internal reports were received in 2024, a shift from the 325 public complaints and 94 internal reports in 2023.

While most allegations were dismissed or deemed not to be breaches of protocol, several serious issues did emerge.

Thirteen officers were found to have improperly accessed information without authorisation, one faced counselling for excessive force and seven complaints concerning a lack of care and diligence led to counselling, verbal warnings or informal resolutions.

Additional confirmed violations included four cases of officers bringing discredit to the force and six instances of dishonesty or integrity breaches. <https://tinyurl.com/3xa96r6b>

The comments section of Pulse Tasmania carried these comments:

*Police investigating themselves is a joke – comment, by 'Oink'.*

*This is only a fraction of the misconduct. When I went to lodge a complaint about abuse of power and threatening behavior, I was told “well it's your word against his, and you know who we will believe”. I realized then just how self serving and useless the cops are in Tasmania. – comment by 'Phillip'.*

## **Accused accumulate in Tasmania**

More than 600 defendants appeared in Supreme Courts in Hobart, Launceston and Burnie on the first day of remand sitting for two months, since November 2024.

There's a backlog of 885 cases in the Supreme Court of Tasmania.

Ex-CJ Alan Blow, in his final annual report before retiring in early December 2024, blamed a shortage of judges, TasPol delays around disclosing mandatory details to defence lawyers, and making strangulation a new indictable offence in 2022.

But, as Blow was the chief judge running the organisation, it would seem fairer if he blamed himself for the enormous backlog, as he was the man in charge for nearly 12 years, until late-2024.

Tasmania, with a population of about 575,000, appointed a seventh judge as recently as 2021 to keep the backlog down, and has appointed a plethora of additional and acting judges over the past decade.

The ACT has six judges, plus acting judges, for a population of about 475,000 and the NT has seven for a population of 255,000...plus additional judges and acting judges.

NOTE: One of the acting judges in the NT is former CJ of Tasmania, Alan Blow, who was appointed to the NT bench on 1 January 2025, less than a month after retiring in Tasmania.

CLA suspects that all such appointed “extra” judges never pass an exam or test relating to current law or sentencing rules in the jurisdiction, never pass a medical-physical test, and are never examined for signs of dementia or other mental health issues which should rule them out of taking judging jobs which could and should go to younger people.

If old, pensioned-off judges clog the system after retiring in one jurisdiction, how do younger lawyers across Australia get a fair go of bringing age and gender change to the law?

## **‘Reserves’ off the bench on to the bench to fill judge gaps**

Queensland has appointed the state’s first Supreme Court reserve judges.

The aim is for Robert Gotterson AO KC and Philip Morrison KC to ease the significant workload of the Supreme Court, as well as the backlog on Court of Appeal and the Mental Health Court, according to a media release.

Gotterson will serve until 27 December 2027 while Morrison has been given five years.

Justice Morrison retired as a Judge of Appeal in June 2024, while Gotterson has been off the bench since December 2019. Morrison is 71 this year, while Gotterson is 79.

It is a great and abiding mystery to CLA why Attorneys-General cannot anticipate when more judges will be needed, given the court workload is fairly uniform. Except of course when a government is running a totally political, non-effective, “tough on crime” rhetoric as the solution to society’s ills. <https://tinyurl.com/38sjtp4b>

There is no reason whatsoever to believe that an old judge is better than a new one. Rising rates of dementia would suggest the reverse is true.

## **DPP gets \$6m to bail out slow police prosecution system**

Queensland prosecutors have been handed \$6m to reduce a chronic DNA prosecution backlog in the state’s courts.

In future, DPP staff will handle all DNA cases, rather than police.

The state has also added former FBI expert and geneticist, Dr Bruce Budowle, to its Forensic Science Queensland review, in addition to the work being undertaken by esteemed forensic biologist Dr Kirsty Wright. They are each expected to provide their final report to the government in mid-2025. <https://tinyurl.com/3pxc3xns>

## **‘Overcrowded prisons mean the system is working’: Minister**



NT Corrections Minister Gerard Maley (photo) claims the Country Liberal Party’s plans for dealing with overcrowded prisons and police watch houses is “working” ... despite an independent MLA raising human rights concerns with the UN about the ongoing conditions in the Territory’s jails.

Member for Arnhem, Yingiya Mark Guyula, has written to the UN Special Rapporteur on the Rights of Indigenous Peoples asking for a formal visit to the NT to see the current prison situation, which he said was causing “damage” to Indigenous people.

“Access to showers is only happening every four or more days, the lights are on all the time so people can’t sleep, people are sometimes sleeping quite near to toilet bowls because there is no space,” he told the *ABC*. “There are 18 people stuffed into a cell and many people are sleeping on the floor

without bedding. This sounds like jail conditions in a third-world country or maybe worse.”

Guyula said that his and other cross-bench Members of Parliament requests to visit police watch houses being used to house the influx of prisoners were rejected by the government. <https://tinyurl.com/y87jnu8t>

Unions representing the NT Police and jail employees are worried about the personal safety of their members. <https://tinyurl.com/y87jnu8t> (*NT Independent*, behind paywall)

## **Women locked in police cells in Australia: ‘violates human rights’ claim**

Two women say the conditions for inmates in a Northern Territory police station were inhuman, discriminatory and violated human rights.

The two Aboriginal women, Deanna, 30, and Simone, 35, were “jailed” in the Alice Springs police watch house recently.

In affidavits to Alice Springs Local Court, they said they were held in hot, overcrowded and poorly ventilated cells crammed with up to 20 women at a time.



The only available drinking water was from a tap above an often-clogged communal toilet, and there were not enough mattresses for all inmates.

"The cell really stinks and is disgusting. You cannot get away from the smell," Deanna's statement read. "We don't get to go outside and do not get any exercise. We don't get fresh air at all."

In the NT, about 70% people in prisons are on remand: not yet sentenced to jail time.

NT Corrections Minister Gerard Maley said an increase in remand prisoners had placed "considerable pressure" on the corrections system. The increase is a direct result of the Country Liberal Party governments recently introduced "tougher on crime" laws.

Aboriginal Peak Organisations Northern Territory convenor John Paterson said: "The inhumane conditions inside the Alice Springs watch house are a shocking violation of human rights. Prisons in the Territory are too often sites of significant human rights abuses."

"The treatment of Aboriginal Territorians in custodial and correctional facilities have been identified and criticised through countless royal commissions for decades. No one deserves to be deprived of basic health care or denied access to clean drinking water.

"It is unacceptable, discriminatory and harmful, and has no place in the Territory or in Australia." <https://tinyurl.com/3jsprank>

## High Court rules that judges are beyond reach for their legal failings

Queensland judge Salvatore Vasta jailed a man for 12 months for contempt of court, for not providing some required documents during a divorce case.

The judge later admitted he made legal errors in doing so, and freed the man a week later after he had spent time in Brisbane Correctional Centre.

Federal Court judge Michael Wigney subsequently found Judge Vasta had acted outside his jurisdiction and was not protected from judicial immunity. Wigney described the hearing which Vasta conducted as a "parody," saying Vasta had ruled the man in contempt of court without finding any of the facts he needed to before sending him to jail.

But last month the High Court of Australia put all judges in Australia beyond punishment for their "courtly crimes". They can't be held accountable, even for false imprisonment.

The HC decided Vasta enjoyed the privilege of immunity, which is now clearly a legal perk of all judges, no matter how egregious their legal mistakes or personal misbehaviour in court.

"That purpose (of immunity) is to facilitate the independent performance of the judicial function free from the spectre of litigation, as well as to enhance the finality of judgements quelling legal controversies," the High Court said.

In other words, if you want to ignore the consequences of legal ignorance, laziness and incompetence, and of personal bloody-mindedness, become a judge in Australia.

## Vasta has poor record

Vasta (see above) has an appalling record as a judge, Ben Smee reported in the *Guardian* four years ago.

The Law Council of Australia even back then raised concern about Vasta and considered a move to instigate a parliamentary inquiry. <https://tinyurl.com/2f6sb52p>

The federal circuit court previously placed Vasta under mentoring and removed administrative responsibilities.

Vasta's father, Angelo, was the first judge to be dismissed from office after a vote of an Australian parliament. <https://tinyurl.com/ytpnc6kh> <https://tinyurl.com/bdz9s4js>

## BRIEFS

### Do we have too many judges? Why can't they work faster and smarter, CLA asks?

The 2021 (Australian) Census recorded 2153 members of the Australian Judicature comprising 741 judges, 544 magistrates and 871 tribunal members and equating to roughly five judicial officers and 3.4 tribunal members per 100,000 people. These approximate the figures in the UK, where there were about six judicial officers per 100,000 people in 2023. – chief judge of Australia, Stephen Gageler, footnote 8, address: *The State of the Australian Judicature in 2024*. <https://tinyurl.com/nmtcfd34>. CLA points out that

Australia in fact has many more judges and tribunal members pro rata. Is the CJ of Australia telling a porky when he – injudiciously – quotes statistics selectively? If each of the thousands of Australian judges worked 2% faster and 2% smarter, we'd clear the unacceptable backlog in the higher courts in quick time. Why is working harder and smarter a feature of manual jobs only?

### **Prison guards fearful of Coalition 'consultant' jail firms**

Some 50 prison officers in Darwin have marched on parliament house to protest new laws allowing the Country Liberal Party to bring in highly-priced "consultant" jailers. The prison officers fear the move is the thin edge of a Coalition wedge to employ private contractor jail firms. United Workers Union NT secretary Erina Early said the move was the government's first step towards fully privatising jails. In early February, the NT had more than 2700 people locked up, a new record. The union previously estimated staff shortages of 80-100 officers in Alice Springs and 60-70 in Darwin. The CLP was recently elected to govern the NT after running hard on a 'law 'n order' pitch, which is resulting in overcrowded courts and over-populated prisons. <https://tinyurl.com/pwuyuu3x>

### **ODD SPOT: Police to invade homes without search warrant**

The NT's CLP government plans a new law to give NT Police "express powers" to access private property without a search warrant. At the moment, the govt says the law is for offenders who breach parole or domestic violence orders. But it appears to many observers to be a thin edge of a very large potentially very large anti-human rights and civil liberties wedge. <https://tinyurl.com/45asf95s> – NT Independent (behind paywall).

### **Why Australia needs a Human Rights Act: first speech of Senator Paul Scarr, Liberal Qld**

"The decisions we make here (in the Australian Parliament) matter. In making those decisions, I will bring my own values and convictions. Seventy years ago, in 1949, Sir Robert Gordon Menzies voiced the perfect articulation of my values. I cannot better it. At the height of an election campaign which would determine this country's future, whether it would go down the path of socialism or the path of liberalism, Menzies said:

*'The real freedoms are to worship, to think, to speak, to choose, to be ambitious, to be independent, to be industrious, to acquire skill, to seek reward. These are the real freedoms, for these are of the essence of the nature of man.'*

"Those words are just as relevant today as they were in 1949. Speaking them now (10 Sept 2019) inspires me just as much as when I first read them." – Senator Paul Scarr (photo), first speech to the Senate. CLA expects that, from his own words, the Liberal's Senator Scarr would be a strong supporter of the federal Human Rights Act.



## **LETTERS**

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

The federal government is to spend \$4 million to establish a new national Holocaust education centre in Canberra, presumably to placate Netanyahu and those accusing it of being antisemitic. But it would make more sense to establish a national genocide centre, to include the Holocaust. Since the beginning of the 20th century, we have seen many other genocides: Armenian (1915-1923), Holodomor (Ukraine) (1932-33), Cambodian (1975-79), Bosnian (1992-95), Rwandan (1994), Darfur (2003-present), Yazidi (2014). And some would add Gaza (2023-present).

It would make more sense for a new national education centre to focus more broadly on genocide – which has affected many of the different migrant groups to this country – rather than focussing on the Holocaust which primarily affected one migrant group and already has seven museums and education centres in Australia. The focus of a national genocide centre should be on understanding the mass tragedies of the past, and how they came about, and what we can do to prevent them from happening in the future. – C Williams, Forrest ACT

### **HR Act needed to protect us from fanatics**

I am fully supportive of human rights legislation if it would protect ordinary citizens against biomedical totalitarianism, exemplified by the hugely damaging official response to CV19, with absurd illegal rules varied daily, and by the relentless persecution of smokers. Greed and prohibitionist zealotry have backfired, as always, and as the neo puritans were repeatedly informed. Placing fanatics of any

persuasion in unjustified positions of power is hostile to the democratic policy development process, a well known fact. – Mark Jarratt, from Patagonia

## **CLA main activities for February 2025**

Activities in February have been curtailed by surgical operations for two of the three-person national Human Rights Act campaign. Nevertheless, some important links were added to the campaign management group and activities.

### **National:**

- Widespread contact with unions re HRA campaign. In general, Australia's unions are strong supporters of human rights for their members: much of their bargaining and many of their agreements focus on just such issues.
- Meeting with Senator Lisa Darmanin (Lb, Vic). See below.
- Webinar Prof George Williams, run by The Australia Institute, 'Democracy and Education', in which the professor gave an excellent rundown on the problems and opportunities facing unis, students and the governments of Australia. He also strongly supported a HRA for Australia.
- Email to CLA members on HRA campaign. All members will have received a campaign outlining the latest status of the HRA campaign, just as the federal government is about to call an election.

### **Meetings**

CLA met with Senator Lisa Darmina at Parliament House in February to discuss unions – and particularly Victorian unions' – attitudes towards a federal Human Rights Act for Australia. The meeting was very productive of ideas to help bring some unions on board with the national HRA campaign, and to include the No Rights Without Remedies principle, as is being enacted in the ACT.

**Lisa Darmanin, first speech, 21 Aug 2024:** *"Unions, powered by their members, are the backbone of protecting and advancing rights. It is our duty to ensure that the principles of fairness, honesty and integrity guide everything we do, creating a community where everyone is treated with the respect they deserve.*

*"The politics of fear and division help no-one and hurt us all. We must stand up for what's right, because hope will always triumph over hate. The Labor Party's core values—fairness, equality, dignity and justice—are our collective strength."* <https://tinyurl.com/mr2wn88f>

### **WA report:**

CLA wrote urgently to the Corrections Minister and government MPs in WA to try to get inmates in Roebourne jail out of the then-predicted path of cyclone Zelia, CLA WA Team Manager Margaret Howkins arrived with her short letter to the local electorate office before Zelia crossed the coast. "The office assistant kindly accepted my envelope for relevant Labor people, but stated the MP didn't check emails or mail-post before Monday," Margaret said the assistant said. "I explained how important it was that MPs read CLA's letter that day, as the cyclone's impact was imminent. I also explained how difficult it had been attempting to get a message to Corrective Services Minister Papalia. Fortunately, the MLA's assistant was 100% as outraged as I felt. She feared that some WA politicians lived unaware of how 'the real world' works.

"It cheered me up," said Howkins. "The staffer promised to immediately scan everything in the envelope to Papalia and others. Sometimes you find people who care, really care, about other people...and it's a delight when you do."

Howkins comments that she – or, better still, the prisoners themselves – would have been able to initiate formal action over the dangerous situation Roebourne prisoners faced if WA had a Human Rights Act.

PS: By luck, cyclone Zelia changed course just before it crossed the coast, meaning prisoners were on the edge of the fiercest winds, not feeling the full 29kph brunt of them.

## **INTERNATIONAL**

### **Paranoia rules as age wanes Rupert Murdoch's power**

*"Fox and our papers are the only faintly conservative voices against the monolithic liberal media. I believe maintaining this is vital to the future of the English-speaking world."*

– Murdoch comment to his second wife, Anna Torv, in 2023 as reported by the *NYT* in a story about Murdoch’s internecine family finances and power feud. Report by Jonathan Mahler and Jim Rutenberg in the *NYT*. <https://tinyurl.com/59wzm99s> (behind paywall)

## **Gaza death estimates rise substantially**

The *Lancet* medical journal last month reported robust estimates of the true number of deaths due to traumatic injuries in Gaza from 7 Oct 2023 (the day of Hamas terrorist attacks on Israel) to 30 June 2024. According to one report, the trauma-related death toll published by the Ministry Of Health in Gaza under-reported the total number of Palestinians killed as a result of direct Israeli military violence by 41%.

The *Lancet* analyses extrapolate that 64,260 people had been killed due to traumatic injuries as of 30 June 2024. Where age and sex disaggregated data were available, women, children, and older people (aged over 65) represented 59.1% of those killed. <https://tinyurl.com/3db3rs6w>. The *Lancet*: Volume 405, Issue 10477 p440-442 February 08, 2025

## **Trump wins by a tip truck spill, not a landslide**

Donald John Trump won the 2024 popular vote for President in the USA by only about 1.5%, the smallest margin since 2000 and the third smallest since 1888.

It was the exact opposite of a “landslide” win, which he has claimed.

Pundits say voters repudiated 2000-2024 President Joseph Robinette Biden Junior, his Vice-President Kamala Devi Harris and the Democrats more than they voted for Trump. America swung about 6% to the right.

*Photo Kamala Harris: highest ranking female US official ever.*



Turnout at the 2024 US election was 63.9% of eligible voters, down from 66.4% in 2020. The 2020 election turnout was the highest since 1900.

The 119th House of Representatives began in 2025 with a margin of only four (4) seats for Republicans, the narrowest since the 1930s. In the Senate, Republicans hold a six-seat (6) advantage. – *NYT* (paywall) <https://tinyurl.com/ymtreyhd>

The 2026 “midterm” election will be held mostly on 3 Nov 2026, just 20 months from now, when 35 of 100 Senate seats and all 435 House of Representative seats will be up for election, as well as 6 other “special” seats (eg, one for the District of Columbia).

## **Father, uncle kill girl, 14, for ‘immodest’ online posts**

After being lured to Pakistan from New York for a “family holiday”, the father and uncle of Hira Anwar 14, fatally shot her dead over online TikTok posts that her parents believed were immodest, the police said.

The Human Rights Commission of Pakistan recorded 588 “honour” killings in Pakistan in 2024, up from 490 in 2023 and close to the 590 reported in 2022.

Writing in the *NYT*, Karachi reporter Zia ur-Rehman explained women are targeted for refusing forced marriages, seeking divorce or separation, being in relationships deemed inappropriate by families, or engaging in other actions seen as violating conservative values.

In one 2024 case, a girl’s brother killed her for using a mobile phone. In another, parents poisoned a young woman to death for dating. <https://tinyurl.com/3jt5wss8>

## **Top US judge wants chance to reduce sentences**

The chief judge of New York State’s highest court has urged the State Legislature to allow prisoners who have been locked up for years to apply for reduced sentences.

Judge Rowan Wilson, who oversees the state’s entire court system, is urging the legislature to pass proposed legislation, known as the Second Look Act, which would give people who committed crimes years ago an opportunity to show they no longer pose a danger and could be a benefit to society.

“Put simply, our criminal justice system isn’t working. Maybe it hasn’t really ever worked,” Judge Wilson said. “Prolonged incarceration is very expensive, and it does not make us safer.”

The USA is home to 5% of the world’s population, but 20% of the world’s jailed people.

Scientific research shows the brains of young adults are not fully developed. <https://tinyurl.com/3wauesh5>, so many US states have already adopted statutes that allow young people to apply for resentencing when they grow older. <https://tinyurl.com/53jkx75t>

## INTERNATIONAL BRIEFS

**Comment 1:** “Even the International Monetary Fund has stated that confidence in the rule of law is essential to the economic well being and strength of any country.” Dr Bob Moles, wrongful convictions guru based in Adelaide. (personal communication to editor of CLArion).

**Fact 1:** Jerusalem was captured by British and Allied forces in December 1917. By October 1918, the remaining area was occupied by the British, which would administer Palestine until a mandated end date of 1948. In May 1948, after an estimated 750,000 people who lived on 77.8% of the land in then-Palestine were displaced, the modern state of Israel was declared. *The Conversation* <https://tinyurl.com/wmhbx98j>



### Gulf of misunderstanding

The American president has banned Associated Press from media conferences, and travelling with him on the presidential plane, like other journalists do.

Their “crime”? Refusing to rename the Gulf of Mexico as the Gulf of America, which President Trump “ordered”.

The agency, AP, provides news stories and photography services relied on by thousands of media outlets throughout the world.

The White House deputy chief of staff Taylor Budowich announced the ban.

### Why Australia needs a Human Rights Act:

*“At the heart of western freedom and democracy is the belief that the individual man...is the touchstone of value, and all society, groups, the state, exist for his benefit. Therefore the enlargement of liberty for individual human beings must be the supreme goal and abiding practice of any western society.”* – Robert F. Kennedy, USA politician and Attorney-General. <https://tinyurl.com/54557972>

And some more from Robert Kennedy:

*Few will have the greatness to bend history; but each of us can work to change a small portion of the events, and in the total of all these acts will be written the history of this generation.*

*It is from numberless diverse acts of courage such as these that the belief that human history is thus shaped. Each time a man stands up for an ideal, or acts to improve the lot of others, or strikes out against injustice, he sends forth a tiny ripple of hope, and crossing each other from a million different centers of energy and daring those ripples build a current which can sweep down the mightiest walls of oppression and resistance.”* – 1966 Robert F Kennedy, at Uni of Cape Town to young South Africans hopeful of change

## DATES

2025:

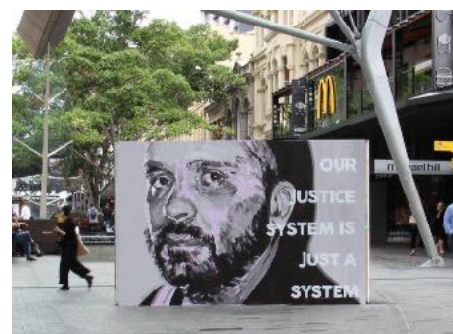
**12-13 March, Canberra:** 12th annual police technology forum, Hyatt Hotel “will showcase the latest capabilities that are shaping law enforcement in Australia and abroad.” <https://www.informa.com.au/event/conference/defence-security/police-technology-forum/> Cost: \$3195 or \$2195.

**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 right, 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/>

**2-4 July, Canberra:** ‘International Law: Silence, Forgetting and Remembrance’. 32nd ANZSIL conference. Organiser Imogen Saunders [cipl@anu.edu.au](mailto:cipl@anu.edu.au)

**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:** latest possible date 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 24 February 2025, earlier than usual due to health reasons.

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.

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