

National mood starts to swing towards challenging assault on civil liberties

A new national mood is starting to challenge the assaults on civil liberties and human rights mounted by the Coalition government and its police and security allies, under the rubric of “terrorism threat”.

For 14 years since the 11 September 2001 aircraft attacks, under both major parties, the pendulum has been swinging towards repressing society, and boosting the power of the state over individuals, using politician-promoted fear of terrorists.

Bodies like Civil Liberties Australia and human rights entities have fought to retain freedoms over the same period, but their warnings of excesses and pleas for government restraint have been ignored.

Now a fightback is starting to emerge. It is coming formally from the legal profession in the first instance, and is happening under the banner of ‘Upholding the Rule of Law’. The UN defines the rule of law as:

“...a principle of governance in which all persons, institutions and entities, public and private, including the State itself, are accountable to laws that are publicly promulgated, equally enforced and independently adjudicated, and which are consistent with international human rights norms and standards. It requires, as well, measures to ensure adherence to the principles of supremacy of law, equality before the law, accountability to the law, fairness in the application of the law, separation of powers, participation in decision-making, legal certainty, avoidance of arbitrariness and procedural and legal transparency.”

The International Commission of Jurists in Australia has begun to plan for a major conference in 2016 on the rule of law in Australian society. Victorian life member (and CLA member), retired barrister Louis Coutts, is driving the conference. His first step, now underway, is to compile an inventory of recently-passed laws in Australia that challenge the concept of the rule of law. He explains how politicians either deliberately or in ignorance are at odds with the fundamental legal and social concept:

“Politicians fail to understand that the Rule of Law is a legal concept which is inviolable: they feel that there is nothing wrong in eroding basic freedoms guaranteed by the Rule of Law when they see it as politically attractive to do so. With an uninformed public, it is so easy for the politicians to say ‘we are going to be tough on terrorists, or bikies or pedophiles or Muslims’ because it is politically popular to do so. When we say ‘You can’t do that because it offends the Rule of Law’, the politicians then cry foul that we are entering the political arena.”

A classic example of how such a mismatch of ideals can occur was when former lawyer and head of the Australian Human Rights Commission, Prof Gillian Triggs (photo), criticised treatment of refugees, particularly children. She was attacked for being “political” when in fact she was simply trying to hold national politicians to the laws of Australia and international covenants that Australia has agreed to.

As well as the major ICJ conference, the Australian National University has announced a ‘national law reform conference’

for 14-15 April 2016. Included on the agenda for deciding future research directions of key areas of the law are:

- public (constitutional, Indigenous, governance, administrative law);
- legal practice (the legal profession, legal ethics, access to justice); and
- criminal (criminal law, criminology, evidence and procedure).

These three areas, with citizenship included, require major overhaul in Australia: it’s as if we needed to revisit the debates and conferences that occurred before federation 115 years ago in order to reset the national compass of what we want Australian society to be.

There are also strong moves in South Australia to recalibrate how justice works. A ‘wave’ of appeal cases over forensic incompetence has begun, and the Law Society of SA is leading the nation in calling for the unbridled powers of Directors of Public Prosecution to be subjected to external review. Queensland has started to wind back excesses caused by a rabid government which thought it could create a new regime under illiberal laws enforced by selected appointees. WA is questioning indefinite detention.

Civil Liberties Australia expects 2016 to be a year of ‘rule of law’ navel-gazing under varied banners. We welcome the development, and expect to contribute heavily.

Treaty-making process needs entire overhaul, CLA tells parliamentary committee

The way we negotiate our international treaties disadvantages Australians: potentially, we pay too much for goods and services because we negotiate the wrong way, Civil Liberties Australia told a parliamentary hearing last month.

CLA’s comments were included in a submission to the Joint Select Committee on Trade and Investment Growth, in a personal appearance before that committee by the President Dr Kristine Klugman and CEO Bill Rowlings, and in a media release issued around the hearing.

The CLA submission, authored by CLA member and *Age* economics columnist Ken Davidson, calls for early opening of draft treaty terms for public comment, public consultation in advance of a decision and, if necessary, a referendum if a proposed treaty is particularly crucial.

Photo: Dr Kristine Klugman, chairman O’Dowd, and Bill Rowlings at the hearing.



“Successive Australian governments have been shooting their citizens in the feet by agreeing to secrecy: negotiating in the dark behind black curtains helps only big corporations, not consumers in a democracy,” CLA CEO Bill Rowlings said.

At the moment, faceless bureaucrats mostly – with well-supervised ministers in hand occasionally – barter away economic and social advantage in secret, behind the scenes, far beyond the knowledge, sight and sound of Australian citizens. The deals are done to completion, then the “boxes are ticked” by a parliamentary review process which has no effective power to change any details. The outcome is frequently Australians paying more than they should fairly do

for medicines, to watch films, to buy computers and to listen to music, CLA said.

The joint select committee, chaired by National MP for Flynn in Queensland, Ken O'Dowd, is inquiring into business experience in utilising Australia's free trade agreements.

CLA pointed out that none of the national interest analyses made around these treaties included discussion of the human rights and civil liberties of Australians, frequently including partners, caught by strange systems and law when doing business overseas. He highlighted the fact of a Chinese-speaking Australian still locked up in China after negotiating for Rio Tinto, and the recent case of a woman who ended up in jail, then deported, for posting a Facebook photo of a car (with numberplate obscured) seemingly parked illegally across two disabled car spaces.

"There should be an overhaul of the entire system of negotiating and signing of treaties by Australia," Mr Rowlings said. "We can do much better than we're doing now."

ODD SPOT: Cottage restoration costs \$9m

Refurbishing the prime minister's official Canberra cottage has cost taxpayers more than \$8.8m, at least \$5m more than originally budgeted. Work on The Lodge was due to end last month, with a total cost of \$8.842m, dwarfing the original \$3.19m price tag. Originally expected to take 18 months and be completed by mid-2014, Finance Department officials have pushed back the completion date at least three times as the scope of works has expanded. <http://tinyurl.com/nlv8ct2>

Be alarmed by flawed terrorist strategy

The Australian government has revealed its latest counter-terrorism strategy – <http://tinyurl.com/ocxm2od> – a flawed treatise based on an unrealistic assessment of what causes terrorism and terrorists.

Bernard Keane, writing in *Crikey*, summed the strategy up this way:

"This is the bizarro world of neoconservatives -- one in which Islamic State emerged fully formed from 'instability', none of which had anything to do with Western military interventions, or interventions by our proxies, like the slaughter Saudi Arabia is currently engaged in in Yemen. It's a world in which terrorists 'hate us for our freedom' rather than for our actions. It's also a world that is directly dismissed by the people on the front line of fighting terrorism.

"As *Crikey* has noted repeatedly -- and we'll go on noting it -- both the current head of the CIA and the former head of MI5 have directly, explicitly, stated that Western military interventions undertaken as part of the War on Terror create terrorists. So too (say) the most experienced Western experts on radicalisation.

"Any effective strategy starts with an accurate understanding of what it purports to address. This is strategy for dealing with a deadly straw man, the terrorist of neoconservative fictions, rather than the real ones that threaten Australian lives." <http://tinyurl.com/plv4hvx>

Beware the unexpected...

Terrorism in Australia will in future be certain, expected, probable, possible or not expected. This ranking, Prime Minister Abbott believes, is simpler to comprehend over the existing system of extreme, high, medium and low.

He announced the proposed new classifications in late July while meeting with Australian Premiers. He also announced the new counter-terrorism strategy.

Be very afraid of alert levels: Schneier Bruce Schneier, cyber guru, explains why alert levels of any type are counter-productive. https://www.schneier.com/blog/archives/2010/11/the_dhs_is_gett.html

PM says two terrorist attacks* in 10 months

Since September 2015, there have been two terrorist attacks in Australia; a further six attacks have been disrupted and 23 people have been arrested and charged as a result of counter-terrorist operations, the Council Of Australian Governments (COAG) was told last month.

PM Abbott told the meeting, held at the secure Victoria Barracks military premises in Sydney, that the arrests account for almost a third of all terrorism-related arrests since 2001. "The national terrorist threat level remains at High: a terrorist attack is likely," he told the heads of states and territories.

The Coalition government has promised to keep Australia safe...but terrorism is obviously on a major upslope since the Coalition came to power if the number of arrests are a reliable indicator. Perhaps the number of convictions may tell a different story. <http://tinyurl.com/p5p9rrb>

* The PM did not identify which crimes were "terrorist attacks".

ODD SPOT: Home Security...saving yourself

Now that I'm on a fixed income, I've disconnected my home alarm system, turned off my external lights and de-registered from the Neighbourhood Watch. I've got two Pakistani flags raised in the front garden, one at each corner, and the black flag of ISIS in the centre. Local police, federal police, the army and all my neighbours are watching the house 24/7. I am watched everywhere I go. I've never felt safer, and I'm saving \$149.50 a month. – unknown contributor.

Hope for Labor backdown on data retention

Labor could reverse its position on data retention just four months after it helped pass it into federal law, following the party's national conference last month.

NSW MP Jo Haylen (photo) led debate on an amendment to review Labor's policy on data retention, citing concerns over the range of government agencies able to access citizens' metadata without a warrant, and concerns about journalists' protection of sources.

Under the Telecommunications (Interception and Access) Amendment (Data Retention) Bill, passed in March 2015, Australian telecommunications providers such as Telstra and Optus are required to store customers' metadata – such as the time, origin and destination of emails, phone calls, texts and web activity, but not the content – for two years for intelligence-gathering purposes. <http://tinyurl.com/ns4unwl>

The UK parliament has been told in a court ruling that its equivalent data retention laws are illegal.



Ombudsman speaks out on citizenship

The government proposal to strip dual-national terrorists of citizenship hinged on a "legal fiction": people could languish in immigration detention indefinitely, Commonwealth Ombudsman Colin Neave warned a Senate inquiry last month.

He said it a was "legal fiction" to claim someone's citizenship would automatically cease, when in fact someone – presumably an official – must decide if their conduct qualifies as a terrorist act.

The bill failed to outline the standards officials should use to make judgments about someone's conduct, Mr Neave said, adding they could range from reasonable suspicion to balance of probabilities or beyond reasonable doubt. Parliament should examine if it was appropriate for an official to be making such significant judgments, he said.

While the Minister, Mr Dutton, could exempt someone from the laws, he was "not obliged to afford procedural fairness", the Ombudsman (a member of CLA) said. <http://tinyurl.com/on7gauj>

Detained refugees lose their privacy rights

The personal medical records of asylum seekers have been handed over by International Health and Medical Services (IHMS) to Australia's immigration department for "political purposes", the *Guardian* newspaper reported last month.

The handover breaches privacy laws, according to leaked internal briefing notes contained in the meeting notes of a clinical directors' meeting at IHMS on confidentiality in September 2013. IHMS provides healthcare services to asylum seekers on the mainland and in detention centres on Christmas Island, Nauru and Manus Island.

Both IHMS and the immigration department denied they had inappropriately provided or sought access to asylum seekers' medical records.

The briefing document, written by a senior IHMS clinician, outlines the way that the immigration department has sought access to confidential medical records of asylum seekers for what he describes as "political purposes". In a part of the presentation titled "areas of concern", the clinician notes that data is passed to the department beyond the immediate medical needs of asylum seekers.

Information about refugees is also provided to the PNG and Nauru governments, another potential breach of patient privacy. <http://tinyurl.com/ojinap7>

2011 question by now-Speaker Bishop:

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Re: Minister for Foreign Affairs: Overseas Travel

Mrs BRONWYN BISHOP (Mackellar) (14:55): My question is to the Prime Minister. Has the foreign minister sought and been granted permission, in writing, each and every time he has travelled overseas since September last year? In each case, has the Prime Minister warned the foreign minister that accommodation costs should be kept to an acceptable minimum?

Ms GILLARD (Lalor—Prime Minister) (14:55): In answer to the member's question, of course there is a travel approval process through my office for the foreign minister and all ministers who travel. The foreign minister and all ministers who travel are frequently told that they need to do all things necessary to be prudent with taxpayers' dollars and keep costs down.

Mrs Bronwyn Bishop: Mr Speaker, I seek leave to table correspondence between the foreign affairs minister and the Prime Minister showing that—Leave not granted.

...perhaps the now-Speaker Mrs Bishop could table equivalent correspondence between herself and the PM, in relation to overseas travel, which she may have received in

recent times before/after her expensive overseas trips, Civil Liberties Australia asks?

NOTE: Fairfax Media reports that Bronwyn Bishop spent more than \$300,000 of taxpayers' dollars on overseas travel in her first year as federal Speaker. <http://tinyurl.com/nvc7ttu>

Bishop (Julie) demands 'rule of law' on Nauru

Foreign Minister Julie Bishop says she has sought assurance from Nauru's president Baron Waqa that the country is adhering to the rule of law, the *ABC* reported last month.

Ms Bishop said she spoke with Mr Waqa during the Pacific Islands Forum foreign ministers meeting in Sydney. "I sought assurances from him that the rule of law would be upheld, that the judiciary system would have integrity in its processes and that there would be fair dealing with the opposition members who had been either detained or charged," Ms Bishop told reporters. "The president gave me assurances. We agreed to remain closely engaged on this matter."

Civil Liberties Australia is not aware whether Ms Bishop has sought a similar assurance from Australian PM Tony Abbott, who was not present at the Pacific Island forum. Critics believe the Australian-run detention centres on Nauru and Manus Island do not abide by Australian or international rule-of-law standards, nor do some data retention and security laws recently passed. <http://tinyurl.com/pb5q2cg>

ODD SPOT: Andrews & Liberals win 'jackpots'

Liberal Minister Kevin Andrews' own Victorian electorate fundraising group, the Menzies 200 Club, received two donations of money from Clubs NSW, one before and one after the Coalition passed new legislation repealing tough poker machine regulation brought in by the Labor Party. The story of the donations – one given when Mr Andrews was the minister responsible for poker machine policy – make interesting reading, as does the timing of their public disclosure. "Responding to written questions, a spokesman for Mr Andrews said that any suggestion Mr Andrews' decisions were influenced by the donations was 'wrong and offensive'," Fairfax Media reported last month. Clubs NSW donated \$241,600 to the Liberal Party Australia-wide in 2013-14, but only \$19,100 to Labor: <http://tinyurl.com/q5gr84b>

How secure is the security clearance data?

The Australian Privacy Foundation (APF) is asking the government some interesting questions:

1. Are identifiers, are authenticators, and are biometrics, included within the stored data?
2. How many people, or what proportion of the working population, are currently represented in the collection?
3. Is security clearance data consolidated into a single physical or virtual database?
4. What information security risk processes are applied, including assessments, management plans and audits?
5. What security safeguards are implemented?
6. Is there a mandatory scheme whereby breaches are reported to the Privacy Commissioner or some other appropriate agency with meaningful regulatory powers?
7. Is appropriate information about those breaches published?

– from APF email exchanges

Civil Liberties Australia would like to add a question: how many times has security clearance information held by the Australian government been hacked into?

An institution dies...AIC gets 'interim' director

The Australian Institute of Criminology (AIC) has been emasculated: the Australian Crime Commission (ACC) CEO Chris Dawson was last month appointed interim director of the AIC.

The appointment is a prelude to the government making the AIC a merged subset of the ACC, virtually ensuring its decades of quality work and hard-won reputation for independence will be lost overnight. The AIC, inside the ACC, will be a pale imitation of a research institute, beholden to controlled police thinking, and a long-standing tradition of police 'rubbery figures'.

"In the interim, the ACC and AIC will continue to exist and operate as separate entities, while working together on expanding existing relationships," Justice Minister Michael Keenan said.

"I would like to take this opportunity to acknowledge the achievements of the AIC during the last six years under former Director Dr Adam Tomison (photo). During Dr Tomison's tenure the AIC published 230 peer-reviewed applied research papers and reports on crime and justice issues and more than 460 publications of all types."



It's beastly! Why same-sex marriage can't go ahead in Australia

Barnaby Joyce, MHR: Some parts of S-E Asia may view Australia as decadent if we allowed SSM.

Eric Abetz, Senator: SSM may lead to a slippery slope that could open Pandora's box, including legalising "polyamory" (*being involved or romantically linked to more than one person at the same time*) which he believes has been "pursued in Holland, Scandinavia and the United States".

Cory Bernardi, Senator (in 2012): SSM could lead to group marriage and acceptance of bestiality. Senator Bernardi has stated publicly (in 2014) that he believes it can be appropriate for a man to put his (presumably female) partner in a headlock if he is stopping aggression against himself: he has apparently expressed no opinion about headlocks in male-male or female-female relationships. <http://tinyurl.com/ooxczxi>

Tony Abbott, MHR: Marriage is between a man and woman; the government's priority is strong economic management and keeping Australians safe.

Labor opts to ditch ISDS clauses from FTAs

Labor has committed to removing investor state dispute settlement (ISDS) clauses from existing trade agreements, including the Chinese and Korean free trade agreements (FTA) recently signed by the Abbott government.

Opposition trade spokeswoman Penny Wong backed the motion at the national conference last month, Gabrielle Chan reported in the *Guardian*.

The motion, moved by NSW MP Pat Conroy, would also mean a Labor government would work to reform ISDS tribunals to

remove "perceived conflicts of interest" of judges determining disputes.

Conroy said: "When the Productivity Commission, the chief justice of the high court and a range of academics say ISDS must be reformed, it is time to fix this system that undermines our sovereignty."

ISDS clauses give foreign investors the right to sue governments if the company's business interests are adversely affected by national policy. The Asian arm of the tobacco multinational Philip Morris is challenging the Australian government over plain packaging laws, despite the company already losing a case in the Australian courts. <http://tinyurl.com/nz8547w>

Despite the policy change, Civil Liberties Australia believes Labor (and the Coalition) cannot be trusted on trade negotiations until one or the other passes such an ISDS policy into Australian law, and reforms how treaties are negotiated and reviewed by parliament.

Victorians now safer on the roads

Victoria Police will only allow officers to chase fleeing drivers when there is a threat to public safety or a serious offence involving injury has been committed, under a new policy for car chases.

The new policy results from coronial inquest recommendations after deaths linked to high-speed police chases in 2013.

Assistant Commissioner Robert Hills said 13 people had been killed and 28 injured in police pursuits over the past five years, with 1700 chases last year and 1300 in 2013.

Police are not to chase a vehicle for theft or minor traffic offences, and they must use other methods to track down or intercept drivers if there is no immediate public safety risk.

The new Victorian police mirror recommendations Civil Liberties Australia made a decade ago after a series of horrific police chase crash deaths in the ACT. <http://tinyurl.com/pc88a9p>

Judge may force legal aid payment for appeals

Legal aid has been refused for two murder appeals in Tasmania, and the chief justice could force the financially challenged Legal Aid Commission of Tasmania to fund the separate appeals.

Under the Tasmanian Criminal Code, judges can order a person be granted legal aid if it is in the "interests of justice". Apparently, such applications are rare. <http://tinyurl.com/pb6aeyu>

The case of Stephen Standage was a particularly high profile case. Standage was jailed in August 2014 after a five-month trial for 48 years for murdering Ronald Jarvis in July 1992 and John Thorn in August 2006. His case involved a "Mr Big" sting or covert operation by interstate police, a strategy which has been controversial, particularly overseas. See 6 Aug, Brisbane, under 'DATES' below.

Senator's electors plump 70%-plus for SSM

A large, colourful banner proclaiming 'Taroona supports Marriage Equality' was unveiled on Hinsby Beach by local residents last month after a canvassing of every household in the Hobart suburb of Taroona by members of Tasmanians United for Marriage Equality.

The door-knock of every house, apartment and flat in Taroona found community support for marriage equality was 71%. A

similar every-door survey in trendier Battery Point in late-2014 found 72% support.

Tasmanian Senator Eric Abetz recently went on the *AM* program on ABC Radio to rail about the moral iniquities of same-sex marriage (SSM), suggesting that Australia should follow the example of various Asian countries like Indonesia, Malaysia and China (but not Thailand) on the issue, rather than places like the USA, Ireland, Britain, France, Germany, Italy, the Netherlands, Spain, Portugal and Brazil.



His tone suggested he thought he was being terribly cunning, *Tasmanian Times* suggested. <http://tinyurl.com/q2jemht>

Turns out the Senator's own backyard – and the people he most closely represents – strongly support same-sex marriage. Senator Abetz used to live in Kingston, near Tarooma, but astute and timely real estate dealings saw him relocate, with enhanced wealth, a suburb or so further south of Hobart Town to Blackmans Bay. <http://tinyurl.com/k2udrux>

Tassie to get prisons monitor?

Tasmania looks set to get an "independent" prisons monitor, at long last.

AG Dr Vanessa Goodwin said the ombudsman's office has received \$150,000 "to scope and plan" for a new "custodial Inspector", Matt Smith reported in the *Mercury* last month. The inspector would oversee Tasmania Prison Service facilities and the Ashley Youth Detention Centre and potentially the secure mental health facility, the Wilfred Lopes Centre, she said.

"This work will include the development of inspection guidelines and legislation," she said. "It is anticipated this process will take about 12 months and involve significant consultation with stakeholders."

The announcement last month followed the start of two coronial inquests and investigations by Tasmania Police and the Tasmanian Prison Service into the deaths within eight days of two prisoners in custody. <http://tinyurl.com/nc6tpp9>

Neill-Fraser seventh year in prison, wrongly

Sue Neill-Fraser – the Tasmanian woman convicted on circumstantial and fabricated claims for murdering her husband, whose body has never been found – will have served six years in Risdon Prison this month.

Civil Liberties Australia believes she is innocent. Tasmania is expected to pass a new law in the next few months, like the 2013 Right To Appeal law in South Australia, that could give her an opportunity for a re-hearing on fresh and compelling evidence that points to her being wrongfully convicted.

She was originally sentenced to 26 years in jail, but it was reduced to 23 years on appeal, with a 13-year non-parole period.

World Wrongful Conviction Day, a Canadian initiative, will take place on 2 October this year.

Keogh forensic incompetence ruling launches 'wave' of cases

The first SA case under the new Right To Appeal law, that of Henry Keogh, is now launching a "wave" of claims for prisoner freedom and overturning of wrongful convictions.

Keogh was acquitted by the SA Court of Criminal Appeal in December 2014, after serving 19 years in jail, because the forensic evidence against him was found to have been produced incompetently. He is now free*. <http://tinyurl.com/obudml8>

"At least 20 potential appeals are being worked on in the wake of Henry Keogh's murder conviction being overturned and a retrial scheduled for next March. The majority of those appeals will rely heavily on perceived flaws in the forensic evidence of Dr Manock, which was a crucial element of the successful Keogh appeal," investigations editor of the *Adelaide Advertiser*, Bryan Littlely reported last month. (*Advertiser*, 21 July 2015)

The forensic incompetence ruling could also have reverse ramifications – where people were not charged with crimes, including battering babies, because they were cleared by an incompetent system.

Dr Bob Moles, the legal academic who successfully campaigned for the SA Right To Appeal law, said convicted murderer Derek Bromley (photo) will appeal.

Bromley has been in jail for 30 years, but has always protested his innocence. He could have been released from prison 10 years ago if he admitted guilt.



Another case to be appealed, by barrister Kevin Boriick, is that of Frits Van Beelen, who served 17 years after being originally sentenced to death for a 1971 rape and murder. David Szach will also appeal: he was jailed for 14 years, and released in 1993, for the 1979 shooting murder of his lover Derrance Stevenson.

Mr Boriick is so concerned about the state of "justice" in SA that he is taking a formal reference to the Australian Human Rights Commission and federal AG Senator George Brandis. Basically, he argues that SA failure to deliver justice is a broken link in the Australian justice chain which requires federal intervention.

*In a most puzzling development, the SA DPP Adam Kimber is to re-try Keogh in early 2016...despite defence and Crown forensic witnesses having said that the probability was that the woman, Anna-Jane Cheney, died a natural death due to hitting her head in a fall in the bath.

Censorship on the rise: be wary of other rights

When a society turns repressive, censorship rears its ugly head: that's a principle well-known to civil liberties organisations, many of which were formed as censorship mounted in times of strife.

Last month, an Adelaide bookstore was raided by police for selling unwrapped copies of the cult novel *American Psycho*, *Fairfax Media* has reported.

Jason Lake, a co-owner of Imprints Booksellers, says police asked him to remove the book based on a complaint. "It was very gentle and polite ... I just think it's ludicrous that this person complained about the book," he said.

"In this liberal society, people should be free to read what they want."

American Psycho is classified as R18 under national censorship legislation, which means it can only be sold in plastic wrapping to people aged 18 and over.

Mr Lake said he had been selling the unwrapped edition since March. <http://tinyurl.com/p9e9faf>

Police claim judges take bribes

An Australian Mafia boss allegedly paid \$2.2m to bribe NSW judges to get lighter jail sentences.

"It is alleged that a Sydney based IOC [Italian Organised Crime] member received light sentences in the past because he paid off [Sydney] judges, costing approximately \$2.2 million, *Fairfax Media* has quoted top-secret police intelligence reports claiming.

The joint *Fairfax Media* and ABC *Four Corners* investigation obtained a series of confidential Australian police reports written and circulated to state agencies between 2003 and 2014.

The reports provide startling revelations about the depth of the Calabrian Mafia's infiltration into Australian life and the ambitions of the criminal group.

One report described how NSW police gathered information in 2003 that Mafia figures in Griffith – the group's traditional stronghold – had been "receiving information from a person connected to the police in Griffith and the court".

"It is alleged that a Sydney based IOC [Italian Organised Crime] member received light sentences in the past because he paid off [Sydney] judges, costing approximately \$2.2 million." <http://tinyurl.com/og2l2ma>

Riots likely in jails this month

Prepare for riots in NSW jails – smoking is banned inside from 10 August.

Three-quarters of NSW prisoners smoke, and Corrective Services expects them to all go 'cold turkey' on the one day this month, helped by suggested activities include "making crosswords to swap with a friend, writing to a loved one, dreaming about their future, meditating or praying and doing some sit-ups".

In Victoria, prisoners at the Melbourne Remand Centre rioted for nearly a day in June when a similar ban came into effect there. <http://tinyurl.com/o3y3cxm>

Lawyers avoid police stations: police upset

Lawyers are refusing to attend police stations when clients are arrested to avoid controversial law changes about the right to silence.

Police claim investigation times are blowing out because of the refusal. They want the laws reviewed – they were brought in to combat a wave of drive-by shootings three years ago, *Fairfax Media* reported.

Under the new laws, when someone is arrested, it may harm their defence if they fail to speak or to mention something they try to rely on later at trial. But the NSW government included a condition where the law cannot be applied unless the accused person has a legal representative present.

So lawyers are simply not showing up.

Police Association of NSW President Scott Weber said the loophole used by lawyers was extending the time of investigations and making things difficult for police. <http://tinyurl.com/pjz8cwf>

ODD SPOT: The Law and (swimming) Sharks...

In 2012, Professor Erika Techera, UWA Law School, in collaboration with Professor Natalie Klein of Macquarie University, received funding from the Australian Research Council for a project entitled *International Governance of Sharks: Options, Opportunities and Obstacles*. The research is being conducted through 2016. "The findings will equip Australia to take a leadership role in the development of international environmental law frameworks," according to the website. <http://tinyurl.com/qh8uxe2>

Top WA judge calls for national law reform

The chief justice of WA, Wayne Martin, is calling for national reform of laws which deal with mentally impaired people accused of serious crimes.

Currently people deemed unfit to plead are either sent to jail indefinitely or released back into the community, under the WA's Mentally Impaired Accused Act.

"There have been reviews of this topic for many years now, it has been a contentious issue not only in WA, but in other jurisdictions, and there are a number of problems arising from it," CJ Martin told the ABC's 7.30 program

"We have seen a couple of celebrated cases in WA, where people have been detained in custody for longer periods than they would have served if they had been convicted of the offence with which they were charged."

Aborigines are overwhelmingly the people most affected, and are indefinitely locked up as being unfit to plead because they are intellectually impaired from problems such as foetal alcohol syndrome. <http://tinyurl.com/prewkwb>

Nitschke a doctor again...for a while anyway

Euthanasia advocate Philip Nitschke has won an appeal in the NT Supreme Court to get his medical licence back...but has to go through the whole tribunal process again in November.

Nitschke's medical licence was suspended in July 2014 by the Medical Board of Australia, after he admitted in an ABC interview to supporting 45-year-old Perth man Nigel Brayley's decision to take his own life despite knowing he was not terminally ill. The NT's Health Professional Review Tribunal upheld the suspension, but Dr Nitschke lodged an appeal in the Supreme Court over the ruling.

Judge Graham Hiley said last month the Health Professional Review Tribunal "misconstrued" the code of conduct. However, the reprieve is temporary, and Nitschke is expected to have to appear before the same tribunals before the end of 2015. <http://tinyurl.com/pmq2oux>

Drunks policy may be discriminatory

The NT Government policy of forcing "problem" drunks into rehabilitation is potentially discriminatory, lacking in evidence and expensive, a *Medical Journal of Australia* report has found.

Three experts co-authored the article, which found the Alcohol Mandatory Treatment (AMT) scheme disproportionately affects Aboriginal people, "severely limits the freedom of movement of affected individuals", and may breach the Racial Discrimination Act.

The report's release came on the same day last month that the NT coroner delivered his opening remarks criticising mandatory alcohol rehab at the coronial inquest in Alice Springs into the death of Kumantjayai Brown. Brown was

found dead where she slept at the Central Australian Aboriginal Alcohol Treatment Unit in October 2015. <http://tinyurl.com/pxbcwqn>

ODD SPOT: Intelligence – possibly not accurate, and no guarantees

'The history of major intelligence failures — the failure to detect plans for the World Trade Centre attack in 2001, Iraq's intention to invade Kuwait in 1990, the imminent collapse of the Berlin Wall in 1989 or, much earlier, the failure to anticipate the strength of Turkish forces in the Dardanelles in 1915 or Japanese plans for Pearl Harbour — provide a cautionary lesson for any policy-maker who believes intelligence is always accurate or that it can provide guarantees.'

– Flood inquiry into Australia's intelligence agencies 2004

Grannies fight costly battle for peace

Three peace activist grannies who staged a tea party and blocked access at an Australian Defence Force training area in central Queensland have been fined for trespassing.

The "Quaker Grannies for Peace" were arrested by military police after they refused to leave the Shoalwater Bay area, where 30,000 Australian forces and their US counterparts were jointly training.

The grannies – Helen Bayes, Jo Valentine and Dawn Joyce, aged 71, 69 and 85 – spent a night in custody after refusing to sign bail papers, and were then fined \$500 each in Rockhampton magistrates court, but no conviction was recorded.

The women said they broke the law to push for peace. "The Quakers have a 335-year history of exercising democratic rights to create peace through dialogue," Ms Bayes said. "Peace can only be created through peaceful methods, not bombing and killing and making the other lose."

The women, who have fourteen grandchildren between them, said they were arrested for blockading after bringing tea and cake to "create dialogue" with soldiers involved in Exercise Talisman Sabre at the training site. <http://tinyurl.com/qfbfa3h>

NSW inquires into privacy...again

A NSW parliamentary committee is inquiring into "remedies for serious invasion of privacy" in NSW.

In particular, the Standing Committee on Law and Justice of the Legislative Council will consider whether to introduce laws so that people can sue others for breaching personal privacy. Current privacy laws only protect big businesses and government departments for the most part.

The same question – whether there should be a tort of privacy – has been examined by the Australian Law Reform Commission in 2014, the Victorian Law Reform Commission in 2010, and the NSW Law Reform Commission in 2009. Every report recommended there should be a new law to counter serious privacy breaches.

The Abbott government, through Attorney-General Senator George Brandis, has not yet reacted to the ALRC's report, handed down in June 2014. <http://tinyurl.com/ocgpedp>

Australian briefs

Fight for right to speak out: More than 40 social workers, doctors, nurses, teachers and humanitarian staff who have worked inside Australia's detention centres united in an unprecedented show of defiance against new laws that could

see workers in detention centres jailed for speaking out about abuses. Their public stance featured on the same day that a new offence came into effect that criminalises the disclosure of information. The signatories challenged Prime Minister AJ Abbott and Immigration Minister Peter Dutton to prosecute them for speaking out about human rights abuses of asylum seekers in Australia's care. <http://tinyurl.com/nwywwds> Open letter: <http://tinyurl.com/qbxto7>

Face it, the government will ID you everywhere: CrimTrac, Australia's ID spooks, have issued a tender for a new biometric identification (ID) system to recognise not only fingerprints, but palm and footprints and facial images from 2017. Currently there is only NAFIS, the National Automated Fingerprint Identification System covering fingerprint data only. The 12 million images police hold can't run through facial recognition matching systems. Threateningly, the Minister for Justice Michael Keenan's media release says: "The new system will require capacity to not only integrate with existing law enforcement systems, but advance as our biometric capability expands"...so stand by for facial ID systems everywhere. <http://tinyurl.com/o82h2a2>

Court protects boy from parental smoke, drunkenness:

The Family Court has ordered the parents of a six-year-old to not smoke and get drunk around their son. Judge Jenny Hogan made 42 parenting orders, including that the parents do not drink until drunk in the boy's presence, after the mother complained about the father's behaviour, hygiene and parenting style. He was awarded sole responsibility in respect of all long-term major issues involving the boy. Between 1995 and 2013, the proportion of people with dependent children who smoked inside the home fell from 31% to 3.7%, according to the Australian Institute of Health and Welfare. <http://tinyurl.com/n9jezug>

CLA report — key activities for July 2015

Meetings:

Community meeting on refugees, with Refugee Action Group

Federal Parliament:

Trade treaties. President and CEO appeared and spoke to CLA submission (Ken Davidson lead author)

Submissions lodged:

- Electoral Education at Parliament House: CLA re-submitted our sub of 2006 on same subject
- Paying People Smugglers: submission lead authored by member Umberto Torresi
- Citizenship: media release by CLA demands government defines rights and responsibilities

Briefing Senator Penny Wright re Keogh case (SA) state and national developments

Inquiries:

Into the 2015 NSW state election: <http://tinyurl.com/phfkjib> Closes 24 Aug 2015

Privacy: need for new law? (NSW)

Abortion protest outside clinic (ACT, possibly also Victoria)

Networking meetings/topics:

- Jenny Bott, Director Innovation and Development, Old Parliament House, re parliamentary education and event opportunities
- Thomas Mautner re powers of attorney

- Francis Markham re PhD topic (prevalence and placement of poker machines, including in and near Aboriginal communities)
- Rob Wesley Smith re history civil liberties NT and SA

Organisational:

Replacement web master, meetings and training/handovers x 5. Arved von Brasch, Hayat Khan.

Study tour: Civil Liberties Australian Vice-President (and National Media Spokesperson) Tim Vines visited Brussels in late June and early July. He reports:

I visited the European Union as a guest of the EU Visitor Program. As part of my visit I met with members of the EU Parliament and the Council of the European Union (both law-making bodies for the EU) and the EU Commission (roughly corresponding to our public service).

We discussed a range of topics including access to health, the Trans-Pacific Partnership (some in Europe are concerned about a similar secret treaty, the Transatlantic Trade and Investment Partnership, TTIP), data protection and mass surveillance, and the differences between Australia's anaemic regime of human rights protection compared to the mature and established EU human rights institutions.



Photo shows Mr Vines (left) in Brussels with three other program participants.

While my visit corresponded with the latest turn in the Greek financial-crisis cycle, I was particularly impressed by the international and cosmopolitan atmosphere of Brussels and the EU institutions, giving life to the EU's motto of 'unity in diversity'. The visit has provided me with a wealth of knowledge and content and, most importantly, highlights the gaps in Australia's protection of human rights; gaps Civil Liberties Australia can and will seek to address.

Key recent media activity:

- *Guardian Australia* article on proposed citizen-stripping legislation
- Community radio interview on proposed citizen-stripping legislation
- Attendance at Q&A's 800th Anniversary of Magna Carta special broadcast from Parliament House Canberra
- *Canberra Times* comment on proposed anti-association laws and anti-bikie statements by ACT Attorney-General
- 2CC (Canberra Radio) comments on proposed anti-association laws and anti-bikie statements by ACT Attorney-General
- Provided a student with comments on recent anti-terror laws
- *Canberra Times* comment on drugged-driving laws in the ACT
- Called "a dill" (not in person) by Ray Hadley (2GB talk back radio) for my comments on anti-bikie laws (a ringing endorsement then...)

- Bianca Hall, *The Age*: interview Bill Rowlings re Vic Police domestic violence register suggestions
- George Zangalis, 3ZZZ, interview re citizenship with Tim Vines, Ged Kearney, Richard Marles: <http://neoskopos.com/news/en/One-citizenship-for-all-Australians>

INTERNATIONAL

Top UK court rules data retention law illegal

Emergency surveillance legislation introduced by the UK Tory-Liberal coalition government in 2014 is unlawful, the High Court has ruled.

The UK law is virtually identical to the new law in Australia, passed in March 2015.

The challenge to the data retention law, mounted by UK Labour MP Tom Watson and Conservative MP David Davis, has been upheld by judges. The Data Retention and Investigatory Powers Act (Dripa) 2014 is "inconsistent with European Union law", the judges ruled. The act requires internet and phone companies to keep their communications data for a year and regulates how police and intelligence agencies gain access to it.

The now Tory-only government will have to pass a fresh law before the end of March 2016.

The two MPs said the judgment underlined the need for prior authorisation by a judge before officers are permitted to examine the retained information from the internet, social media or phone calls.

The Home Office said it would appeal the ruling, claiming it may result in police and investigators losing data that could save lives. <http://tinyurl.com/ohwclad>

AUSTRALIA: Josh Taylor, writing in *Crikey*, pointed out that Australia doesn't enjoy the privacy protections in place in the European Union. The Australian data retention legislation, which passed in March 2015, forces telecommunications companies to retain customer data for two years, and does not limit access strictly to criminal investigations, meaning data can be accessed for a wide variety of purposes, not just in fighting terrorism and organised crime. <http://tinyurl.com/ne7s2ad>

Arab country considers easing abortion laws

Morocco may ease its strict abortion laws by the end of the year, Sharmila Devi reports.

Technical discussions are under way, led by the Ministry of Health in a process of consultations initiated by the king following a vigorous public debate. A commission appointed by King Mohammed VI recommended in May that abortion laws be loosened in the cases of rape, incest, fetal malformation, and danger to the mother's health. A parliamentary vote will follow later in the year.

Some doctors hope to expand the circumstances in which abortion is allowed by including WHO's broad interpretation of a woman's health that encompasses mental and social as well as physical factors.

Around 24 unwanted babies are abandoned at Moroccan hospitals each day, according to one report. Women who have an abortion face up to 2 years in jail while doctors face up to 5 years in jail, 20 years if the woman dies. – *The Lancet* <http://tinyurl.com/qels8o8>

Thais extend death penalty to foreigners

Thailand has enacted a new law that extends capital punishment to foreigners for "corruption" activities.

Previous legislation provided various punishments, including a possible death penalty, for Thai officials convicted of bribery, though apparently no one was ever executed for the crime.

The new statutes, which took effect last month and are part of a separate anti-corruption law, extend those punishments to non-Thais working for foreign governments and international organisations.

Anyone working for a civil liberties or human rights organisation, or even for the Australian government, should take great care if travelling to or through Thailand – activities that Australians consider commonplace could attract official attention, and be caught by the new laws. <http://tinyurl.com/qglduup>

ODD SPOT: Americans: world series champions for jailing people

Speaking at a US jail in Oklahoma, US President Barack Obama last month said: "The US is home to 5% of the world's population, but 25% of the world's prisoners. Our incarceration rate is four times higher than China's." <http://tinyurl.com/pnqmp53>

Grad student may serve 8 years for sharing

In October, a Colombian graduate student will go on trial for sharing an academic paper online.

The paper's author pressed copyright violation charges against Diego Gomez for posting his research on the document-sharing website *Scribd*, despite the fact that Gomez was trying only to share the paper's findings with his classmates and that he earned no profit in doing so. The 27-year-old faces a maximum sentence of eight years in prison.

The case has hit a nerve among digital rights advocates across the Americas, where the USA has a disproportionately broad influence over regional copyright policy. Colombia's free trade agreement (FTA) with the US, originally signed in 2006, required that the country adopt copyright policies that closely mirror the US copyright regime.

Laws passed over the past three years have expanded criminal penalties for copyright infringement to include possible prison sentences and monetary fines. To make matters worse, Colombia lacks important countermeasures to these restrictions, such as exceptions for fair use.

Gomez, who has since moved to Costa Rica to complete his degree in wildlife preservation, demonstrates how Colombia's newly tightened copyright regime may stifle academic freedom and innovation. <http://tinyurl.com/nmh584z>

ODD SPOT: In principal, all are surveilled

Burlington Community School District in Iowa has bought 13 small, clip-on cameras for principals and assistant principals to wear during interactions with students and parents. The cameras are \$110 video-audio recorders that store footage on SD cards, downloaded daily, according to *The Des Moines Register*. Burlington schools already have stationary cameras mounted on school buildings and monitoring cafeterias, hallways, and school buses. The move is meant to improve personal accountability among school administrators, a district spokesperson said. <http://tinyurl.com/pm7xilly>

US government allows theft of personal info

The US government has allowed the stealing of huge amounts of personal information of more than 25m citizens, including US Social Security numbers and some fingerprints.

Every person who underwent a government background check for the past 15 years was probably affected, the Office of Personnel Management said in announcing the results of an internal investigation.

Katherine Archuleta, the director of the Office of Personnel Management, resigned as the revelations were announced. <http://tinyurl.com/qj3ssbe>

US Admin wants open access to all data

Meanwhile, FBI Director James Comey complained to a Senate panel that companies like Apple are building products in which the keys necessary to decrypt communications and electronic devices are being left "solely in the hands of the end user".

In a joint statement to the Senate Judiciary Committee, Comey and a Justice Department official essentially said that we're all doomed unless companies build encryption backdoors into their products to allow for lawful access by the government, *Ars Technica* reported.

New York County District Attorney Cyrus Vance Jr told the panel said Apple was "evil" for "baking" encryption into iOS 8. <http://tinyurl.com/qyp2srk>

Obama calls for smarter jailing, less solitary

An estimated 75,000 state and federal prisoners are held in solitary confinement in the USA, but the numbers may be about to fall.

President Obama last month ordered a US Justice Department review of solitary confinement. Justice Anthony M. Kennedy, in a Supreme Court ruling last month, all but invited a constitutional challenge.

"Do we really think it makes sense to lock so many people alone in tiny cells for 23 hours a day, sometimes for months or even years at a time?" Mr. Obama asked in a speech at a coloured people's convention in Philadelphia, where he called for an overhaul of the criminal justice system.

"That is not going to make us safer. That's not going to make us stronger. And if those individuals are ultimately released, how are they ever going to adapt? It's not smart." <http://tinyurl.com/qddway2>

Fly and spy, as US citizens rights 'die'

Running trained and professional spies is expensive, but the FBI has found a cheaper way to keep track of Americans deemed suspicious, ie, Muslims: the use of the no-fly list to coerce them into spying.

Refuse to spy, you're on the list. Want off? Agree to spy... according to Roger Fitch Esq, the man who reports for the Australian legal blog *Justinian* on US courtly matters.

That was the theory, but in a suit in NY federal court, Fitch reports, the US government has agreed to stop using the no-fly list to torment Muslim-Americans who refuse to spy.

Incredibly, the government, in defending against the *Bivens* civil damages action, argues there is "no constitutional right not to become an informant".

Spying or no flying? <http://tinyurl.com/mc6bmyo> Getting off the no-fly list: <http://tinyurl.com/nrfhg3p> 'No Constitutional right': <http://tinyurl.com/pt7yr26>

Kuwait is world's first mandatory DNA nation

Kuwait is making DNA tests mandatory for all residents.

People who refuse testing face a year in prison and a hefty fine: it's seven years in jail for submitting someone else's DNA as yours.

The comprehensive database will cover all Kuwait residents – 1.3m citizens and 2.9m foreign residents. The Gulf nation has set aside \$US530m to implement the national DNA program, which will be the world's first mandatory DNA test for every resident of a given country, regardless of criminal history.

The DNA crackdown stems from the 26 June 2015 suicide bombing by ISIS in Kuwait City which killed 26 and wounded 227. <http://tinyurl.com/nrfgxnp>

No sex please, we're Kiwis

New Zealanders who identify as neither wholly male nor wholly female will be able to list themselves as "gender diverse" in what Statistics New Zealand says is a world first.

"The standard expands gender identity categories beyond the current female/male boundaries," said Jo-anne Allan, classifications manager at SNZ in Christchurch. "The term gender diverse is fairly new but we believe that over time it will be widely used and accepted." The Statistical Standard for Gender Identity is different from a person's biological sex. NZ's transgender population ran a 2011 campaign to tick both male and female census boxes. <http://tinyurl.com/psseyv2>

DPP under pressure to resign

Pressure is growing on England's Director of Public Prosecutions, Alison Saunders, to resign after her decision not to charge Lord Janner with a string of sexual abuse charges dating back to the 1960s was overturned in a review by an independent QC.

Janner will face a trial after the unnamed QC's review, the Crown Prosecution Service announced recently. It will be the first time that allegations against Janner – investigated in the past in three failed police investigations – will be aired in a courtroom, *The Guardian* reported.

DPP Saunders said in April it was not in the public interest to charge Janner, because he had dementia, which meant he was unfit to enter a plea. Her decision was challenged by alleged victims in a formal process known as the right to review. It is believed to be one of the first times that alleged victims have overturned a DPP's decision.

DPP Saunders had overruled a specialist QC, Eleanor Laws, an expert in child abuse law, who recommended that the peer be charged. <http://tinyurl.com/ne6jwid>

MEANWHILE, in the USA, a federal court judge says it should be possible to sue prosecutors.

Judge Alex Kozinski, appointed by President Ronald Reagan to the federal ninth circuit appeals court in California, has penned a sweeping overview of the criminal justice system published last month in *The Georgetown Law Journal*.

Judge Kozinski called for doing away with prosecutors' absolute immunity from lawsuits, saying it emboldens brazen misconduct. <http://tinyurl.com/ps8eahr> Hear, hear, says Civil Liberties Australia.

Courts clamp down on 'fast-track' refusals

More than 100 asylum seekers were due for instant release last month as a result of the immediate suspension of the UK Home Office's fast-track detention system.

They are among more than 800 asylum seekers, detained in Yarl's Wood and other such centres, whose cases were to be reviewed urgently after the Immigration Minister, James Brokenshire, ordered the temporary suspension of the system.

He was responding to the ruling, by the Court of Appeal, that the government limit of seven working days for refugee lawyers to prepare cases was "structurally unfair".

Latest published figures show that 4,286 asylum seekers were locked up in Yarl's Wood, Colnbrook or Harmondsworth under the scheme in 2013. That was a 73% increase from 2012, with almost one in five of all asylum seekers having their claims heard through the now-discredited process, which had a 99% rejection rate. <http://tinyurl.com/p7d7bt5>

Kenya plans to 'license' wi-fi

The head of Kenya's Communications Authority, Francis Wangusi, has announced new rules requiring all users of devices with wireless networking capability to register their devices with the Kenya Network Information Centre (KENIC) "to combat cybercrime".

In a speech to a meeting of a 21-nation African regulator body, Wangusi said, "We will license KENIC to register device owners using their national identity cards and telephone numbers. The identity of a device will be known when it connects to wi-fi."

Kenyan authorities would be "be able to trace people using national identity cards that were registered and their phone numbers keyed in during registration" if the devices are associated with criminal activity on the Internet, Wangusi said. All Kenyan businesses with wi-fi would also have to register. <http://tinyurl.com/ovac2pp>

New stun guns inquiry launched in UK

An independent inquiry will investigate continued use of stun guns by police in England and Wales after an inquest verdict last month linked their use to the death of a factory worker in Manchester.

Official scientific and medical advisers will undertake the inquiry.

Senior police officers called for an independent body to look at detailed medical evidence in the case of Jordan Begley, 23, whose death was linked to the use of this "less-lethal weapon".

Begley was shot with the 50,000-volt stun gun and hit with "distraction strikes" while being restrained and handcuffed by three armed officers from Greater Manchester police. He died in hospital about two hours later.

While the initial stunning did not cause Begley's heart to stop, the jury concluded that the use of the stun gun and the restraint "more than materially contributed" to a package of stressful factors leading to his fatal cardiac arrest, the inquest at Manchester civil courts of justice was told. The inquest jury found that police officers involved in the Begley incident were "more concerned about their own welfare" than the fate of their stricken suspect. <http://tinyurl.com/psvyxn1>

Fears spread of Chinese rights crackdown

More than 100 human rights lawyers and activists were detained or questioned by Chinese police and denounced in state media as a "criminal gang" recently, raising fears of an unprecedented crackdown.

The Guardian reported that a total of 106 lawyers, other staff at legal firms and human rights activists were detained or questioned and at least three law firms searched. Six from the law firm Fengrui, which has handled a number of high-profile human rights cases, have been detained. Another 17 lawyers and rights activists are missing.

The crackdown began in early July when Wang Yu, a Fengrui lawyer, disappeared in the early morning after sending friends a text message saying that the internet connection and electricity had been cut off at her home and that people were trying to break in. Wang's clients include practitioners of the religious group Falun Gong, which is banned in China. <http://tinyurl.com/pd2os4y>

Italy violates rights of same-sex couples

Italy violates EU human rights by not offering adequate legal protection and recognition to same-sex couples, the European Court of Human Rights has ruled.

The decision increases pressure on the government of Matteo Renzi, the centre-left prime minister who has long promised to pass legislation recognising civil partnerships, the Guardian reported.

Italy is the only major western European country that does not recognise either civil partnerships or gay marriage. Italian conservatives are opposed to any moves towards recognition.

The ECHR said gay couples were essentially forced to live double lives in Italy: they could live openly in their relationships, but they did not receive any official recognition of their status as a family. Specifically the court ruled that Italy was in violation of article eight of the European convention on human rights, which provides for the right to respect for privacy and family life. <http://tinyurl.com/otwyche>

International briefs

Detained for caring about democracy? Laura Poitras made the 2014 Oscar-winning movie *Citizenfour*, about she and Glenn Greenwald interacting with NSA whistleblower Edward Snowden. Poitras, a US citizen, between 2006 and 2012 was stopped at the US border every single time she entered...on more than 50 occasions. Frustrated after years of stonewalling as to why, she and the Electronic Frontier Foundation are filing an FOI lawsuit against the Department of Justice and two other agencies to find out why she was stopped so many times. <http://tinyurl.com/qawyqt5>

Indonesia cracks down on 'jihadists': Indonesians who join Islamic State or sympathise with the terrorist group will face criminal sanctions for the first time under draft laws that will significantly harden the country's counter-terrorism legislation. Indonesia has seen a surge in its citizens travelling to Syria and Iraq to fight with Islamic State, with an estimated 500 there, most assigned to their own military unit alongside Malaysian and Singaporean recruits. Anti-terrorism spokesperson Irfan Idris said the new laws would punish those who pledged allegiance to IS, as well as people who promoted its ideology and "concepts". "For instance, [that] one will go to heaven for killing somebody. It's a concept. But it's a totally wrong concept because it's against any teaching on good things, let alone religious teachings," he said. <http://tinyurl.com/nhqjxft>

ODD SPOT: Guns fired only twice from 15,000

'operations': Police in England and Wales mounted 14,864 firearms operations in the year to March 2014, including

12,061 involving the use of armed response vehicles, but only fired weapons on two occasions. The police used stun guns on 10,062 occasions: in the vast majority of cases officers used their weapons to "red-dot" suspects and only actually fired on 20% of occasions (1,724). <http://tinyurl.com/psvynl>

SIPT sucks secretly...(SIPT stands for Silly IPT): The Investigatory Powers Tribunal (IPT), which oversees UK intelligence services, admitted last month that its 22 June judgement was wrong (reported in the CLArion July 2015). The IPT failed to declare that Amnesty International had been spied on unlawfully by the UK's main spooks, GCHQ. Instead, the incompetent IPT found – and announced – two obscure NGOs had been spied on. The admission is a severe embarrassment for a tribunal which holds all hearings in secret. <http://tinyurl.com/nklzso5>

Vietnamese human rights lawyer freed: Human rights lawyer and blogger Le Quoc Quan (photo) left prison recently after serving a 30-month prison sentence for charges of tax evasion. Quan has been arbitrarily detained multiple times by Vietnamese authorities for continuing his human rights work, leading the UN to condemn the violation of his right to free expression and a fair trial. <http://tinyurl.com/nmh584z>



Deaths in police custody rising: Deaths in police custody are at the highest level for five years, according to the latest figures released hours before the British Home Secretary launched an independent review following decades of pressure from families who have lost loved ones. The Independent Police Complaints Commission reported 17 people died in or following detention by the police in 2014-15 – six more than during the previous year: 15 were white, 1 Asian and 1 black. There were 14 men and 3 women, aged from 22 to 57. <http://tinyurl.com/qemcf62>

About face for privacy: Facebook has no legal standing to challenge search warrants on behalf of its users, a New York appeals court has ruled. Facebook was served with 381 warrants in 2013, from Manhattan District Attorney Cyrus Vance Jr, seeking photos, private messages, and other details as part of an extensive investigation into 134 people accused of disability fraud. Facebook objected to handing over the data and challenged it. The site was even threatened with contempt of court over the fight, so it reluctantly coughed up the data. Facebook was allowed to continue the challenge on appeal in a failed bid to set legal precedent for its users. The company said in a statement it was exploring its legal options. <http://tinyurl.com/nrruldk>

PM Najib faces fraud allegations: Malaysian Prime Minister since 2009, Najib Razak, has sacked his deputy and four other ministers and replaced the attorney-general in a bid to stifle questions over a graft scandal at debt-laden state investment fund, 1Malaysia Development Bhd (1MDB). Deputy PM Muhyiddin Yassin was dropped after he publicly called on Najib to explain the scandal engulfing 1MDB, which has debts of more than \$15 billion. The allegations could threaten the United Malays National Organisation (UMNO) party which has dominated Malaysian politics since independence in 1957. The *Wall Street Journal* reported

investigators had traced close to \$1 billion of deposits into personal accounts belonging to Najib. PM Najib has denied any wrongdoing. <http://tinyurl.com/pabvzq8>

Court says to singer of rap, your lyrics are criminal...and crap:

An aspiring California rapper's online lyrical rant targeting two rape victims has landed him in legal hot water in a prosecution testing whether his threatening lyrics were protected speech or a criminal act. 'Online rapper must face the music, stand trial for threatening lyrics', is the headline on a story where the rapper, Anthony Murillo (photo), has lost an appeal at the state court level. The case is likely to have many more court appearances, and may reach the US Supreme Court. "I said go and get the Feds. 'Cause you're gonna end up dead," is one of the more polite rhymes in the online rap attack, since taken offline. <http://tinyurl.com/qbpry6y>



Vaccination to be mandatory: California Governor Jerry Brown has signed a new, stringent vaccination law, eliminating the state's previous personal and religious belief exemptions. Under the new law, which takes effect 1 Jan 2016, all California schoolchildren must prove that they have been vaccinated in order to attend school. They can only be exempted when that child's physician explicitly approves it. Children who are homeschooled do not have to be vaccinated. <http://tinyurl.com/nsq54xb>

DATES

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/nqgm1ck>

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-2 Sept, Canberra: Security in Government 2015 conference: 'Security risk management – getting it right'. For details, email SIG2015@ag.gov.au

14 Aug, Canberra: Symposium at ANU College of Law: 'Traversing Divides', in honour of Deborah Cass. Register: <http://tinyurl.com/psvyxn1> Program: <http://tinyurl.com/psvyxn1>

31 Aug - 3 Sept, Sydney: CLA's Barbara Etter APM (former Asst Commissioner WA Police and 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>

31 Aug - 3 Sept, Queenstown NZ: 5th Annual International Family Law Conference, Crowne Plaza Queenstown, New Zealand. Details: Contact Legalise Seminars

1 Sept, Hobart: Family Violence and the Limits of Law Reform, the 2015 Sandy Duncanson Social Justice Lecture, by the Governor of Tasmania, Prof Kate Warner, 6-7.30pm, Stanley Burbury Theatre, Sandy Bay campus. More info: <http://tinyurl.com/nkl6xfc> or T: 03 6226 2521

1 Sept, Perth: What's Christianity Ever Done? Christianity used to be a pillar of the law: Rev Dr Ian Anderson, Uniting Church uni chaplain. Trinity, Cambridge Room, Hampden Rd, Redlands 6.30-8pm. More info: <http://wxed.net/>

8 Sept, Melbourne: 'Laws and Societies in Global Contexts: Contemporary Approaches', at U. Melb. Law School, Lecture by Eve Darian-Smith of U. California. Inquiries: Vesna Stefanovski, vesnas@unimelb.edu.au or (03) 8344 6589

29 Sept, Brisbane: Qld Supreme Court oration. Speaker Lord Judge (photo), former CJ of England and Wales. 5.30pm Banco Court, QEII courts. Details: <http://tinyurl.com/kfnclah>



14-15 Oct, Sydney: Drug Trends Conference 'Trends and Solutions' Customs House, Sydney, organised by the National Drug & Alcohol Research Centre, UNSW. Details: <http://ndarc.med.unsw.edu.au/news/2015-drug-trends-conference-and-dpmp-symposium>

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

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

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

30 Nov- 3 Dec, Adelaide: Law & Society Assn of ANZ conference 'Inside Out'. the edges and changing limits of law. Flinders U Law School. Venue: 182 Victoria Sq Adelaide. <http://tinyurl.com/qzs8sto>

2016

14-15 April 2016: National Law Reform conference, University House, ANU. Calling for papers: <http://tinyurl.com/oueoomn>

18-23 Sept, Auckland NZ: 23rd Intntl Symposium on Forensic Sciences. Details: www.anzffs2016.org

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