

## **Federal election focus ignores core issues**

At voting day on 3 May, the media and would-be politicians have explored some major issues about how Australia live.

Emphasis has been on what will or may affect everybody: the cost of living, taxes, climate change, energy and nuclear power.

Housing has also been a dominant issue. About two-thirds of Australians own their own home; fewer than 50,000 new homes are built annually, impacting probably fewer than 200,000 people annually.

Rent affordability is a connected, but wider issue, but it affects only about 30% of Australians directly.

What has received little attention during the election campaign is the area of civil liberties, human rights, social justice and the rule of law.

These are the absolute core issues that affect every single Australian – about 27,625,000 of us on 3 May 2025 – but they have been little canvassed in the federal election.

It is Civil Liberties Australia's mission to drive these matters into the public consciousness, debate and decision-making over the term of the next federal parliament, likely to last until 2028.

## **Rights are silenced**

Human rights was actively silenced during the federal election campaign.

The Labor Party feared a public debate about the need for an Australian Human Rights Act (HRA) would allow the Coalition to mount a wedging argument as it did during 'The Voice' referendum in 2023: "If you don't know, vote No".

But Australia's need for a HRA is a known known, not a known unknown. All other UN countries hold Australia up for ridicule when we spruik the need for upholding human rights in bilateral and multilateral discussions, but have no core rights laws of our own, as the UK, USA, NZ and Canada do.

Some 87% of submissions to a 2024 parliamentary report on the need for a better human rights framework in Australia actively advocated a Human Rights Act be legislated now. Only 4% of submissions – and the Coalition – opposed giving more power to the people to receive a formal "fair go" under the laws of Australia.

In a 2022 national survey by Amnesty International, 73% of Australians supported a HRA. (Half the people surveyed, when first approached, did not know we didn't have one).

Since then, the bureaucratic abuse of social welfare recipients, know by the shorthand 'Robodebt', has clearly demonstrated to all Australians that the people's rights need better protection from the government itself.

Lockdowns and associated idiotic police and bureaucratic restrictions during Covid only reinforced that need.

## **HR campaign ready and waiting**

If Labor, or a Labor-Greens-'independents' majority is in charge of the new government from this month, some 100-plus groups will be launching a public campaign for the Attorney-General to table an Australian Human Rights Act in the Parliament within 12 months.

The groups include Civil Liberties Australia, the Human Rights Law Centre, Amnesty International Australia, ACOSS, Anglicare, Aboriginal Land Councils, the Law Council of Australia, former Australian Human Rights Commissioners, noted academics, and influencers, etc. The Australian HR Commission (AHRC) has already tabled its position (see below), the federal parliament has already held a huge public inquiry, and the preferred model for a national HRA Act is already mostly in place and operating in the ACT.

## **Federal HRA's three founding principles already in place**

The federal campaign is founded on three enabling actions – two reports, and one operational new ACT principle of No Rights Without Remedy (NRWR). The three pillars are:

- 2033 Report of the AHRC to AG Mark Dreyfus, ‘Free + Equal’ (Nov 2023), and
- 2024 Report of the Parliamentary Joint Committee on Human Rights (30 May 2024) to Attorney-General Mark Dreyfus, including a fully-detailed DRAFT HR Act, and
- the CLA-initiated a successful, major HRA improvement campaign (No Rights Without Remedy, NRWR) for the ACT HRA. The principle is formally passed-endorsed by the ACT Legislative Assembly: it has Labor, Liberal and Greens support; it is being finalised in the ACT in 2025-26 (half was enacted in 2024-25).



Those supporting a federal HRA include Independents Andrew Wilkie of Tasmania, Senator David Pocock of the ACT and the majority of the pre-3 May elected ‘teals’, if they are returned.

It is long-standing federal Labor Party policy to enact a federal Human Rights Act: for decades, no Labor Government has had the courage of its members’ convictions.

### **ODD SPOT: The sky will not fall in if Australians get a legislated ‘fair go’**

Australia has 45 years of HRA experience (ACT 21 years, Victoria 19 years, Queensland 5 years). When a human rights act was proposed for the ACT back in the early 2000s, opponents and critics said the equivalent of “the sky will fall in” if such an act is passed. It hasn’t. However, territory and state legislators approached the issue tentatively, so that the first sets of laws had limited access rights. It was necessary in the ACT, after 20 years’ experience, to ‘beef up’ people’s entitlement to seek conciliation and/or a legal ruling before a small claims tribunal for any alleged action that breaches human rights law.

That No Rights Without Remedy (NRWR) principle is now operating for citizens of the ACT.

We claim to enjoy a ‘fair go’ in this country. It’s time our laws backed up our rhetoric, which failed us during the Robodebt and lockdowns edicts of the COVID-19 pandemic.

### **First campaign thrust will be a petition, open for public e-signature**

A petition has been prepared, ready to submit to the Petitions Committee of federal parliament once a new committee is established after 3 May.

#### **Petition reason**

Australians need and expect the protection of a Human Rights Act but many of the rights we often take for granted are not protected in Australian law, or if they are, they are applied inconsistently.

#### **Petition request:**

We call on the House of Representatives to enact a federal Human Rights Act (HRA) based on:

- the 17 recommendations of the Parliamentary Joint Committee on Human Rights (PJCHR), presented to the Attorney-General on 30 May 2024; and
- the draft Bill prepared by the Australian Human Rights Commission, as amended by the PJCHR’s Appendix 5; and
- The ‘No Rights Without Remedy’ approach being enacted in the ACT which imposes a positive duty on decision makers to protect and promote human rights, and which will treat every human rights complaint as a discrimination complaint.

A federal HRA will consistently recognise, protect and promote everyone’s human rights in law, essential in a democratic society that recognises every individual’s dignity and worth.

A federal HRA will, for the first time, guarantee people whose human rights have been breached a clear pathway to practical, cost-effective, and prompt legal remedies.

A federal HRA will be a quality assurance and control mechanism for national governance. It will embed human rights-based decision-making in the nation’s ethical infrastructure, at a very low cost, eliminating a repeat of Robodebt or the unnecessary human rights breaches experienced during the COVID-19 lockdown.

## Does the National Anti-Corruption Commission do its job properly?

Established by legislation in 2022, the NACC has been a reclusive failure so far.

Its Commissioner failed to step aside from a key case due to perceived conflict of interest. That caused widespread criticism. A public inquiry confirmed the Commissioner's error of judgement. The issue in question therefore cost about three times what it should, certainly so if the reputational decline cost is included.

The NACC has been as slow as a snail to produce outcomes on whatever is before it – we the public are not allowed to know what it is considering, or which tortoise-like approach it is taking.

As a totally outside judgement, with no internal knowledge (there cannot be any, under the Act that governs it), CLA says the NACC is a failure and needs reconstituting.

That might be achieved by an improved operating philosophy and principle, and/or by a new chief, but the work is urgent to ensure corruption is rooted out of government and the federal bureaucracy, which was the NACC's supposed *raison d'être*. Mission Unaccomplished, CLA says.

Along with a national Human Rights Act, the NACC forms part of the core of the ethical infrastructure of Australia.

Any part letting down the other elements needs urgent attention or the nation's foundational propriety is skewed. A slow and toothless NACC and the absence of a Human Rights Act tilts the foundations of a fair go for the nation and its people.

## Other key rule of law issues need addressing urgently

With the world's order changing at an accelerating pace, it is high time Australia got its own house in proper order before interacting internationally and holding our nation up as a paragon of the rule of law. For example, there has never been – never – a wholesale review of how the justice system of Australia is working. Is it working well? Does it deliver a fair go as much as possible? Are sections of the community disadvantaged? Should we change the intellectual architecture of the court structure to deliver better justice?

Do different states and territories have different qualities of justice due to their size alone? If so, what do we do to ensure all Australians received equal justice?

Does the jury system, invented some 500-plus years ago in a foreign country, suit the delivery of a fair go under the rule of law in Australia in 2025? People communicate and do business electronically now, but police, prosecutors and courts operate most of their business and systems as if it was 1925.

The High Court of Australia has not changed its procedures or system design in a century. It had seven judges 70 years ago: Australia has grown, but the High Court has not developed or grown to meet a much greater demand, probably 5-10 times what it was originally. Its use of technology is still locked away in the early 1980s.

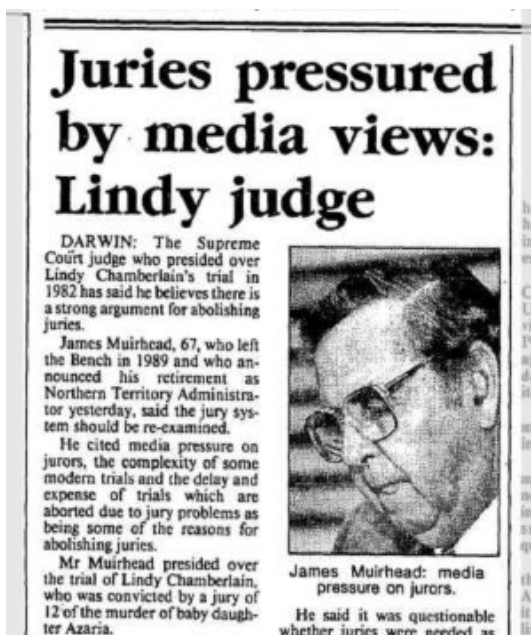
## Have juries reached their use-by date?

As the 2025 federal election dims into history, it's time to turn to burning major issues to do with justice or the lack of it in Australia, including what value the jury system has in the age of media and social media.

The debate is not new: the 1982 Lindy Chamberlain trial judge James Muirhead\* AC, was quoted on 2 Oct 1992 in the Canberra Times as criticising how juries were pressured by media views. <https://trove.nla.gov.au/newspaper/article/126946355>

More than 30 years ago he called for the jury system to be re-evaluated. Muirhead said his suggestion of abolishing juries would be regarded as "absolute blasphemy" by barristers' councils and law societies.

He said it was questionable whether juries were needed as magistrates were entrusted with 60 to 70% at least of criminal or quasi-criminal cases and left quite happily to



**Juries pressured by media views: Lindy judge**

DARWIN: The Supreme Court judge who presided over Lindy Chamberlain's trial in 1982 has said he believes there is a strong argument for abolishing juries.

James Muirhead, 67, who left the Bench in 1989 and who announced his retirement as Northern Territory Administrator yesterday, said the jury system should be re-examined.

He cited media pressure on jurors, the complexity of some modern trials and the delay and expense of trials which are aborted due to jury problems as being some of the reasons for abolishing juries.

Mr Muirhead presided over the trial of Lindy Chamberlain, who was convicted by a jury of 12 of the murder of baby daughter Azaria.

James Muirhead: media pressure on jurors.

He said it was questionable whether juries were needed as

make decisions which deprived people of their liberty and livelihood. Judges or a panel of judges, or judges with assessors, should be entrusted to hear criminal cases without juries.

During the Chamberlain trial in the “Dingo-stole-my-baby case”, he was concerned at the possible prejudicing of jurors by the enormous amount of pre-publicity.

"I was aware during the couple of years before the trial of the tremendous media interest, and a lot of it a quite 'spooky' interest — giving meanings to names that meant nothing," Muirhead said.

He said many modern trials (in the 1980s) were very complex and many jurors could not concentrate for long periods when dealing with complicated evidence.

Adding to the problems in the 2020s is the explosion in sophisticated forensic and scientific evidence which clearly is beyond the intellectual understanding of most jurors. Instead, they must evaluate the relative believability of “duelling experts” frequently presenting views at opposite ends of the spectrum, CLA says.

\* Muirhead was also NT Administrator; judge of the NT Supreme Court, PNG Supreme Court and Supreme Court of Cocos/Keeling Islands, and Federal Court of Australia; founding director of the Australian Institute of Criminology; and Commissioner of the RC into Aboriginal Deaths in Custody.

### **ODD SPOT: Bitter divide over worth of juries**

Many eminent governors, judges, lawyers and legal commentators dislike juries intensely. They say juries slow down proceedings, frequently don't do their duties properly, increasingly don't understand the complications of the evidence presented in court, particularly in forensics, and ignore admonitions to NOT 'Google' the internet when they go home during a trial to do their own research.

Juries have always been criticised by the potential for dominance by one person, or a small group. Imagine Donald Trump was a member of a jury sitting on a case involving an area he knew virtually nothing about, and consider what his actions might be? In a jury room, we're told, there are often mini-Trumpes who try to dictate the decisions for others.

However, there are many eminent governors, judges, etc, etc who swear by juries, saying there is no fairer way to decide a case than by your peers. Barristers, the great persuaders, are frequently of this mindset.

Surely, by 2050, we could decide whether juries are worth their weight in pieces of silver, or are merely lay guessers with status privileges? If so, we ought to start a scientific inquiry into which is true now, for delivery of the final verdict in 10-15 years as part of reforming the court and justice system.

### **Other rule-of-law issues to be examined**

**Why are police given the benefit of the doubt** by prosecutors and judges in court proceedings?

There have been so many proven cases where police plant “evidence”, over-egg charges, fabricate their reports as to facts, timing and people's behaviour for alignment with the written reports of other police, and tell outright lies to the court that their reputations as a group should be in tatters. Yet they continue to get away with such behaviour on a daily basis around Australia, and their statements are frequently preferred to the statements of people charged who have better reputations.

**Why is the coronial system so slow?** Why do coronial inquests take years, and sometimes a decade, to reach finality? Why do coroners not apply themselves to actively seeking the rights facts in so many cases that laws have to be passed to enable a senior family member to inquire into fixing the police and coronial mistakes (see Tasmania, currently)?

**Why aren't magistrates and judges required to do further study** before they are promoted to the bench? Lawyers must be the only profession where you can rise to the very top having done just a basic Law degree 20 or 40 years earlier...and absolutely no further study since. There is no requirement whatsoever for people promoted to more responsible positions with the legal-justice system to have done further study. If doctors had the same system, you could have GPs doing brain surgery. If pilots had the same system, you could have people authorised to fly single engine aircraft flying Boeing 787 Dreamliners carrying about 300 passengers internationally.

**Why are retired judges**, who have reached mandatory retiring age of 70 or 75 in their state or territory jurisdiction, **permitted to immediately become acting judges in another jurisdiction** where they would be too old if they were locals? Almost certainly, they have had no application interview, they

have not had a physical examination, they have not had a mental capacity and/or health examination, they have had no examination as to whether they are familiar with all laws in their new jurisdiction and how those laws differ from their old jurisdiction. More ill-equipped people to sit in judgement in a territory or state legal system new to them can not be imagined. Yet there they sit, every day, all round Australia. They know less about the local law than they did elsewhere, they are not required to take on any formal extra learning. They are effectively blocking the rise of lawyers a generation behind them who are likely better educated and more up-to-date legally and socially.

### **Alleged corruption won't get a public inquiry**

As unanswered allegations emerge in the NT relating to senior figures, relatives and friends in the recently-elected Country Liberal Party government, it's worth remembering how much such poorly administered schemes can cost NT taxpayers.

The current round of suspicious behaviour – as usual, unearthed by the *NT Independent* news outlet – relates to rounds of allegations of payments, job preferences and other shenanigans connected to the Darwin Waterfront Corporation.

Attorney-General Marie-Claire Boothby (photo) has effectively said: "Nothing to see here" after receiving a secret internal briefing exonerating anyone and everyone.



There had been calls for a public inquiry into the possible misuse of public resources at the DWC involving Chief Minister Lia Finnochiaro's husband Sam Burke and other senior public servants, such as Alastair Shields and Andrew Kirkman. Kirkman, a long-serving government executive, suddenly departed his role in the public service in mid-April after 26 years.

Neither the *NT Independent* nor CLA are making any suggestion his departure was linked to the allegations, which will not be subjected to a public inquiry.

The payments and preferments being questioned occurred mostly under the previous Gunner and Fyles and Lawler Labor governments.

This proves governments of either major persuasion in the NT are open to equal opportunity allegations at any time.

### **How much does this poor administration cost the NT?**

It's useful to recall what all this suspected corruption-connected behaviour costs the NT.

In January 2025 it was revealed that NT construction companies, operating under the government's flawed Indigenous Employment (Provisional Sum) scheme rorted a total of \$60.8 million. This stealing from the public purse involved 146 contractors under 453 contracts.

The Department of Logistics and Infrastructure recovered \$900,000 only of that amount during the course of an internal investigation. Only three small companies faced charges for a combined theft of less than \$500,000 despite larger construction companies claiming tens of millions of dollars through the program.

Former NT Auditor-General Julie Crisp found the department had no fraud controls in place, failed to keep proper records and had no single person overseeing the program and payouts.

The program was created and implemented by the former Giles CLP government in 2014 but operated under the Gunner Labor government which suspended the scheme in August 2017.

Behind a paywall: <https://ntindependent.com.au/revealed-total-cost-of-governments-fraudulent-indigenous-employment-sum-scheme-finally-disclosed/?>

### **Contentious killing inquest findings in June**

Coroner Elisabeth Armitage has announced she will hand down the findings of her more than two-years-long inquest into the death of Kumanjayi Walker in the NT on 10 June.

Walker was shot and killed by police while resisting arrest in the remote Aboriginal Australian community of Yuendumu in November 2019.

Walker stabbed Constable Zachary Rolfe with a pair of scissors. Rolfe fatally shot him and was charged with murder three days later, but was acquitted in March 2022.

## Prosecutor and police fail to disclose body-worn camera evidence

A Supreme Court judge in Tasmania has overturned a two-year-old drink-driving conviction because the prosecutor and police failed to disclose body camera footage was available.

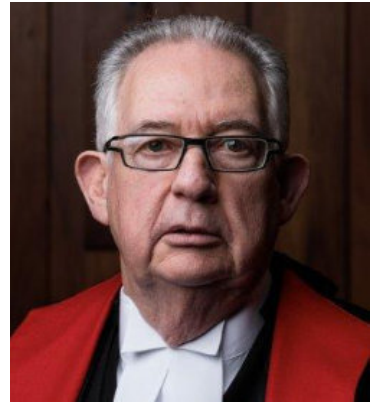
Magistrate Andrew McKee found Shaun Anthony Robertson guilty in August 2023 of a 2020 charge of drink-driving and evading police. Robertson in April 2025 won the right to have his case reheard, from scratch (de novo, the lawyers call it).

Supreme Court judge Stephen Estcourt (photo) agreed evidence recorded on police body-worn cameras should have been presented at his original hearing.

Robertson claimed the guilty findings were unreasonable, and that prosecutors had failed to call a material eyewitness or tender relevant body-worn camera evidence.

Estcourt upheld the applicant's claim that the failure to present footage of the 2020 incident had resulted in an unfairness which could only be remedied by a fresh hearing. He said that the BWC footage, and the evidence of the eyewitness and two police officers was necessary "to unfold the narrative" of the events that gave rise to the applicant being arrested and charged.

He quashed the conviction, and ordered another magistrate re-hear the charges. – *Mercury*, Hobart: behind paywall



## High Court doubles down on parole curb

A double murderer has failed in the High Court to overturn Queensland's "no body, no parole" laws, in a case in which almost every other state and territory government joined.

Rodney Cherry, now in his 60s, was found guilty in 2002 of killing his 35-year-old wife, Annette Cherry, and 18-year-old stepdaughter, Kira Guise, at Roma in central Queensland and sentenced to life in prison.

Annette Cherry's body was found soon after she was killed but Kira's remains have never been found.

Rodney Cherry's lawyers claimed the relatively new laws banning his parole – for not cooperating to locate Guise's remains effectively – "impermissibly granted judicial power" to the parole board. Such power should reside only in the supreme court which imposed his sentence.

The High Court rejected the appeal. It ruled alterations to laws governing parole did not result in additional punishment.

"The making of the no cooperation declaration did not change the plaintiff's sentence (being at all times one of life imprisonment); nor did it increase it," the HC said. "The plaintiff's eligibility for parole has always been dependent on the applicable legislative scheme, which may validly be amended from time to time. Indeed, it is open for a state parliament to abolish the availability of parole entirely, a proposition which the plaintiff accepted."

It is to be hoped, CLA says, that the HC has not given state and territory AGs any ideas along those lines. The AGs for NSW, Victoria, WA, SA and the NT outlined their arguments to the HC in support of "no body, no parole" laws.

Such anti-parole laws can be unconscionable, CLA says. If a person is convicted, but actually innocent, they cannot know where a body is. In some cases, the convicted person's memory would be unable to pinpoint exactly where a body was buried, say one buried in the middle of nowhere, just off the Stuart Highway between Adelaide and Darwin.

## State to pass laws sentencing children to life in jail

Qld has added 20 new crimes under which juveniles will be charged as adults.

They add to the 13 crimes announced earlier under the 'Adult Crime, Adult Time' approach of the new Liberal National Party government. For many of the crimes, children with ill-formed reasoning and little understanding of consequences can be sentenced to life in jail.

Youth Advocacy Centre chief executive Katherine Hayes said there was no evidence that harsher penalties deterred young criminals.

"Queensland already locks up more kids than any other state or territory in Australia — more than NSW and Victoria combined — so we're already locking kids up," she said. "We've got the highest reoffending rate, so I can't see how this is going to change that."

The measures have yet to pass parliament, but the Crisafulli LNP govt has a clear majority. <https://tinyurl.com/3xe4rx8v>

## Govt headed in the wrong direction

The above knee-jerk reaction is in response to the state's *Crime Report Queensland 2023-2024* which outlines a crisis among Queensland young people. Between 2014 and 2024, according to the government, the number of youth charged with stolen cars and robbery tripled, and the number of youth charged with break-ins and assault doubled.

The government thinks it can legislate the social reforms that are needed to fix the problems causing youth to behave as they do. Black-letter laws on paper will do nothing to change the attitudes and behaviours of youth.

The most common age of an offender in Queensland over the decade was 15, with 12,268 fifteen-year-olds charged last financial year.

Some of the other figures for the period 2014-15 to 2023-24 are:

- recorded offences in Queensland up 18%
- break-ins (unlawful entry) up 28.3%
- stolen vehicles up 91%
- robbery up 100.9%
- armed robbery up 82.3%
- kidnapping up 82.2%
- arson up 28.5%
- rape and attempted rape up 92.2%

Across the decade the number of juveniles charged with stealing cars skyrocketed from 2155 to more than 7000, while the number of young offenders charged with break-ins went from 5138 to 9658.

What the Qld Crisafulli government does not acknowledge is that these rates would be seriously dropping if tougher laws worked: that's precisely what the previous Labor government tried.

Social and family services, after-school programs, diversionary activities, games and offbeat learnings are what will change behaviour, not harsher laws, rougher policing and more fevered political rhetoric, CLA says. — media release and access to the report: <https://tinyurl.com/r49c38za>

## Property crime charges up, sexual assault charges down

Crime against property and cars, and robbery, have gained increasing police attention in NSW over the past 15 years, but sexual assault charges are down.

Neil Donnelly managed the NSW Bureau of Crime Statistics and Research (BOCSAR) report *'Trends in police legal action rates in NSW: 2009 to 2023'* which analysed the proportion of major recorded crimes that result in an offender being charged by NSW Police.

The paper also compares changes in the legal action rate in the 15 years from 2009 to 2023.

Key findings included that, of the 11 offences examined, 9 showed a significantly higher legal action rate in 2023 compared with 2009.

Property offences recorded the largest increases in legal action rates over the past 15 years: malicious damage to property (up 14.2%), break and enter non-dwelling (up 12.7%), break and enter dwelling (up 8.5%), motor vehicle theft (up 7.9%) and steal from motor vehicle (up 3.0%).

Legal action rates over the past 15 years were also up- for robbery (19.9%), domestic violence related assault (up 6.5%), non-domestic assault (up 2.5%), and sexual touching and other sexual offences (up 2.0%).

Sexual assault was the only offence with a significant decline in the legal action rate, dropping from 10% in 2009 to 7% in 2023.

The legal action rate for murder was stable over the past 15 years. More info: email: [bcsr@dcj.nsw.gov.au](mailto:bcsr@dcj.nsw.gov.au)

## BRIEFS

### Jails come back into the fold

June jail in NSW is back in public control, after being run by the GEO Group for 32 years. Parklea jail (1500 beds) will be run by the NSW government from October 2026, replacing private contractor MTC Australia, leaving just one jail privately run. There are 36 jails in NSW. They include Bathurst jail (780 inmates), site of riots, bashings and the reason for a Royal Commission in the 1970s.

### New juveniles jail opens

Qld has opened the Wacol Youth Remand Centre, a juvenile jail commissioned by the previous Labor govt to hold 76 beds. Security is beefed up and, allegedly, there will be better access to education and vocational training, rehabilitation programs, health care and support services. Many more beds and even more services are likely to be needed throughout the state under the new LNP govt's 'Adult Crime, Adult Time', also known as human rights abuse of children and juveniles. The govt is also planning to extend the Caboolture Youth Hub, it says. "Our police will continue to round up (these) untouchables and send them here to this new facility where they'll be held accountable for their actions," Police Minister Dan Purdie (photo) said. Purdie was a Qld policeman for 25 years before becoming an MP. CLA hopes they are "held accountable" after first having a trial to present their case.



### People to be stopped and e-searched at random everywhere in State

Queensland is extending police stop and search powers to all people in all public places. Introduced in 2023 as applying to specific places only, the thin edge of the wedge has enlarged to everywhere in the state against anyone. You can be searched for no reason or on any suspicion whatsoever, at police whim: they don't need to suspect that somebody committed an offence to use a metal detecting "wand" to search anyone they like. Such powers inevitably lead to racial selection of targets by police, CLA says. The law is aimed at curbing knife crime: "more than 100,000 scans have been conducted, and more than 2804 people charged with 1058 weapons taken off the streets," according to a media release. The figures mean that at least 1746 wand charges were knifeless, meaning police stopped and searched probably more than half the quoted 100,000 people at random, making Qld even more of a police state than before the wand law. <https://tinyurl.com/mmn63acc>



## INSPIRING QUOTE

### In case you wondered what causes the weird Trump 'O' mouth shape...

*"These countries are calling me up, kissing my ass, [saying] 'Make a deal, please, please, sir, make a deal, I'll do anything, I'll do anything, sir.'"*

– President of the USA, Donald John Trump, 8 April 2025, at the National Republican Congressional Committee President's Dinner in the National Building Museum building, Washington DC.

<https://twitter.com/i/status/1909808869989056563>

## LETTER

### Will Dutton cut Qld jobs? What about s117 of the Constitution?

Before interstate voters get too excited about Peter Dutton's threat to cut 41,000 jobs from the Australian Public Service (and his implication that all these job cuts will be in Canberra) they should consider the following. Of the roughly 213,000 people who work in the APS, about 145,000 do not work in Canberra. They work across the country in agencies as big as Centrelink, Medicare and the Tax Office, or as small as Snowy Hydro, Australian Hearing Services, the National Blood Authority, the Bureau of Meteorology, or the Royal Australian Navy Relief Trust Fund, and dozens more. The previous LNP government employed around 54,000 contractors through PWC and other consultants at a cost of some \$21 billion for one year. – Catherine Rossiter, Fadden ACT.

**NOT TO MENTION**, CLA says, that cutting Australian PS jobs in the ACT only might violate s117 of the Australian Constitution.





## CLA report for APRIL 2025

CLA's Human Rights Act team held a personal meeting with Australia's only Human Rights Minister, Tara Cheyne of the ACT, during the month. She confirmed the full provisions of the No Rights Without Remedy (NRWR) improvements to the ACT Human Rights Act were still on track for legislating during the current ACT Parliament, probably in 2025-2026.

The final step is to assess how much extra consideration of HR cases by ACAT, the ACT Administrative Affairs Tribunal, would cost.

CLA was able to provide cost estimates based on annual reports of the three human rights jurisdictions, ACT, Victoria and Queensland.

The quick answer to the extra cost question for Minister Cheyne (photo, left, with CLA President Dr Kristine Klugman) is "Not much", based on precedents in discrimination cases over many years.

The positive amendments to the ACT HRA stem from a review of how the law was operating after 20 years of use.

### **LATE NEWS: SA HR Act Report on the table:**

The Social Development Committee was due to table its report on the Human Rights Act inquiry at 2.20pm on 29 April 2025 in the SA Parliament.

### **UPR Review:**

CLA took part in preparing the Legal and Constitutional section of the civil society input to the United Nations National Periodic Review (NPR) of Australia. Our contribution was to push for inclusion of a call for a Criminal Cases Review Commission for Australia. Here's a draft of what we're saying:

*Australia needs a single national Criminal Cases Review Commission to ensure justice for about 5-6% statistically proven<sup>1</sup> as wrongfully convicted of major crimes. Their rights do not conform to ICCPR requirements, says the Australian Human Rights Commission<sup>2</sup>. A CCRC would review major cases claimed to be miscarriages, on behalf of states and territories, and optionally refer meritorious matters to the relevant jurisdiction for a further hearing/appeal or inquiry.*

<https://www.cla.asn.au/News/whats-the-rate-of-wrongful-convictions-in-australia/>  
<http://netk.net.au/CCRC/AHRCSUBMISSION.pdf>

For the UPR, the Australian government writes a screed about what a wonderful country we have, while civil society writes an equivalent number of words about what needs fixing to improve Australia. Sometime in 2026 or 2027, the nations of the UN will consider the claims and counter claims, and give their opinions of what Australia should be doing.

A cycle of these reports, and analyses by nations, goes on continuously, with every country getting a turn every four-and-a-half years. Some 42 countries are reviewed by the UN each year, with 192 other nations being able to comment on each one's performance.

### **Time to listen**

As active campaigning for a federal HRA was on hold during the election campaign, we were able to catch up with some important issues relative to human rights being analysed by fellow organisations in webinars:

- Whistleblower protection in Australia: Australian Academy of Law
- AFTINET: webinar Trade and Trump
- Lessons from the independent review of the Qld Human Rights Act, by reviewer Prof Harris Rimmer, Human Rights Law Association

- Griffith University Innocence Project podcast , pre-launch listening party
- Australian Institute International Affairs: Policy School Democracy and Parliament, Bill Browne

### **CLA's activity in April on the federal HR Act campaign:**

CLA also co-presented a webinar – *It's Time for a National Human Rights Act* – with the Queensland Human Rights Commissioner, Scott McDougall, late in the month. The webinar was organised by Qld Council for Civil Liberties. CLA's presenters were President Dr Kristine Klugman, CEO Bill Rowlings and CLA National HR Campaign Manager, Chris Stamford.

CLA was also behind organising a petition for a national HRA to be presented to the new parliament in its early days. People from well over 100 civil society organisations, as well as senior human rights experts, other lawyers, academics and members of the public, will be able to sign the petition which is planned to go on the Australian Parliament website by mid-year.

## **INTERNATIONAL**

### **Big Brother – the PM – is watching-waiting for you to commit crime**

The UK government is developing a “murder prediction” program, using algorithms, in a bid to identify the people most likely to become killers.

Researchers are analysing the data of thousands of people – perpetrators and victims – to identify those most likely to commit serious violent crimes.

When first proposed out of the office of then UK Prime Minister Rishi Sunak, it was called the “homicide prediction project”: spin doctors subsequently changed its name to “sharing data to improve risk assessment”.

Opponents say the whole idea is “chilling and dystopian”. The Statewatch UK group says it uses data about crime from various official sources including the UK Probation Service and Greater Manchester police from before 2015.

Information processed includes names, dates of birth, gender and ethnicity, and a number that identifies people on the police national computer. <https://tinyurl.com/w5jytd5e> Statewatch UK: <https://tinyurl.com/mr3r4bst>

### **The Pope pleads for extended human rights**

In his last major contribution on the subject, Pope Francis on Human Rights Day on 10 December 2024 reminded world leaders that our "human rights to life and peace are essential conditions for the exercise of all other rights."

In 2023, also on Human Rights Day, he greeted pilgrims in St Peter's Square, saying that “the commitment to human rights is never ended!”

In 2018, the Pope said that many forms of injustice persist “nourished by reductive anthropological visions, and by an economic model based on profit that does not hesitate to exploit, discard and even kill man”. Whilst many live in wealth, said the Pope, many others “see their dignity ignored, despised or trampled on and their most basic rights ignored or violated.”

His thoughts, he said, were with those who “are subject to acts of intolerance, discrimination and violence because of their racial, ethnic, national or religious affiliation”.

In 2024, the European Churches urged leaders in Europe to fulfil their obligations to uphold and protect the human dignity of every human being under international law. “Brutal offences, systemic injustices, and the erosion of the rule of law and democracy not only threaten individuals but also undermine the foundation of societies built on justice, solidarity, and peace,” said the Conference of European Churches President, Greek Orthodox Archbishop Nikitas of Thyateira and Great Britain.

For 2025, Human Rights Day launched under the title “Our rights, our future, right now”, focusing on how human rights are a pathway to solutions, playing a critical role as a preventative, protective and transformative force for good. <https://tinyurl.com/3rv4dse4> <https://tinyurl.com/2xjj7pu5> <https://tinyurl.com/msc2crhr>

### **CCRC apologises for major error during busiest period**

The 2023-4 annual report of the Criminal Cases Review Commission in England, Wales and Northern Ireland reveals 1629 applications, the most ever received in a year.

The CCRC's 113 staff completed about 1440 cases, referred 25 back to appeal processes (seven of them related to the Post Office IT scandal), of which 19 were given permission for a new hearing. The CCRC suffered a reputation setback over the Andrew Malkinson case, for which it apologised profusely. In that case, a miscarriage was not identified due to human error by the CCRC: mind you, the rest of the justice system had already failed him when the case reached the CCRC. The organisation cost about \$20m to run over the financial year from 1 April 2023 to 31 March 2024.

## Elementary camouflage helps nab swindlers

Batman and Robin joined the Met police to arrest swindlers targeting tourists in central London.

The Metropolitan Police have released photos showing disguised undercover officers arresting swindlers running an illegal pea-and-thimble betting trick, aka the shell game. Such street games are illegal in London.

A police video shows an officer dressed as Batman running to the scene of the crime wearing the character's traditional mask, flanked by Robin in a comic costume and bucket hat.

Batman, whose real name is Inspector Darren Watson, pushed through a crowd of tourists watching the suspect's game, flanked by Robin, played by Police Constable Abdi Osman. The two fraudsters, arrested on Westminster Bridge, near the Houses of Parliament, were later convicted. – *NYT* paywall.



## Trumpeteers try to take vengeance to the n<sup>th</sup> degree

Nothing is more symptomatic of a change in the USA than the administration – the Trumpeteers – of President D.J. Trump cutting billions of dollars in grants to Harvard University.

The sudden executive ruling followed instantly after discussions about antisemitism on campus broke down. Within days, Harvard U hit back by taking Trump and his Trumpeteers to court citing the First Amendment of the US Constitution. That's the one that says:

*Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof, or abridging the freedom of speech or of the press, or the right of the people peaceably to assemble and to petition the government for a redress of grievances.*

"The Government's attempt to coerce and control Harvard disregards ... fundamental First Amendment principles," Harvard claims.

Deeper down in the 51-page legal claim, Harvard's says the Trumpeteers are not following federal rules for changing key government policies. The Administrative Procedure Act (APA) "requires this Court to hold unlawful and set aside any final agency action that is 'arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law,'" Harvard says in its lawsuit.

It was only hours after its talks with Harvard fell apart that the White House froze \$US2.2 billion (\$Aust 3.5 billion) which funds the school's massive research input to global society.

The case will eventually go to the Supreme Court, unless President Trump backs down in his now-customary fashion. He and his admin blowhards are almost certain to lose in court, experts say.

Experts say Congress passed the APA just after World War Two to guard against irrational, emotional, unfounded decision-making.

Harvard argues suspending federal medical and scientific research funding as a way to combat antisemitism doesn't make any sense and upends official procedures they had come to expect – with no warning. Harvard says the Civil Rights Act requires the government to first give it a chance to fix any violations before taking federal money away. From a report by *CNN*: <https://tinyurl.com/yeypzujx>

## International briefs

An estimated 28,400 extra cancer deaths are occurring in the UK each year due to deprivation, concludes a new report by the charity Cancer Research UK. The report details how various factors come together leaving the UK's most deprived areas (poorest 20%) with a cancer death rate 60% higher than its most affluent (richest 20%) – 337 versus 217 deaths per 100,000 population. – *Lancet Oncology*, behind paywall: <https://tinyurl.com/2ear93uy>

## DATES

**7 May, Brisbane:** and ONLINE: *'Compulsory Voting in Australia – History and Purpose'*, former Federal Court judge and now Governor of NSW, Margaret Beazley, 5.15–6.45pm. Details and register: <https://tinyurl.com/bde6zy5e>

**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, on show 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>

**12-16 Oct, Melbourne:** 27th Symposium of the ANZ Forensic Science Society, Albert Park. Theme is: *'From Foundation to Innovation: Forensic Science in Transition'*. <https://tinyurl.com/3pj3m42w>

### Election cycle for Australia:

2026	<b>South Australia:</b> 21 March 2026 <b>Victoria:</b> 28 November 2026
2027:	<b>NSW:</b> 27 March 2027
2028:	<b>Tasmania:</b> likely date is 27 May 2028, but the minority government is unstable <b>NT:</b> 26 August 2028 <b>ACT:</b> 21 October 2028 <b>Queensland:</b> 28 October 2028 Federal: likely about midway through 2028 (or in 2027)
2029:	<b>WA:</b> 10 March 2029

*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 27 April 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

### STOP PRESS:

The Human Rights Law Centre has filed legal proceedings on behalf of Tasmanian grandmother, Susan Neill-Fraser, to challenge a restrictive parole condition placed on her by the Tasmanian Parole Board seeking to limit her ability to speak to the media.

The case, filed in the Supreme Court of Tasmania, argues that preventing Susan from speaking to the media is improper, unlawful and in breach of the constitutionally implied freedom of political communication.

Parole is intended to support people to reintegrate into the community after time spent in prison. The Human Rights Law Centre is concerned by the largely unchecked powers of parole boards throughout the country which impose restrictive parole conditions that prevent people's full participation in the community. Restrictive parole conditions have a disproportionate impact on already marginalised groups who are overrepresented in the criminal legal system.