

## **ASIO should be responsible for keeping its own secrets**

ASIO should keep its own secrets, rather than expecting the Australia people and media to do so under pain of 5 or 10 years jail if they accidentally don't, Civil Liberties Australia told a hearing last month.

The law, section 35P of the ASIO Act, means you can go to jail for inadvertently disclosing information about an ASIO "special intelligence operation"...even if you didn't know you were disclosing it.

The law is a clear bid by ASIO to silence media and other criticism.

ASIO special operations are always classified as secret, and there should be no way any member of the general public would know about such an operation if ASIO is competent, CLA says.

However, any Australian can be sent to jail for 5 years for "disclosing information (which) relates to a special \*(ASIO) intelligence operation". That means jail even if someone discloses something inadvertently, without being aware of what we are doing. If we disclose something inadvertently, and it endangers the health or safety of anyone operating undercover, we can go to jail for 10 years – the same penalty for knowingly disclosing a secret operation.

This is a law reminiscent of the communist USSR or the Stasi secret police in Germany, CLA says.

"ASIO should be responsible for keeping its own secrets," CLA President Dr Kristine Klugman told Roger Gyles, the newly-appointed Independent National Security Legislation Monitor (INSLM).

"If it can't keep a secret, it should not expect the media and the people to keep its secrets. In fact, if it is leaking information, ASIO is being totally incompetent, and it would be the duty of the media, for example, to point that fact out."



*Above: CLA's Dr Kristine Klugman and the ASIO-approved INSLM, Roger Gyles, at the April 2015 hearing.*

INSLM Gyles – who had just the same day as the hearing received his security clearance, from ASIO, which allowed him to consider his acting appointment permanent – was inquiring into the dubious law, which was severely criticised by Labor front-bencher Anthony Albanese last year. The law in relation

to the secrecy provisions goes too far, Albanese said...an opinion with which CLA wholly agrees.

The problem, Dr Klugman told Mr Gyles, was that there had been 14 years of cumulative bad laws, one on top of the other, ever since the rushed legislation was passed in panic after the 2001 aircraft attacks on US buildings. The result, CLA said, was that laws like that relating to ASIO's secrets, were now being passed when they would not have even been considered halfway reasonable 15 years ago.

"The climate of fear created by security and police agencies, and boosted by shallow politicians, over a decade and a half has allowed terrorists to change Australia society for the worse," Dr Klugman said after the hearing. "There is no use asking whether we are safer from terrorists: the terrorists have forced us to change our society so much that many classic liberties and rights have been lost.

"For example, this ASIO law means you can go to jail for 10 years for inadvertently disclosing a secret that ASIO – not every member of the Australian public – should be responsible for.

Australian terror laws have become so unwieldy and pervasive that we need a consolidated Crimes (Terror) Laws Act: the government should commission a body to rewrite the entire body of terror laws since 2001 – now numbering probably more than 100 – into sensible legislation which balances the need for security and safety against the freedom from unreasonable jailing and the liberty to just get on with their lives without being hassled by spooks and police armed with totally over-the-top, draconian laws."

Guardian coverage of ASIO's 'Silence the Media' bid: <http://tinyurl.com/ouhyolp>

## **Message for the ages...covering the war centenary 'celebrations'**

*My father did not volunteer for the British Army in 1940, spend 18 months in a British military hospital and live until 2000 with PTSD as a result in order that Britain, Australia and New Zealand should become police states for his grandchildren.*

*Nor did my mother endure the Blitz on London, on fire-watch in the roof of Guy's Hospital during the German bombing raids, so that her grandchildren should live in a police state.*

*These so-called anti-terror laws are an insult to a democratic society for which its now deceased or elderly put their lives on the line for freedom.*

– message to CLA member on receiving the April issue of the CLArion newsletter.

## **Criminal case reviews urgently needed**

Australian needs one, or nine, criminal case review bod(ies) to investigate how many people have been wrongly convicted on 'junk' science over the past 30 years, particularly using hair-match 'evidence'.

This urgent need stems from the FBI in America finally admitting that its hair-sample laboratory made mistakes in favour of the prosecution in 96% of cases (257 out of 268 criminal cases, of 2500 total 'hair-match' cases reviewed) since 1985. Of the 257, 32 defendants were sentenced to death: 14 have been executed or have died in jail.

The FBI methodology was the blueprint for the world's police forces and forensic laboratories: most training programs, including in Australia, are modelled on those of the FBI;

Australians have trained in FBI laboratories or been trained by FBI 'experts'.

The strong likelihood is that a similar percentage of convictions in Australia will be "unsafe", or in lay terminology, will be miscarriages of justice.

The *NY Times* said last month, in an editorial headed '*Junk science at the FBI*', that "courts have only made the problem worse by purporting to be scientifically literate, and allowing in all kinds of evidence that would not make it within shouting distance of a peer-reviewed journal. Of the 329 (US) exonerations based on DNA testing since 1989, more than one-quarter involved convictions based on 'pattern' evidence — like hair samples, ballistics, tire tracks, and bite marks — testified to by so-called experts. While the FBI is finally treating this fiasco with the seriousness it deserves, that offers little comfort to the (people) who have spent decades behind bars based on junk science." <http://tinyurl.com/mftkm7r>

### Vale: 2 of the Bali 9

*"...the most important instrumental change: that is, the recognition of the Australian Federal Police's culpability in delivering Australians to another country's justice system and one in which the death penalty applies. That fact more than any other, erodes Australia's claim to have done what was possible to avoid these uncivilised and wholly unnecessary deaths".*

– Mark Kenny, writing in the Fairfax press <http://tinyurl.com/mtho26a>

### Wrongful conviction back in court this year

The long-running saga of the wrongful conviction of Sue Neill-Fraser, who has been in Risdon Prison for 5 1/2 years for a murder she did not commit, may be coming to a court this year.

Submissions on a draft, new Tasmanian 'right to appeal' law closed at the end of April.

Civil Liberties Australia's submission congratulated Tasmanian AG, Dr Vanessa Goodwin (photo), for her initiative in proposing the new law, and suggested minor wording changes to make the law work better.

CLA proposed dropping "fresh" from the "fresh" and "compelling" requirement in relation to evidence, so that a person would get a new trial if there was "compelling" evidence regardless of how it was defined legally (whether it met the strict legal "fresh" test).

We also proposed a simple, one-word test of whether a conviction should be overturned: If the conviction was legally "unsafe", it should not stand.

If the AG proceeds as she originally planned, the new law could go to the mid-year session of the Tasmanian Parliament, and be law by August. If the law is delayed, it may be September before the new 'Right to Appeal' law is on the statute books.

Either way, Ms Neill-Fraser's appeal will be ready to go, with a first hearing expected before the end of 2015. By the time of that hearing, Ms Neal-Fraser will have served more than six years.

### ODD SPOT: 'Czar' for wrong purposes

Prime Minister Tony Abbott has announced he will appoint a "Terrorism Czar" to coordinate all Australia's anti-terrorism machinery. <http://tinyurl.com/o444rtz>

'Terrorists' comprise about 0.00001% of the population (say 250 people the authorities are seriously worried about) – we're getting a Terrorism Czar to focus on making terrorism laws work better together.

People who are not terrorists, comprising 99.99% of the population, get no 'Freedom Czar' to look after things like the \$10 underpayment on a driver's licence, that you paid 10 years ago, but the bureaucracy can't cope with, so now your licence has been cancelled which means you can't drive, and you're shown as a bad credit risk, which means that you can't get credit anywhere...

Or, the police forces have been using methods for 30 years to prove people guilty that are "plain junk", so that innocent Australians are locked up in jail for decades...

Or Centrelink wipes you off their books on suspicion, rather than evidence, so you have no income...

They're the type of "better working machinery" issues that most Australians think need a 'czar'.

### Pencils don't rate as elections go informal

Biros instead of pencils, and rate notices as proof of identity... that's about the best that the Joint Standing Committee on Electoral Matters can come up with after taking about 18 months to examine what happened at the fiasco that was the 7 September 2013 election.

The committee was inquiring into circumstances around an election outcome which included "the greatest failure in the history of the Australian Electoral Commission".

It was an election which produced:

- an extraordinarily high informal vote of nearly 6% in the lower house;
- the AEC physically losing so many ballot papers that a new Senate election in WA had to be held;
- the High Court being forced to sit as a Court of Disputed Returns; and
- only 93% of eligible voters actually voting in an election in which voting is supposed to be compulsory.

The squib of a parliamentary committee believes that the traditional polling booth pencil should be scrapped in favour of pens to guard against vote tampering. So much for Australia entering the electronic age.

For the next election, showing a rate notice will comprise enough ID, even though the committee says it is concerned about voter fraud. In the 2013 election, three separate voters in NSW were recorded by the AEC as having their names marked off 15, 12 and 9 times respectively. Obviously they were merely following the old political party instruction to "vote early, vote often".

In a further wimpish move, the committee wants state officers of the AEC to have to reapply for their jobs to improve staff quality. They also want the AEC to take steps to "**improve its internal culture**".

So much for identifying and recommending how to avoid, next time, another 1370 Senate ballot papers simply disappearing, which was what led to voters in WA having to go back to the polls, at a cost of about \$10 million. Ex-AFP Police Commissioner Mick Keelty was brought in to hunt down the missing ballots, but he couldn't find them, or discover what

had happened to them. The WA disaster was described as "the greatest failure in the history of the AEC".

### 'Greatest failure'...but no bosses dismissed

Australian Electoral Commissioner Ed Killesteyn finally left his post, belatedly, nine months after the debacle of the 2013 federal election: he was on extended personal leave for most of the time from the September 2013 election until his departure in mid-2014.

At the announcement of his retirement, Special Minister of State Michael Ronaldson said he wished Mr Killesteyn well for the future: he had had a "long and distinguished career" in the public service, the minister said.

Perhaps Senator Donaldson overlooked that Mr Killesteyn was one of three very senior people who were suddenly moved from the Dept of Immigration (in his case, into the Dept of Veterans Affairs initially, then to head the AEC) after the Cornelia Rau and Vivian Solon disasters hit the fan around 2005.

Both Rau and Solon were Australian citizens. They were illegally detained and deported by the Dept of Immigration after mix-ups in classifying their status in the department's records. A total of more than 230 similarly disturbing cases had to be investigated.

Killesteyn had been head of information technology at Immigration.

That disaster cost the government more millions, in terms of the costs of the (Mick) Palmer inquiry and the (Neil) Comrie inquiry. After the inquiries, Rau received \$2.6m compensation; Solon received \$4.5m compensation. Killesteyn's career in the public service – in relation to Immigration and the AEC – might be better categorised as being long and costly.

Comrie recommended, among other things, that the **"negative culture in (the Immigration Dept) be redressed"**. Sounds a lot like the current need to "improve the internal culture" in the AEC, doesn't it?

Why is it that the federal government can only spot negative internal cultures in departments after holding inquiries costing millions of dollars, or 18-month-long parliamentary committee inquiries? Most citizens who interact with federal departments could readily and instantly identify which ones need a culture makeover.

### Top judge plumps for surrogacy

The Chief Justice of the Family Court has called for a national inquiry into the immediate legalisation of commercial surrogacy in Australia.

In a speech in Brisbane last month, Justice Diana Bryant (photo) said current laws were driving couples to enter into unethical arrangements overseas. She said two disturbing cases of child abandonment in India and Thailand should force the federal government to act.

Justice Bryant said Australian women should be able to be paid to be a surrogate mother. "I personally think we should regulate and allow commercial surrogacy in Australia. If we allow it in Australia, we then can regulate it and ensure that it's done on ethical terms," she said. <http://tinyurl.com/kx9aofw>



### Dank guilty over drugs players didn't take

Stephen Dank, the biochemist behind the Essendon AFL drugs scandal – where, officially, no players were guilty of taking any banned drugs – has been found guilty of a range of extraordinary charges by the AFL anti-doping tribunal.

It is important to note that the anti-doping tribunal, with two experienced Victorian judges and a barrister as members, is not immune to making dopey decisions.

There is nothing to suggest that tribunal members David Jones, Wayne Henwood and John Nixon spotted an anomaly in no Essendon players being guilty of drug taking, but Dank being guilty of attempting to traffic a cocktail of drugs to Essendon players. For backgrounds on the lawyers sitting in 'judgement', see <http://tinyurl.com/kcmd6qb>

Civil Liberties Australia said from the outset (7 Feb 2013) that the *'Blackest Day in Australian Sport'* was a monumental beat-up by the Australian Crime Commission and Labor Ministers Jason Clare and Kate Lundy. See: <http://www.cla.asn.au/News/acc-drugs-report-flawed-woeful/> which was CLA's detailed analysis posted on 15 Feb 2013.

Nothing since has changed our mind. In fact, the nature of the Dank AFL in-house tribunal, where the standard of certainty is to the tribunal member's "comfortable satisfaction", only reinforces our belief that this whole costly, lingering affair shows why politicians should stay out of sport.

As well, sport ruling bodies should not pretend they run fair hearings, including their weekly on-field indiscretion inquisitions noted for anomalous penalties, which vary according to the profile of the player and the proximity to the grand final.

A commenter summed up the AFL drugs tribunal fiasco well:

*The sooner we move to a system of court proceedings the better. Of course if we move to a proper judicial system we also need to move to ... a presumption of innocence, a finding of 'beyond reasonable doubt' and the right to refuse to give evidence that can be used against you. If we had these things this would never have been a story because the absence of positive drug tests means there is no case. NOR SHOULD THERE BE! Comfortable satisfaction is a ridiculous standard to apply in the 21st century. What are we doing here? Burning witches?*

– Laurence, 17 April 2015 3.15pm on <http://tinyurl.com/odqle57>

Civil Liberties Australia has long advocated a standing public inquiry into police forces, rolling around the states' and territories forces' and the AFP, inquiring into one each year. Perhaps there should be a similar standing inquiry into top sports bodies: AFL, NRL, FAA, ARU, CA...and hockey, netball, darts, bowls, etc.

Dank is reportedly appealing the "comfortable" decision.

### Public servants so busy getting 'cleared', there's little time for actual work

The federal public service's addiction to security clearances has cost taxpayers \$350 million and will not ease as the bureaucracy's jobs freeze starts to thaw, Phillip Thomson reports.

In the coming weeks, vetting will be needed for a Department of Agriculture veterinarian, a mid-level coordinator at the Museum of Australian Democracy and a library manager at Parliament House, job advertisements show.

Taxpayers foot the bill when a single base level security clearance costs an average of \$394, according to Defence

Department figures. The next level up, negative vetting 1, costs \$1067 while negative vetting 2 (previously regarded as top secret) sets taxpayers back \$2023. The price of positive vetting to deal with the most sensitive information is \$8967.

Department figures show in 2014 there were 350,000 workers doing government-related work who had clearances. Almost all 342 federal public service jobs listed at the moment require some form of security clearance. <http://tinyurl.com/ocaqnrs>

## Thais try to silence media critics

The Royal Thai Navy continues to press criminal proceedings against Australian journalist Alan Morison and his Thai colleague Chutima Sidasathian for reporting on trafficking of ethnic Rohingya boat people.



"This effort to silence the media criticism has backfired against the navy, which should act swiftly to cut its losses," said Brad Adams, Asia director at Human Rights Watch. "The Thai authorities should direct the navy to unconditionally drop its baseless charges against the two journalists," he said.

Mr Morison (photo), a former senior *Age* editor, and Ms Chutima were charged with defamation and violating the Computer Crimes Act on April 17, 2014. They have since been classified as criminals in Thailand, where defamation laws are often used against political or business opponents and more than 90% of cases that go to trial end in convictions.

Mr Morison and Ms Chutima could be imprisoned for up to two years on the defamation charges and up to five years under the Computer Crimes Act. Their trial is due between July 14 and 16. <http://tinyurl.com/m7qwba2>

## Sex register may be false security, prof says

WA's online sex offender registry could give people a false sense of security, according to a researcher.

The community protection website, launched in 2012, allows people to find the name and photo of convicted child sex offenders in their local area.

Prof Caroline Taylor of Edith Cowan University has released results of a survey of 160 site users, with one third of respondents believing the website made their children safer. But, she said, the site listed 82 serious repeat offenders, out of 3000 registered offenders in WA at the time.

"People tended to believe the website listed all offenders: if they sought details of anyone in their neighbourhood and no-one came up, it meant there was no offender there," she said, which meant the website could cause complacency if the "zero result" led people to believe their children were safe from sex offenders.

She reiterated that the greatest risk of child sex abuse was within the family. <http://tinyurl.com/k2a8p67>

## Declaring bankruptcy might become court penalty: Rau

Fraud offenders might be declared bankrupt as a penalty, and part of their sentence, under proposed new regime being discussed by the South Australian Government.

The idea is to give judges greater flexibility with penalties.

Attorney-General John Rau said measures apart from prison could be applied to criminals who did not necessarily pose a further threat to society. "If you look at the motivation for somebody committing a fraud it's to enrich themselves, to gain money or assets at someone else's expense, and...a very good form of punishment for a person like that would be ... to prevent them from owning assets for a ...time," he said,

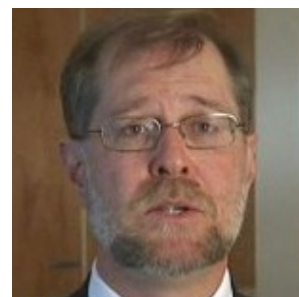
Doing so would deny them the very thing they sought. Now, people who served jail time could emerge from custody and access assets they previously held.

Mr Rau, who in December 2014 released a broad justice system blueprint and early in 2015 a paper proposing ways to ease a backlog of serious criminal cases in the courts, said his next paper would propose a shake-up of current sentencing. <http://tinyurl.com/qeekdl2>

Civil Liberties Australia congratulates AG Rau on (most of) his initiatives over the past few years to improve the justice system in SA.

## Domestic violence: ACT leads, says campaigning DPP

The ACT has been a cutting edge jurisdiction in its response to family and sexual violence, according to an op-ed in the *Canberra Times* by the Territory's Director of Public Prosecutions, Jon White.



White, whose term expires in September and who apparently wants to keep his job, appears to be coming out of a shell to engage in some Office of the DPP promotion.

"The ACT was the first jurisdiction in Australia to allow all child witnesses and sexual assault victims to give evidence away from the stress of the court room," White wrote.

"These provisions were greatly extended in 2008. Now, in almost all hearings and trials of family violence and other serious violent offences, victims are entitled to give evidence from a remote room via CCTV, thus avoiding coming face to face with an accused person, or indeed seeing them at all.

"The ACT is unique amongst Australian jurisdictions in allowing victims of family violence to give evidence in this way. The relief of victims when they find out they will not give evidence in the court room in the presence of the accused is palpable.

"Victims of most family violence offences and all sexual offences in the ACT have a right to a support person with them while they give evidence. Unrepresented defendants are not allowed to personally cross-examine victims – a court appointed person performs this task. These important improvements remain unmatched in other jurisdictions," according to White. Read his op-ed: <http://tinyurl.com/nrmnh4q>

ACT Bar Association president Shane Gill agreed the territory had been a leader in its response to domestic violence. But Mr Gill, a former domestic violence duty lawyer for ACT Legal Aid, said the violence cannot be stopped by the blunt instrument of the law alone.

The ACT would better benefit from a whole-of-community response to domestic violence so it was clear to people from school age onwards that it simply was not acceptable, he said. <http://tinyurl.com/q6yqg9g>

## Judge refuses to recuse himself

The man who was convicted, then acquitted, of the murder of Asst Comm of the AFP, Colin Winchester, in 1989, David Eastman, has failed to force a judge to stand aside from deciding whether his second trial for murder will go ahead.

Eastman tried to have Acting ACT Supreme Court judge Anthony Whealy recuse himself because of his links to the lead prosecutor at the original 1995 trial, Michael Adams, who went on to become a NSW Supreme Court judge and worked for about 10 years with Justice Whealy, the man deciding Eastman's fate now.

While refusing to step down, Justice Whealy also upheld the claims of federal and Victorian police to keep aspects of sensitive evidence secret. The evidence, produced at an early 2014 inquiry by Justice Martin into the Eastman conviction, is believed to involve a possible mafia link to the Winchester murder...but no-one knows for sure, because no details have ever been heard in open court. <http://tinyurl.com/kcyjemm>

## 'Best rehab' falls far short of what was planned

Prisoners in the ACT's prison are spending five hours a week in education, therapeutic programs and visits, far fewer than the 30 hours planned when the prison opened, the ACT auditor-general has found.

The lack of structured activity undermined prisoner rehabilitation, with the potential to encourage drug use and risk security and safety, Auditor-General Maxine Cooper reported last month.

Dr Cooper found "a very large gap between what was anticipated and what has occurred" since the prison was opened, in the numbers of prisoners, the kinds of prisoners and the programs delivered.

Her report blames overcrowding at the centre, which has been over-capacity virtually since opening day. The challenge for management of finding accommodation for detainees and keeping them apart compromised rehabilitation, with the arrival of one new detainee forcing up to 10 others to move.

The irony is that most national reports show that prison education programs at the Alexander Maconochie Centre in the ACT are the best in Australia. <http://tinyurl.com/k4w9akf>

## Missing police manual makes rights a mystery

How Tasmania Police treated a breastfeeding mother has reminded the state that people's rights are a mystery while the police manual remains unpublished.

Both Civil Liberties Australia Tasmanian Director Richard Griggs and former State Integrity Commissioner, Prof Barbara Etter, have spoken out about the absolute requirement for the police to publish the manual.

The manual used to be publicly available. Police whipped it from sight in April 2012 for a "review" – it is believed it contained some inappropriate wording, which will only be revealed once the new manual is publicly released.

The Tassie police have claimed for three years that it is a work in progress. They say it will never again be available publicly in full, as it used to be...but the courts may well have the final say on that, CLA says.

The 'missing manual' gained national news attention after Tasmania Police allegedly denied Launceston woman Ebony Broad, 19, access to breastfeed her 10-month-old daughter, Mia, while the mother was held in custody overnight for 15 hours. The mother wants to complain that the police didn't

follow their mandated practices, but there's no police manual to quote.

Adjunct Professor Etter (who is a former WA assistant police commissioner) said it was difficult for Tasmanians to understand their rights because of the lack of an available police manual.

"Police need to be transparent and accountable and the policies aren't available. It's not right. These things should be available as required under the legislation," she said.

CLA's Griggs agreed. "We entrust our police with very broad powers to intervene in people's lives. They need those powers to do their job, but with those powers comes a responsibility to perform their role within the boundaries of proper process, so it's a transparency issue," Mr Griggs said.

They both said Tasmania Police was required to publish the manual under the Police Service Act.

Deputy Commissioner Scott Tilyard said the police were still - rewriting the manual...but they are extremely slow in doing so, CLA says.

"While the Police Service Act 2003 (Section 93) requires the Commissioner to publish a police manual, that requirement relates only to publishing a manual for the direction and guidance of police officers. It is not a requirement to publish a manual for the public," Mr Tilyard claimed (*his interpretation of the law is not supported by the legislative wording, CLA says*).

"Tasmania Police does, however, intend in due course to produce a version of the manual that will be available to the public. In the interim, information contained in the police manual is available under Right to Information legislation, subject to any relevant exemptions," he said.

Not good enough; not nearly good enough, says Civil Liberties Australia. "Publish" means make it public, not produce some secret internal document.

If Tasmania's police commissioner does not publish the manual in full to the public, he will be breaking the law – his own special police law – and the Commissioner could be subjected to dismissal if he fails in his "performance" and/or "loses the confidence of the Tasmanian community".

## City council votes for same-sex marriage

Hobart City Council's has voted unanimously to support same-sex marriage.

An editorial in the Hobart Mercury says the vote is "In many ways a brave stance".

"It is true that this issue would be best settled at the federal level, with a conscience vote on a proposed change to the Marriage Act. Yet while MPs in Canberra continue to sidestep this, why shouldn't other politicians and community leaders contribute to the national debate?"

"It has been discussed in State Parliament, where a same-sex marriage Bill has been blocked twice by the Legislative Council. For the City of Hobart to vote overwhelmingly in its favour sends a strong message and adds to the push for change," the *Mercury* said. <http://tinyurl.com/mt98253>

## Goodwin proposes single TasCAT, 10-year DPP

Attorney-General Dr Vanessa Goodwin has flagged the likelihood of a single Civil and Administrative Tribunal for Tasmania, TasCAT, to reduce duplication.

Tasmania is the only Australian state without a single tribunal and administrative appeals structure. The Department of Justice alone supports 15 bodies which may be included in an

amalgamated tribunal. Any other relevant tribunals and boards which fall within other portfolio areas will also be considered.

A discussion paper is due by mid-2015, with an options paper to be completed by the end of the year.

AG Goodwin is also proposing a new 10-year, non-renewable term for Directors of Public Prosecutions in Tasmania. That proposal will also go out for community consultation.

– media releases, AG and Premier, 28 April 2015

## **Soldiers fight to save free speech: their descendants make sure it is lost**

The Socialist Equality Party (SEP) was planning a public meeting on 26 April in Burwood Library Auditorium in Sydney. The title: *'Anzac Day, the glorification of militarism and the drive to World War III.'*

According to SEP, opponents of the meeting responded with a post on a Facebook page (*The Great Aussie Patriot*, associated with a website of the same name, which promotes Reclaim Australia events), and made complaints to Burwood Council, threatened to disrupt the meeting, resulting in the council cancelling the booking. Samples of the Facebook page follow (see 10 April at 10.17 am):

*What these halfwits don't get is if these men and women didn't lay down their lives then they would not have any rights at all and that includes their freedom of speech and their freedom to do this kind of crap that should be seen in the same light as treason.*

*My grandfather had his health and the rest of his life ruined in Changi prison during ww2 you filthy fucking grubs so that you have the freedom to spew your filth you gutless fucks. I bet u wouldn't have the balls to say it in a less civilised society because you know you and your family would disappear.*

– report from Honest History website: <http://tinyurl.com/nxg9l36>

Seems the current Facebook commentators, descendants of the soldiers of major wars, don't subscribe to the freedom of speech their forefathers fought for, as the event was cancelled by Burwood Council under the protesters' eloquent online pressure.

Subsequently, Sydney University also refused to provide a venue for SEP's blather against war. Nothing illustrates better how fragile the right to free speech in Australia is, Civil Liberties Australia says. – media release from SEP, 18 April.

## **DAs: council finds new way to stop protesters**

Richmond Valley Council's general manager John Walker says any new protest camp at Bentley, in the Northern Rivers area of NSW, would require full development approval.

Hundreds of protesters camped on a property adjacent to the Metgasco coal seam gas work site last year. People are vowing to return if work resumes following last week's Supreme Court decision that the State Government had acted outside the law in suspending Metgasco's licence to drill a test well at the Bentley site.

Mr Walker said getting approval for a legal camp site could take a long time. "I'd be reluctant to go with a temporary approval this time given what we saw and how it grew and the needs of a camp with cooking, ablutions, showering, garbage, all of the things that need to be put in place," he said. "Given what we experienced last time we're more likely to want a full-

on development application before it could be considered. So that takes a long time." <http://tinyurl.com/ktatoq4>

This appears, says CLA, to be a new way authorities everywhere can thwart protest.

## **Demo numbers down due to draconian laws**

A demonstration likely to have drawn up to 120,000 people at the G20 summit in Brisbane was reduced to as few as 1000 because of draconian protest laws, Queensland's Crime and Corruption Commission (CCC) has been told.

Caxton legal centre has told a CCC review of the G20 laws of their "chilling effect" and described them as a low point in the city's recent history of social protest.

Caxton, which organised legal observers at the protests in November 2014, said the turnout of 1000 to 2500 at the main demonstration was "exceptionally low". The numbers compared to 100,000 people in Brisbane protesting the Iraq war in 2003 and 75,000 marching in the 2001 Aboriginal reconciliation walk.

The Caxton report claimed that in "ordinary circumstances, it would have been reasonable to expect a protest crowd in the vicinity of 50,000 to 120,000 people at the main protest event". Four people, including anti-war protester Ciaran O'Reilly, were banned from the event beforehand. Another 27 were excluded, and 14 charged with offences under G20 laws. <http://tinyurl.com/pjevm8>

## **Gordon appallingly treated by leakers, party**

Queensland's independent MP Billy Gordon resigned from the Labor Party because he had not disclosed to them his juvenile convictions – but, under the law, the convictions had been expunged and he was not obliged to disclose them.

Somebody leaked what were effectively spent convictions. Mr Gordon said certain people had no lawful right to have possession of his criminal history. "The leaking of juvenile and spent records for political ends is deeply disturbing in our democracy. I put myself forward as a candidate for election, relying upon the law that says people like me are entitled to a second chance in life."

Civil Liberties Australia agrees with the state member for Cook: it appears that he has been appallingly treated by the leaker(s), and by the Labor Party. <http://tinyurl.com/koqa7ym>

## **Taxi drivers hit the wrong note**

Taxi drivers broke the law by refusing to pick up relatives of acclaimed Aboriginal musician Gurrumul in Darwin last week, NT Anti-Discrimination Commissioner Sally Sievers says.

Several drivers would not pick up musicians Djunga Djunga Yunupingu and Johnno Yunupingu outside Skinnyfish music in the Darwin suburb of Fannie Bay last month.



Another taxi was called by the record company's non-Indigenous founder, Michael Hohnen. "The company was apologetic, a car came back, and the same thing happened," he said.

The men then began hailing cabs off the street and were knocked back by several other cars before Mr Hohnen successfully flagged down a taxi.

Ms Sievers said while taxi drivers may have had negative experiences in the past, legally they could not decide who to pick up based on stereotypes. She said such action would be unlawful discrimination and maximum compensation of \$60,000 could be paid to people who were discriminated against. <http://tinyurl.com/p4sv7a5>

### \$3m for Territory domestic and family violence

The NT Government is spending \$3.07 million in its 2015 budget to tackle domestic and family violence..

Attorney-General John Elferink said that the Family Safety Framework, led by the NT Police, focuses on protecting high risk victims from further harm by sharing information across agencies and developing an immediate risk-reduction action. The program has operated in Alice Springs for a number of years and helped more than 200 high-risk victims of domestic violence.

The same systems will be put in place in Darwin, Katherine and Tennant Creek, now that 340 police officers have been trained.

He said that most NT police were also now trained to use SupportLink, a centralised referral system. A total of 78 domestic violence services have signed up to receive referrals through SupportLink.

Other budget measures included

- \$2m for an extra 13 Aboriginal community police;
- \$1.7m for new protective equipment; and
- \$1m towards a new policing, investigation and case management system.

– Budget documents NT, 150428.

### War zone is a no-go area for obtaining evidence

Lawyers say the case of Labor Party NT figure Matthew Gardiner (photo) – believed to have helped the Kurds in their fight against the Islamic State group – shows how hard prosecuting "foreign fighters" will be.



University of NSW law professor George Williams said last month a suspect would likely have to confess for there to be a solid case in so-called "foreign incursions" laws, given the difficulty of obtaining evidence from a war zone.

Mr Gardiner, who is a former president of the ALP in the NT, returned home recently after several months abroad during which he was widely reported to have been in Syria fighting with Kurdish forces against the Islamic State terror group.

The Australian Federal Police have confirmed they detained and questioned Mr Gardiner on his return to Australia on Saturday morning but released him without charge. An AFP spokesman said the force had no further comment. <http://tinyurl.com/mk8yamr>

### ODD SPOT: Blacks in custody shoot up as services reduced

Just over 27% of people in full-time custody in Australia were of Aboriginal and/or Torres Strait Islander origin in the December quarter 2014 (compared to their comprising less than 3% of the Australian population). Male Indigenous prison numbers were up 6%, females up 12%, over a year earlier. ABS report 4512.0 shows a total of 34,647 prisoners in jails in Australia, up 8% from a year earlier. The figures indicate that about 25% of those imprisoned are un-sentenced, mostly on remand. There were 878 federal prisoners being kept in state and territory jails, with half of them in NSW. – source Australian Bureau of Statistics.

### Are neighbourly photos OK?

If you photographed your neighbours over the fence, or across the air gap from your flat to their flat, would you be guilty of an invasion of privacy in Australia.

If you then put those photos – identifiable, and with your address also able to be identified – would that break Australian law?

Most Australians would say "yes" it would. Or, at least, yes it should.

But the legal picture is murky because there is no clear precedent of an established artist using such photographic "technique" to shoot images for a public exhibition.

In New York, a court has ruled the artist photographer has such a right...but has strongly hinted the legislature should do something about it.

An artist who hid in his apartment's shadows and deployed a telephoto lens to photograph his neighbours through their glass-walled apartment is not liable for invading their privacy, at the New York state appellate court ruled in April 2015.

The appeals court called it a "technological home invasion" but said the defendant used the pictures for art's sake. Because of that, the First Department of the New York Appellate Division ruled last month in favor of artist Arne Svenson, who snapped the pics from his lower Manhattan residence as part of an art exhibit called "[The Neighbors](#)."

Some pictures, the court said, showed children's "identifiable" faces: one of a boy in a diaper, another of a daughter in a swimsuit, and another of a mother holding that daughter.

The court said in its ruling: "To be sure, by our holding here—finding no viable cause of action for violation of the statutory right to privacy under these facts—we do not, in any way, mean to give short shrift to plaintiffs' concerns.

"Undoubtedly, like plaintiffs, many people would be rightfully offended by the intrusive manner in which the photographs were taken in this case. However, such complaints are best addressed to the Legislature – the body empowered to remedy such inequities

"Needless to say, as illustrated by the troubling facts here, in these times of heightened threats to privacy posed by new and ever more invasive technologies, we call upon the Legislature to revisit this important issue, as we are constrained to apply the law as it exists," the court said. <http://tinyurl.com/mghfwbt>

### Australian briefs

'Any cannabis is road safety risk to public': Any presence of cannabis component THC in the system of a driver on ACT roads would lead to increased risk to the public, the ACT's top

cop, Assistant Commissioner Lammers of the AFP, said. He warned no change to drug driving laws should be considered. He was appearing before an ACT Legislative Assembly committee inquiring into whether the use of medicinal cannabis should be permitted in the the capital territory. <http://tinyurl.com/pwhamgk>

**Teachers told to not drink coffee:** Teachers have been told to stop drinking coffee in front of students under a food health rating policy introduced into ACT public schools. Pizzas, burgers and nuggets are OK, though. A traffic light system introduced by the ACT government divides foods into three categories: green for foods that are good eating choices, amber for those that should be selected carefully, and red for those that should not be provided or sold in schools. Coffee-style drinks, fruit juice and butter were rated as red substances, as "they do not contribute positively to the diet and are low in nutritional value". Takeaway foods like popcorn and spring rolls are rated as a 'sometimes' food. According to the ACT Public School Food and Drink Policy, teachers have been asked not to consume red food or drinks in front of students. <http://tinyurl.com/ob33zg3>

**Prison numbers hit record high:** Prisoner numbers have hit a record high in WA, with numbers more than 20% over capacity. The prison muster has eclipsed 5500 inmates for the first time in a system designed to hold about 4500, according to the WA Prison Officers' Union. <http://tinyurl.com/pkzfyxv>

## CLA report — key activities April 2015



*Left: CLA member Brian Tennant recently received his AM from the WA Governor, Kerry Sanderson.*

### Networking meetings

Quakers address on *Honest History* by Peter Stanley on Anzacs.

Meeting with ACT Sex party candidate re

issues of mutual interest, including computer privacy.

AGM of Dying with Dignity and talk on power of attorney and health directives. CLA members [Vic and Adele Stevens](#), [Thomas Mautner](#).

Meeting with Colin Neave Commonwealth Ombudsman: Right to Appeal, Better Justice, submission re refugee riot act legislation

Meeting with CLA member Thomas Mautner.

Appeared at Hearing of Independent Security Legislation Monitor (INSLM) re section 35P and dangers of new law re inadvertently revealing security operations (see lead story).

### Administrative

- meeting with webmaster Lance Williamson re handover of duties of web master
- letter to state Ombudsmen and Commonwealth Ombudsman re Better Justice and Right To Appeal.
- Letter Hugh de Krestler, Human Rights Law Centre, on Right To Appeal.

- Letter to Colin Neave re Commonwealth Ombudsman submission on refugee riot act legislation.
- Letter re Better Justice to Jon Stanhope, chair, Legal Aid.
- Email to Dr James Prest and Mr Kevin Boreham of ANU re CLA supervising law internships

### Submissions:

- Critique of Australia's 5th report (2010-14) under the ICESCR to the UN: CLA submission main author Rajan Venkataraman (photo)
- Endorsed Human Rights Law Centre joint NGO submission on Universal Periodic Review
- Submission on ASIO Act section 35 P, plus supplementary submission to Independent National Security Legislation Monitor (INSLM).
- Article, written as submission, to ask: Why are we militarising Customs? <http://www.cla.asn.au/News/why-are-we-militarising-customs/>
- Submission on Migration Amendment (Maintaining the Good Order of Immigration Detention Facilities) Bill 2015, aka Refugee Riot Act
- Tasmania: Right To Appeal draft legislation: Criminal Code Amendment (Second or Subsequent Appeal for Fresh and Compelling Evidence) Bill 2015



**Request for submission:** The NT government is planning to increase penalties for hooning laws:

<http://www.transport.nt.gov.au/safety/road-safety/our-safer-road-users/driver/impounding-and-forfeiture>

### Media: Tasmanian

- Comment against mandatory prison sentences: <http://tinyurl.com/p4rxvf8>
- Comment in support of public release of the Tasmania Police Manual: <http://tinyurl.com/lpcmu7>
- Opinion piece on how same sex marriage is a civil rights issue: <http://tinyurl.com/m3r8qea>
- Tasmanian Director Richard Griggs delivered talk to conference of the Migration Institute of Australia on meta-data retention laws and their potential impact on migration agents and their clients.

**UPCOMING:** CLA-sponsored address, Canberra:

**National security, legal professional privilege and bar rules:** events around the court case, East Timor and Australia, over oil and gas rights

Lecture: Thursday, 11 June 2015, 5:30pm - 6:30pm

Law Theatre, ANU College of Law, Building 5, Fellows Road, The Australian National University

Speaker: Bernard Collaery (photo), Collaery Lawyers



Hear Bernard Collaery explain the law or lack thereof behind the raid on his Canberra office over alleged espionage revelations... and how the ICJ has ordered Attorney-General Brandis to cease espionage against East Timor, seal documents that ASIO took, and stop raiding Collaery's practice over a \$40 billion oil and gas dispute in the Timor Sea.



This is a joint lecture sponsored by Civil Liberties Australia, the ANU Law School, the ACT Bar Association and the ACT Law Society, though Mr Colliery's opinions are his own.

## ODD SPOT: Indian police spice up crowd control

Indian police will start using pepper-spraying drones to control unruly crowds of protesters, including during religious festivals.

The drones are a "non-lethal but very effective" method of "mob control," according to officials.

The results of the tests were "brilliant" according to Lucknow police chief Yashasvi Yadav. "We have managed to work out how to use it to precisely target the mob in winds and congested areas. Pepper is non-lethal but very effective in mob control. We can spray from different heights to have maximum results."

The city's police have bought five of the pepper powder-spraying drones at a cost of around \$12,000.

The unmanned aircraft can be flown within a 1km radius of their operator and carry 2kg of pepper. They are also equipped with high-resolution cameras to surveil their targets. <http://tinyurl.com/px5k72j>

## INTERNATIONAL

### War on terrorism targets democracy

George Orwell's nightmarish vision of a totalitarian society casts a dark shadow over the United States, Henry Giroux wrote in *Truthout* last month.

"The consequences can be seen clearly in the ongoing and ruthless assault on the social state, workers, unions, higher education, students, poor people of color and any vestige of the social contract.

"Free market policies, values and practices with their emphasis on the privatization of public wealth, the elimination of social protections and the deregulation of economic activity now shape practically every commanding political and economic institution in the United States.

"Public spheres that once offered at least the glimmer of progressive ideas, enlightened social policies, non-commodified values, and critical dialogue and exchange have been increasingly militarized — or replaced by private spaces and corporate settings, which maintain ultimate fidelity to increasing profit margins.

"Citizenship is now subsumed by the national security state and a cult of secrecy, organized and reinforced by the constant mobilization of fear and insecurity designed to produce a form of ethical tranquilization and a paralyzing level of social infantilism.

"Democracy cannot serve, as it has, as a pretext for abandoning civil liberties, democratic values and any semblance of justice. Security trumped civil liberties as shared fears replaced any sense of shared responsibilities," Giroux said. *Full article:* <http://tinyurl.com/pesxgde>

### \$69 billion is just the intelligence budget

The proposed intelligence budget of the US for the next year is \$69 billion.

The NSA and CIA argue that as much of the world's communications as possible must be collected and

clandestine killing operations – mostly drone strikes – must be conducted, or else Americans will die.

But the aerial attacks are proven to have killed Americans: as recently as January 2015, a US drone strike killed an American and an Italian, who were being held as hostages.

The National Security Agency describes the effects of its mass surveillance on the world's emails, texts, phone records, webcams, gaming and all other forms of communication as "incidental collection". This vast collection of data includes all of the untold trillions of communications NSA and its partners – including Australia spook agencies – hoover up that have nothing to do with terrorism or espionage. <http://tinyurl.com/nd59pnc>

### Spooks' data recording not cost effective

The US National Security Agency considered abandoning its secret collecting and storing of American calling records just before leaker Edward Snowden revealed the practice, intelligence officials say, because the costs outweighed the meagre counter-terrorism benefits.

After the Snowden leak, NSA leaders strongly defended the phone records program to Congress and the public, but without disclosing the internal debate, according to the PBS Newshour program.

The behind-the-scenes NSA concerns, not reported previously, could be relevant as Congress decides whether to renew or modify the phone records collection regime. The law authorising it expires in June.

Earlier, internal critics pointed out that the already high costs of vacuuming up and storing the "to and from" information from nearly every domestic landline call were rising, the system was not capturing most mobile phone calls, and the program was not central to unraveling terrorist plots, officials said. ...and they worried about public outrage if the program ever was revealed. <http://tinyurl.com/pd2nekl>

### Dotcom may be too speedy for his own good

Kim Dotcom, the Mega entrepreneur, may get kicked out of NZ – something the Keys conservative government is keen to do – but the imbroglia has nothing to do with copyright.

The *NZ Herald* reports that the country's Immigration Minister has launched an inquiry to decide whether to deport Dotcom because of an unreported driving violation, in which he pleaded guilty to driving 149kph in a 50kph zone.

The offence occurred in 2009: he paid his fine of \$500, plus \$130 costs, and was disqualified from driving for six months. When he filed his NZ residency application in 2010, it asked if he'd ever been convicted of "dangerous driving." He answered "No."

Immigration NZ is "assessing Mr. Dotcom's liability for deportation" and the group has asked Dotcom to respond by 4 May 4.

If Dotcom was deported over the driving matter, it would be to Finland or Germany, not the US, where he would have to stand trial. <http://tinyurl.com/kej67o>



## Malaysia to again jail without trial

The Malaysian government has revived detention without trial, passing a highly contentious anti-terror bill that opposition leaders fear could be used against government critics.

The Prevention of Terrorism Act passed by a vote of 79 to 60 after more than 10 hours of debate.

The government says the law, revived after being off the statute book for three years, is needed to combat the threat of terrorism in Malaysia. Critics say the law is a further slide toward authoritarianism in Malaysia and a definitive reversal of personal freedoms that Prime Minister Najib Razak vowed to introduce soon after assuming power in 2009.

The Prevention of Terrorism Act bypasses the judiciary and allows for detention for as many as 59 days at the discretion of the police. Suspects can be held for two years, renewable for an unlimited period of time, on the decision of a Prevention of Terrorism Board, whose members are appointed by the country's sultan. <http://tinyurl.com/l5aapmh>

## Husband acquitted over aged consent

An American jury last month found Henry Rayhons not guilty of charges that he sexually abused his wife, an Alzheimer's patient, by having sex with her in a nursing home after staff members told him she was cognitively unable to give consent.

In the highly unusual case, Mr Rayhons, 78, an Iowa farmer and former Republican state legislator who by all accounts had a mutually loving relationship with his wife, faced a felony charge that could have resulted in up to 10 years in prison.

The case ignited intense national discussion of an issue that will only gain international importance as more people live longer: whether and when people with dementia are capable of indicating if they desire intimacy. <http://tinyurl.com/o3xzw2v>

## Pakistan arrests parents to ensure polio van

Pakistan's vaccination drive against polio received hostility from militant groups when it was used as cover to spy on Taliban hideouts, with extremist groups killing about 60 polio vaccine workers.

Until recently, the government had not taken a hard line. But in March 2015, police in Khyber-Pakhtunkhwa province arrested more than 450 parents after they refused to vaccinate their children against polio virus because of religious fears and myths associated with vaccination (such as sterilisation).

The parents later signed an agreement to cooperate in administration of the polio vaccine to their children.

The police intervened because the number of polio cases in the province had increased by 96% in the previous year – *The Lancet* Vol 384, No 9977 18 Apr 2015 p147-1590 <http://tinyurl.com/kk6hdu4>

## ODD SPOT: Court rules on battle of genitalia

A 43-year-old Japanese artist who made a kayak modelled on her vagina has denied obscenity charges in a trial that has drawn accusations of censorship and double standards, compared to penis art.

Megumi Igarashi, who calls herself Rokudenashiko – roughly meaning good-for-nothing girl – was arrested in July 2014 after distributing digital files containing a 3D scan of her genitalia to people in return for donations to her project to create the unusual artwork-you-can-paddle.



She was released days later after a public campaign supporting her right to freedom of expression, but rearrested in December and charged with obscenity.

The artist told Tokyo district court last month that her "vagina selfies" were not obscene.

"I do not dispute the facts [of the charge], but my artwork is not obscene," Igarashi said. – Kyodo news agency.

She wants to use her art to "demystify" female genitalia in Japan, where 3D images of male genitalia draw thousands of visitors to the Kanamara penis festival at a Shinto shrine in the city of Kawasaki, near Tokyo, every April. <http://tinyurl.com/k5olsgs>

## ODD SPOT: \$75,000 fine for 20kph over the speed limit:

Reima Kuisla, a Finnish businessman, was recently fined \$75,000 for traveling a modest, if illegal, 102kph in an 80kph zone. Mr Kuisla is a millionaire, and in Finland the fines for more serious speeding infractions are calculated according to income. The thinking is that if it stings for the little guy, it should sting for the big guy, too.

## International briefs

**Electrifying the tweet world:** Elon Musk, a billionaire technology entrepreneur, announced a "major" new Tesla product line that is "not a car", in a cryptic tweet which has left millions guessing...and raised his company's share value \$900m in minutes. Shares in the electric car company jumped nearly 4% in 10 minutes, adding close to \$1bn to the company's market capitalisation in just 115 characters. The tweet went out to his 1.9 million followers and had thousands of retweets within an hour. Experts think Musk will announce a new battery on 1 May. <http://tinyurl.com/l42oeun>



**Snowden gets a brief statue honour:** A trio of artists erected a short-lived monument to whistleblower Edward Snowden last month in Brooklyn's Fort Greene Park in New York, USA. Snowden, a government contractor, revealed extensive surveillance of American citizens by the National Security Agency. It was incorporated into the Prison Ship Martyrs

Monument, a memorial to the 11,000 American soldiers who died imprisoned on British ships during the Revolutionary War. The 1.2m-tall, 45kg sculpture was promptly removed by the Parks Department.

**Man's phone is not his castle:** Alain Philippon, a Canadian citizen, was passing through customs at a Nova Scotia airport when border patrol officers demanded that he provide the password to his smartphone. Philippon refused. He was promptly charged with obstructing border security, a criminal charge under the Canadian Customs Act, which he plans to fight in court. Philippon's legal battle against this absurd abuse of power is principled and important. It is also probably futile. Canada's laws surrounding search and seizure are flimsy, malleable, and – by American standards — draconian. As are similar Australian laws, CLA says. <http://tinyurl.com/nqt4t6p>

**US gives immunity to cross-border killer:** A US federal appeals court ruled last month that a US border patrol agent, Jesus Mesa Jr who fired across the border from Texas into Mexico and killed Sergio Hernandez, 15, cannot be sued in US courts by the Mexican teen's family. The decision reverses most of an earlier 2-1 ruling by a three-judge panel of the court. With support from the Mexican government, the teen's parents argue they should be allowed to sue in US courts because Mesa was on American soil. But the fifth circuit said, among other things, that Mesa was entitled to immunity. <http://tinyurl.com/kw45377>

**Youth arrested for disparaging Christians:** A 16-year-old, Amos Yee, who appeared in a video that criticised Lee Kuan Yew, the late founding father of modern Singapore, was arrested on the day of Mr Lee's funeral because of comments that disparaged Christianity. Singapore is notorious for strict limits on expression. Libel cases have also been filed against foreign media outlets, among them the *International New York Times*. Police said that Yee was arrested because he criticised Christianity, under a law that bans the "deliberate intention of wounding the religious or racial feelings." He also faces charges for obscenity and violation of Singapore's Harassment Act, which restricts "threatening, abusive or insulting communication," the police said. <http://tinyurl.com/qd9wvcr>

**False accusations deplete ranks of teachers:** More than one in five school staff has had a false allegation made against them by a pupil, according to a survey. A further 7% have also faced untrue claims from a student's parent or family member, the study by a UK teaching union found. The problem is so acute, some teachers said, that the fear of being falsely accused has become a primary reason for them to consider leaving the profession altogether. <http://tinyurl.com/onchcm8>

**Death penalty no greater deterrent:** "There is no evidence that the death penalty has a greater deterrent effect on crime than terms of imprisonment," according to Amnesty International's report *Death Sentences and Executions 2014*, published last month. Worldwide, by the end of 2014, at least 19,094 individuals were under a death sentence. The number of people known to have been sentenced to death increased by 28% from 1925 in 57 countries in 2013 to at least 2466 in 55 countries in 2014, largely because of mass sentencing in Egypt and Nigeria. Alarming, in most countries, the death penalty was given after trials that did not meet international standards of fairness. Amnesty International recorded executions in 22 countries in 2014, no change in the number from 2013 but a large reduction from 41 countries in 1995. <http://tinyurl.com/o2s4z37>

**Truth is in the eye of the police editors:** Wikipedia is becoming a battleground over police malfeasance. The *San Diego Union-Tribune* reported recently that users within the SD police department – some anonymous – had edited their department's page to remove information from the "Misconduct" section. Not long before, *Capital New York* discovered that numerous IP addresses associated with the NYPD had been used to edit entries on departmental brutality. <http://tinyurl.com/oslsw8y>

**ODD SPOT: \$75,000 fine for 20kph over speed limit:** Reima Kuisla, a Finnish businessman, was recently fined \$75,000 for traveling 102kph in an 80kph zone. Mr Kuisla is a millionaire, and in Finland the fines for more serious speeding infractions are calculated according to income. The thinking is that if it stings for the little guy, it should sting for the big guy, too. <http://tinyurl.com/ko37aug>

**Supreme Court wearies of noisy, filming protesters:** Five protesters face up to a year in jail and \$130,000 fines for smuggling a camera into the US Supreme Court recently, yelling out slogans loudly, singing and calling for the judges to overturn previous rulings and then putting the filmed footage online. The charges reflect a beefed-up response by the court: in January this year, protesters doing similar things got a day in jail only. <http://tinyurl.com/nddl1sn>

**4% of death row inmates innocent:** Since DNA technology became widely available, the Innocence Project in the USA has helped to exonerate 316 wrongly convicted people, 18 of whom had been sentenced to death. Across America 1383 people have been found to have been wrongly convicted, according to the National Registry of Exonerations, while a study into 7482 death penalty cases between 1973 and 2004 published by the journal *PNAS* last year estimated more than 4% of people sentenced to death were innocent. <http://tinyurl.com/lj6n4v6>

**Gays get right to register:** A government agency must register a human rights group representing gay people, the High Court of Kenya ruled last month. The Kenyan constitution recognises and protects the rights of minorities, the three judges of the High Court said in their ruling. The Non-Governmental Organization Co-ordination Board had refused to register the rights group on religious and moral grounds. In Kenya, gay sex is a crime, the law forbids sodomy and same sex partners are likely to receive extra attention from police. Report by Tom Odula of AP: <http://tinyurl.com/l6psuq6>

## DATES

**13 May, Canberra:** Roundtable at ANU: Why do lawyers do the ethical things they do? Prof James Moliterno, Washington and Lee U. Details: <http://tinyurl.com/jvlssup>

**18-19 May 2014, Waikiki Hawaii:** Pacific Rim Intntl Conf on Disability and Diversity. Details: <http://www.pacrim.hawaii.edu/>

**21 May, Brisbane:** Constitutional Law: What should we do with the States? David Jackson AM QC barrister, Banco Court, 415 George St, 5-6.30pm. <http://tinyurl.com/nqqmlck>

**June, England:** 800th anniversary of Magna Carta.

**4 June, Brisbane:** Health Law: Emerging infectious diseases and the law, Prof Belinda Bennett, Qld Uni of Technology, Banco Court, 415 George St, 5-6.30pm. <http://tinyurl.com/nqqmlck>

**3-5 July, Washington DC USA:** Australian Bar Association conference. Trends in American Justice: Impacts for Australia (see 7-10 July also). Contact: [avaconference@nswbar.asn.au](mailto:avaconference@nswbar.asn.au)

**5-9 July, Perth:** 15th International Symposium of the World Society of Victimology, Perth Convention Centre. Details: <http://tinyurl.com/nu4aogr>

**7-10 July Boston Mass. USA:** Australian Bar Association conference. Survival of the Fittest: Challenges for Advocates in the 21st Century. (See 3-5 July also). Contact: [avaconference@nswbar.asn.au](mailto:avaconference@nswbar.asn.au)

**2-6 Aug, Coimbra, Portugal:** 21st annual World Assn for Medical Law conference, covering ageing and health law, IT and health, migrations, islamic bioethics. Details: <http://wafml.memberlodge.org/page-1638556>

**6 Aug, Brisbane:** Criminal Law: The limits of 'Mr Big' techniques and covert interviewing. Prof Simon Bronitt, U. Qld. <http://tinyurl.com/nqqmlck>

**13 Aug, Brisbane:** Annual Sir Harry Gibbs law lecture. By Justice Hugh Fraser. Details: <http://tinyurl.com/kqev32m>

**13 Aug, Canberra:** Annual Kirby lecture on international law: Prof Gerry Simpson (photo) of U. Melbourne. Details: <http://tinyurl.com/q8zeq3n>



**31 Aug - 3 Sept, Sydney:** CLA's Barbara Etter APM (photo, pro bono legal adviser to Risdon Prison's wrongly-convicted Sue Neill-Fraser), will be keynote speaker at *Making History – Shaping the Future*, the 9th Australasian Women and Policing Conference, Luna Park Sydney from 31st August - 3 September 2015.

Details and to register: <http://tinyurl.com/mcz6sny>

**29 Sept, Brisbane:** Qld Supreme Court oration. Speaker TBA. 5.30pm Banco Court, QEII courts. Details: <http://tinyurl.com/kfnclah>

**9-10-11 Nov, Sydney:** *Law via the Internet 2015* conference 10-11 Nov at UNSW, preceded by annual meeting of the Free Access to Law Movement on 9 Nov at UTS. Call for papers: <http://www.lvi2015.org/callforpapers/> Register interest at: [registration@austlii.edu.au](mailto:registration@austlii.edu.au)

**25-26 Nov, Canterbury NZ:** Pacific Regional Security Symposium: Re-thinking Regional Security: Research and Policy Nexus. Three broad themes for the conference are hard security, human security and environmental security. More info: Email: [Kirsty.ameriks@canterbury.ac.nz](mailto:Kirsty.ameriks@canterbury.ac.nz)

**25-27 Nov Adelaide:** 28th A&NZ Society of Criminology, Flinders U. Details – [willem.delint@flinders.edu.au](mailto:willem.delint@flinders.edu.au)

**2016**

**18-23 Sept, Auckland NZ:** 23rd Intntl Symposium on Forensic Sciences. Details: [www.anzfs2016.org](http://www.anzfs2016.org)

\*\*\*\*\*

*CLArion* is the monthly e-newsletter of Civil Liberties Australia A04043, Box 7438 FISHER 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 the original source. We welcome contributions for the next issue: please send to: [mailto:secretary\[at\]cla.asn.au](mailto:secretary[at]cla.asn.au)

ENDS                      ENDS      ENDS