

Reporting on the state of the nation...

A public inquiry into unions that is politically tinged, run by a judge possibly tarnished by bias.

A proposal to bomb Syria, because the other side does evil things, so we should.

A uniformed para-military force announcing it will inspect citizens' visas randomly in the city's streets.

A new national datalink so that police and spooks can track your face anywhere in the world.

A proposal for a new law to strip citizenship without a person being convicted of any crime in any court.

A raft of laws to further curtail liberties and freedoms because "they" are afraid of terrorism on "their watch".

A dysfunctional parliament, at least as focused on perks of office as the nation's prosperity.

A bureaucracy wholly dismissive of openness, transparency and Freedom of Information.

A government which wants to mount legal warfare against people championing the environment.

A self-serving political elite, on both major sides, devoid of positive ideas for the future.

An Immigration Minister who won't answer questions about refugees' lives at risk at sea or in detention.

A Trade Minister who wants to trade away Australia's legal sovereignty by approving ISDS clauses.

An Attorney-General who oversees consistent trashing of the rule of law by his own and other departments.

A PM whose focus is on military anniversaries and medals, as well as exploiting a confected community fear of terror.

Meanwhile, the dollar is down, national income is slipping, Aboriginal and mental health is a disaster, and racist rhetoric is on the rise everywhere.

Poor Fella, My Country.

ODD SPOT: Live by the word, die by the word...



"It is fundamental to the administration of justice that the judge be neutral. It is for this reason that the appearance of departure from neutrality is a ground of disqualification ... because the rule is concerned with the appearance of bias, and not the actuality, it is the perception of the hypothetical observer that provides the yardstick."

– Justice Dyson Heydon 1 British American Tobacco v Laurie, [2011] HCA 2, 9 Feb 2011, High Court of Australia, at 139.

Border Force farce is the best thing to happen to Australia for years

The outcome from the Australian Border Force fiasco in Melbourne – where the ABF proposed random stops and visa checks on the city's streets – is actually very positive.

Young Australians, outraged by a government department exceeding its powers, instantly mobilised to stop, within a few hours, a proposed military-style police/feds operation.

The Coalition government has let loose from the bottle the genie of people power. In hindsight, the BoofHeads of Border Force have done Australia a big favour, accidentally.

Who to believe?

Fairfax Media reported last month that the National Security Committee of Cabinet had asked for a list of national security-related "announceables" to be rolled out weekly between now and the election, due to be held by the end of 2016.

Prime Minister Tony Abbott denied this had happened.

Civil Liberties Australia believes such a request would be completely in character with the Coalition government's approach to security matters.

On balance, we believe Fairfax's report is more accurate than the PM's denial. <http://tinyurl.com/phg5qvp>

Members invited to aid death penalty abolition

CLA members are invited to make individual submissions opposing the death penalty to a parliamentary committee, to back up an earlier submission already lodged by CLA and other organisations.

The Human Rights Sub-Committee of the Joint Standing Committee on Foreign Affairs, Defence and Trade is charged with analysing what further steps Australia could take to advocate for worldwide abolition of the death penalty.

Civil Liberties Australia has already lodged a joint report 'Australian government and the death penalty: a way forward': it appears that initiative of CLA and other groups has sparked the new inquiry.

Click here for the inquiry's terms of reference or contact 02 6277 2313 or email jscfadt@aph.gov.au Subs do not need to be substantial – 1 or 2 pages is enough. Closing date is Friday, 2 October.

<http://www.cla.asn.au/News/govt-urged-to-push-against-death-penalty/>

See also: 'UK goes backwards...' in [International](#) section.

CLA prepares to respond to 'Freedoms' inquiry

The Australian Law Reform Commission is calling for submissions in response to its interim report, [Traditional Rights and Freedoms – Encroachments by Commonwealth Laws \(IR 127\)](#), by 21 Sept 2015.

This is the second consultation for this inquiry. The ALRC has been asked by Attorney-General George Brandis in December 2013 to review federal laws that encroach on traditional rights, freedoms and privileges (the 'Freedoms' inquiry).

AG Brandis promised at the time to "protect and restore" freedom of the individual: since then, he and his government have done exactly the opposite under increasingly over-the-top terror laws.

Under question in the review are fundamental freedoms like freedom of speech, religion, movement and association, and other important rights and privileges such as property rights, client legal privilege, the right to a fair trial, and access to the courts, to name a few. The terms of reference list 19 such rights, freedoms and privileges to consider.

In the interim report, the ALRC discusses the source and rationale of these important common law rights, freedoms and

privileges, and how they have been protected by the *Constitution*, the Parliament and the courts. There is an extensive survey of current Commonwealth laws that limit traditional rights, freedoms and privileges and considers how such laws may be justified.

ALRC President Professor Rosalind Croucher said, "There is no doubt that there are laws in Australia that can be seen as encroaching on traditional common law rights and freedoms." She will present the ALRC final report to Attorney-General George Brandis in December 2015.

Civil Liberties Australia is preparing a response to the interim report, under the leadership of CLA Director Rajan Venkataraman. The interim report is available free on the ALRC website at <https://www.alrc.gov.au/publications/traditional-rights-freedoms-ir127> and as an e-book.

The full report by the ALRC was due by 1 Dec 2014. It looks like being at least one year late, and possibly 18 months.

ODD SPOT: Justice...isn't aNy for Assange

"For three years, Ecuador has made clear to the Swedish prosecutor Marianne Ny that Assange is available to be questioned in the London embassy, and for three years she has remained intransigent. In the same period Sweden has questioned 44 people in the UK in connection with police investigations.

– John Pilger, writing in *New Matilda*: <http://tinyurl.com/nawd8wb>

Civil Liberties Australia notes that the Australian government has done nothing to support the right of Assange to be dealt with fairly by Sweden, which has refused to treat him equally to others in the UK.

IP, copyright under review...again

Treasurer Joe Hockey has tasked the Productivity Commission to undertake yet another inquiry into Australia's intellectual property and copyright arrangements.

In a statement, Hockey and Small Business Minister Bruce Billson said the inquiry would examine the balance between promoting competition and protecting intellectual property, taking into account international trade obligations. The March 2015 Harper Review into Competition Policy had recommended such an inquiry.

However, the Abbott government has still not responded to the Australian Law Reform Commission's review on copyright and the digital economy, published in February 2014, *Delimiter* reports. <http://tinyurl.com/pmkuutm> As well, the proposed Trans Pacific Partnership (TPP) agreement is likely to wreak havoc on Australia's traditional copyright and IP regime to satisfy big US multinationals like Sony and the drug companies, Civil Liberties Australia says.

DPP offices, structure, come under scrutiny

Civil Liberties Australia has begun an inquiry into the structures, practices and appointments of Directors of Public Prosecutions throughout Australia.

President Dr Kristine Klugman has written to federal, territory and state jurisdictions, asking them to explain how their DPP laws operate, method and lengths of appointment of the senior person, and what community review or monitoring processes are in place.

She has also sought the advice of highly-respected former NSW DPP, Nick Cowdery, a long-time critic of some DPP activities and structures.



The CLA move follows the re-appointment of the ACT DPP Jon White to a further three years on top of seven already in the role. ACT Attorney-General Simon Corbell (*photo*) rejected pleas from CLA and the ACT Bar Association for an open and transparent process, and refused to advertise the position or consult with

the community or the legal profession. In the ACT, even supreme court judges are appointed after public advertising of the vacancies...but the DPP's position wasn't.

Elsewhere around Australia, there are calls by the SA Law Society for a public monitoring body to keep a watchful eye on the practices of the DPP in that state. As in the ACT, the legal profession in SA is highly critical of decisions by the DPP to promote some cases and drop others.

DPP decisions quasi-judicial, should be open

CLA has also questioned the decisions in SA to re-prosecute the Henry Keogh case, and in the ACT to re-prosecute the David Eastman case.

Both Keogh and Eastman were recently freed from prison after each serving 19 years in jail. Their successful appeals were won wholly or partly because of originally faulty forensic evidence.

In the Eastman case, a former state DPP, who went on to serve as federal DPP and then as a Supreme Court chief justice, had conducted a formal judicial inquiry and recommended a trial not proceed...but the DPP is re-prosecuting.

In Tasmania, a new DPP law is about to be passed which will restrict the term of the appointee to 7 or 10 years because the state was forced to dismiss their recent DPP on "misconduct" grounds after he was convicted of negligent driving causing death. He had been appointed for "life", that is to age 72 as a man in his mid-40s.

Meanwhile criticism is mounting about the performance of the office of the DPP in the Man Mounis case in Sydney, where the wrong facts presented to a bail hearing appeared to have allowed the Lindt Cafe siege perpetrator to remain free on bail...on an accessory to murder charge. <http://tinyurl.com/ogpbmlq>

Civil Liberties Australia believes some DPP decisions are quasi-judicial by their nature, and should be open to a public and/or legal review process. For example, a decision by a DPP to prosecute can result in a person spending 18 months in jail...before they even reach a determinative court hearing.

AG re-appoints DPP...announces departure

The ACT Bar Association has slammed the ACT government for a lack of transparency in reappointing ACT Director of Public Prosecutions Jon White for a further three years.

ACTBA wrote to Attorney-General Simon Corbell several times leading up to the announcement to seek clarity on the prosecution job, which had been set to expire this month (September). Association president Shane Gill said the correspondence had met a "stonewall response".

Mr Corbell said a full recruitment process was not necessary for a shorter than normal term while the government considered changes to the role....changes he has had seven years to consider, CLA says.

The government last week proposed to limit the term of the director to 10 years and raise the age limit to 70. Under the

fixed term plan, the director could not be reappointed. But the government's sudden "consultation" was revealed two days after Civil Liberties Australia wrote to Mr Corbell insisting on an open and transparent process, and one day after the AG had announced the DPP's continuing appointment. <http://tinyurl.com/ogpbmlq>

It seems the ACT AG has a new approach: ignore the community, appoint directly in the face of professional and local concern without advertising...and then announce a consultation process on the very appointment just made.

Even for a politician, that is chutzpah on steroids. Fortunately, Mr Corbell has since announced his retirement after nearly 20 years in parliament, a decade of it in the AG's portfolio.

Government writes bad law, in panic

The High Court would probably strike down a law to automatically revoke dual nationals' citizenship, a constitutional law expert, UNSW's Prof George Williams, told a parliamentary committee last month.

Prof Williams commented that the proposed citizenship law was the most "problematically drafted bill" he had ever seen. Civil Liberties Australia agrees the bill flagrantly breaches the rule of law.

Under the plan, crimes that could automatically deprive you of your citizenship range from treachery, sabotage and mutiny to damaging or destroying Commonwealth property. Dual nationals engaged in terrorism-related activity would automatically forfeit their Australian citizenship even without a conviction, though they could appeal the forfeiture in court.

Offenders could even have their citizenship revoked even if they were later acquitted by a jury, Professor Williams said. The proposed law aimed to bypass the courts in breach of the separation of judicial power: it also breached the implied right to vote.

The Law Council of Australia told the parliamentary inquiry that the bill also had no safeguards for children and could apply to children under 10 "regardless of whether the children know that his or her conduct is wrong and without an intention to sever allegiance with Australian values". <http://tinyurl.com/qcjuwse>

The question arises, Civil Liberties Australia says, why a government would propose such a faulty bill to parliament. The answer is that governments have successfully passed panicked, "emergency" law – without proper thought or an overall plan – for more than a decade, and they think they can get away with anything.

Committee demands Dutton justify law

The parliament's Human Rights Committee says the government's proposal to revoke the citizenship of Australians "deemed" to have been involved in terrorism, particularly how it might apply to children, is over the top.

The committee found there was nothing in the bill to stop a child over 10 having its citizenship revoked. The government argues that protecting national security "outweighs the best interests of the child", but the committee said this "misapprehends" the government's obligations.

The HRC said the policy limited human rights such as freedom of movement "but did not sufficiently justify that limitation".

The report found if someone convicted of a terrorism offence had their citizenship stripped, it comprised "double punishment". The HRC asked Immigration Minister Peter Dutton to explain "why existing laws and powers are

insufficient to protect national security". <http://tinyurl.com/pjftoa>

Minister, we live in a First World country

Social Services Minister Scott Morrison last month dismissed as a "First World issue" criticism by the human rights watchdog of the government's plan to scale back paid parental leave.

His comments followed the Australian Human Rights Commission warning that Australia could be in breach of its international human rights obligations if it excludes what the Coalition government calls "double dippers" from the system. The changes, proposed in the May budget, would make it harder for parents to access the government scheme if they receive parental leave through their employer. <http://tinyurl.com/oboenvz>

Civil Liberties Australia points out that we actually live in a First World country, at least for the moment. We do have greater liberties and more extensive rights than many other countries...but there's no reason that any federal government should diminish those freedoms, or limit future possible benefits.

ODD SPOT: MPs like double-dipping

All those party fundraising – for electioneering purposes – functions that federal MPs are wont to charge us to attend?

We already pay the MPs once: the last federal election resulted in just over \$58 million being paid to political bodies. And just recently the inbuilt CPI indexation delivered up a rate increase from 248.8 cents per vote to 259.405. The reality is all that funds raised go to extra party spending on political TV advertising which 99% of Australians would be happy to avoid. <http://www.aec.gov.au/> and <http://tinyurl.com/qy9rjp6>

Labor moves to ginger up the PJCIS

The Labor Opposition has introduced a bill to significantly expand the powers of the Parliamentary Joint Committee on Intelligence and Security, Renai LeMay reports in his *Delimitter* journal.

New provisions would free up PJCIS operations, in a move which could have a significant impact on the chief parliamentary oversight body of Australia's national electronic surveillance regime, he says.

"Unlike most other parliamentary committees, the PJCIS is established by legislation rather than by order of the Senate or House of Representatives. It is created under the Intelligence Services Act 2001 for the purpose of providing parliamentary oversight of Australia's sensitive intelligence services – agencies such as ASIO and ASIS which cannot have their operations publicly examined." <http://tinyurl.com/ork8wx2>

While the bill would allow the PJCIS access to more expert advice, it also proposed opening up the committee's membership.

Civil Liberties Australia is critical of the PJCIS because it is a club mostly exhumed from retired spooks and military people, now MPs, whose group-think is far removed from that of the average Australian.

Civil liberties and human rights issues do not rank equally with security considerations in the minds of the committee members, which CLA believes is a significant failure of balance.

As LeMay points out, the current law has been interpreted to permit only Coalition and Labor MPs on the very select committee: with the broad representation in the current parliament, a committee that doesn't represent a greater political diversity is an anachronism.



Spooky Libs big hit in Paris

Three members of the PJCIS – all Liberals, Fawcett, Ruddock and Tehan (*photo*) – enjoyed two weeks at the height of the northern summer recently while holding meetings with spooks from the US, UK and France, discussing “security, shared

intelligence and measures to counter violent extremism”.

So Senator David Fawcett told parliament in a verbal report on 19 Aug. You'd think a two-week trip would involve more than nine paragraphs of verbal puffery in the Senate, but the secretive committee doesn't normally report at all, so this was a breakthrough in terms of accountability of MPs for spending probably about \$100,000 of our money in two weeks.

Mind you, the former test pilot, trained to report on anything amiss, had nothing but platitudes to offer.

“The security relationship with the US and the UK has always been strong, and this was reflected in the willingness of agencies such as the CIA, the FBI, the NSA, the Dept of Homeland Security, and the Dept of State—and the UK equivalents—to provide detailed briefings and to engage in dialogue.

“What was surprising and encouraging was the openness of the French government to provide access to their intelligence and counterterrorist agencies...we were informed that we were the first foreign delegation to gain access to the French intelligence services for such briefings and discussions. This highlights the high degree of concern and threat in Europe that is perceived from what is happening in Syria and Iraq and the advent of the Daesh there.

“The delegation also had productive meetings with legislators both from a policy and an oversight perspective. Discussions with members of both US congressional and US senate select committees on intelligence, the UK intelligence and security committee of the parliament and the French national intelligence coordinator were very constructive and informed our deliberations on the current tranche of legislation—the citizenship bill.” Senator Fawcett said.

So, if you examine the worst of the worst new legislation put in place in the US, UK and France in recent times, you can expect its equivalent to hit the Australian parliamentary business paper shortly. That's probably what the Terrible Trio learned on their travels. <http://tinyurl.com/nvt69a5>

PS: PJCIS chair Dan Tehan came back from this hobnobbing to float the idea on TV of Australia bombing Syria, sending in more troops on the ground in the Middle East, and generally getting over-embroiled in yet another war far, far away. A week later, PM Abbott had taken up the refrain, having originally floated the idea himself with Washington, according to Defence insiders.

ODD SPOT: Hairy-bummed BooFheads get their behinds protected

We had, perhaps mischievously, nicknamed the new Border Force the BooFheads...but it seems they need to be called the Hairy-bummed BooFheads. Here is part of their new legislation:

(4) If a prohibited drug test requires an Immigration and Border Protection worker to provide a sample of hair, the authorised tester collecting the sample:

(c) may collect the sample from any part of the Immigration and Border Protection worker's body, other than:

(i) the genital or anal area; or

(ii) the buttocks.

Part 3 – Conduct of alcohol or drug tests: 9 - procedures (4)

Must be lots of hairy-bottomed workers in Border Force, if the buttocks are a legislated no-go area for hair sampling. We can't wait to see the workers line up to give the to salute Minister Peter Dutton during a strike.

Governments pool CCTV images to track us

Stills from CCTV footage shot anywhere could soon be available in a national network link to scan and match faces against holdings like driver's licence and passport photos.

Stills from anywhere — inside or outside Australia — could be used to identify people of interest to the AFP, spy agencies, the BooFheads and other law enforcement agencies.

In May, attorneys-general and police ministers agreed to explore how law enforcement agencies could "share and match facial images" used on ID documents such as passports, visas and driver's licences. Most agencies hold facial images, but there is no easy, automated way to share it.

The federal Attorney-General's Department has allocated \$12.6m for a hub, and an extra \$5.8 million to help everyone connect. According to AGD, there are over 100 million facial images held by government agencies responsible for issuing ID documents. — Josh Taylor, writing in *Crikey*.

Imagine it's you: Wrongful Conviction Day

Civil Liberties Australia will join other rights and freedoms organisations around the world to celebrate Wrongful Conviction Day on 2 October.

“We fail ourselves if the wrong person is in jail. Police, prosecutors, and judges are society's agents: what they do in our name, rightly or wrongly, measures us as a people. Imagine for a moment that it's you locked behind bars, innocent,” Bill Rowlings, CEO, Civil Liberties Australia, is recorded as saying on the worldwide publicity material. <http://tinyurl.com/pllua24>

Woman wronged receives \$2m for 10 lost years

A woman wrongfully jailed for trying to kill her husband has described public prosecutors as "monsters", after winning more than \$2 million in damages.

Roseanne Beckett, from Wollongong NSW, was jailed in 1991 for allegedly trying to solicit others to kill her husband, Barry Catt, as well as to poison him with lithium. She was released in 2001, when new evidence came to light.

The charges were quashed in a 2005 appeal, but there was never a re-trial because the NSW Director of Public Prosecutions decided not to pursue the matter.

Ms Beckett had tried to sue for malicious prosecution but was told she would have to prove her innocence first. In 2013, she won a High Court bid for compensation on the basis of a malicious prosecution, after she asked the High Court to review the law.

Justice Ian Harrison handed down his judgment last month in the NSW Supreme Court to pay her \$2 million plus costs for malicious prosecution. <http://tinyurl.com/pxt66c3>

NSW: the state of brotherly scanners

NSW has logged the full details of 1.5 million patrons of Kings Cross which has resulted in 23 breaches. Is that 0.0000153 offence identification rate worth it, Civil Liberties Australia asks?



Police Minister Troy Grant (*photo*) said scanners had detected 17 breaches of 208 long term banning orders and six breaches of the 223 short term banning orders from entering large venues in Kings Cross under powers introduced after the death of teenager Thomas Kelly.

"If you do the wrong thing, we know who you are, what you look like and we will find and charge you," Mr Grant said. But also it is true that, in fraught big brother fashion: "If you don't do the wrong thing, we know who you are, and what you look like," Civil Liberties Australia says.

The cost of the scanners, and the people to run them, and the database to keep all the ID, and the danger of that ID leaking and being misused? Priceless! <http://tinyurl.com/nper8ks>

Sloppy COPS costs \$1.85m

The NSW Police force has agreed to pay \$1.85 million to maybe 100 young people wrongfully arrested, imprisoned and in some cases strip-searched due to errors in the police database.

The youths were victims of basic errors in the Computer Operational Policing System (COPS) database.

The errors occurred when bail conditions were either dropped because a case was finalised, or varied to allow for work, study or family commitments, but this change was not added to the database. As a result the young people involved were wrongly arrested for breaching bail.

As well as the \$1.85m settlement, NSW Police face millions of dollars in legal bills. The numbers entitled to compensation may yet increase – youths have until 9 October to register for the membership of the class action on the Public Interest Advocacy Centre website. <http://tinyurl.com/p6dq86d>

Had your vote? Have your say?

The NSW Parliament Electoral Matters Committee is conducting an inquiry into the 2015 NSW state election.

It is seeking submissions and will hold public hearings in October and November 2015.

Issues likely to be addressed include the work of the NSW Electoral Commission, ways of voting such as iVote and the rules for election campaign materials.

Details: <http://www.parliament.nsw.gov.au/electoral matters>

New child porn laws double time in jail

New Victorian laws will make it easier to catch and prosecute those who engage in the "absolutely evil trade" of internet child pornography, according to Victoria's Attorney-General Martin Pakula.

Three new offences will tighten loopholes and double the maximum penalty for child porn offences to 10 years' jail. They include administering a child porn website, encouraging the use of a website to deal with child porn and a new offence about providing assistance to any other person to avoid apprehension.

The laws will also allow prosecutors to "sample" child pornography, rather than having to go through every individual

image, and will give magistrates new powers to issue search warrants that allow police to demand passwords to access the images. <http://tinyurl.com/ppu5ukq>

Discrimination against foreign doctors: finding

The ACT government is fighting a tribunal ruling that its medical intern selection policy racially discriminates against foreign-trained doctors: most state hospitals have a similar policy.

The ACT government has asked the ACT Supreme Court to quash the administrative tribunal decision and remove the tribunal member who made it, Allan Anforth.

Experienced Chinese-trained neurosurgeon, Qinglin Wang, who failed in his bid for an internship at Canberra Hospital, appealed to the ACT Civil and Administrative Tribunal, alleging that the territory's policy of preferring Australian-trained doctors for medical internships discriminated against him because of his race. He won an interim decision in January, delivered by ACAT tribune Allan Anforth, but a second decision on whether the policy indirectly discriminates is still pending.

Lawyers for ACT Health tried to force Mr Anforth to step aside, alleging he was biased because of a casual conversation he had with a university professor around a *Four Corners* TV program about bullying in the medical profession. The lawyers contended the conversation showed Mr Anforth held views that "widespread" gender and race issues existed within the medical profession. Mr Anforth responded with the line: "*I am required to have an open mind to the issues, not an empty mind.*"

Now the ACT government is asking a Supreme Court judge to over-rule Mr Anforth's decision. <http://tinyurl.com/qzquzet>

Justice Minister's cannabis proposal rejected

The ACT Legislative Assembly has rejected a medical cannabis scheme proposed by Territory Justice Minister, the Greens' MLA Shane Rattenbury.

Mr Rattenbury presented draft legislation to the Assembly in August 2014 that would make it legal for people suffering chronic or terminal illnesses to use cannabis for medical purposes. People would be able to get a permit to grow the cannabis.

The committee, two Labor and two Liberal MLAs, has recommended the bill be rejected in its current form. Committee chair, Labor's Chris Bourke, said it was a national issue: the ACT should not go it alone.

The committee made seven recommendations, including that the ACT Government continue to work with the Commonwealth, States and Territory on a national medicinal cannabis scheme, and clinical trials. It also calls on the Federal Government to improve access to synthetic cannabis drugs. <http://tinyurl.com/ngzfhxo>

Paperless arrests wrong says coroner

Paperless arrests in the Northern Territory should cease, coroner Greg Cavanagh found last month after an indigenous man died in a concrete cell in custody, despite asking to see a doctor.

Indigenous artist 59-year-old Kumanjayi Langdon was arrested for drinking alcohol in a park in Darwin under the government's recently introduced paperless arrests regime, a euphemism for locking people in cells overnight to sober them up.

The paperless law allows NT police to arrest and hold people in cells for up to four hours with no warrant or access to lawyers: a challenge to the law before the High Court on claims it is unconstitutional will be heard this month (September 2015).

The man whose death he was inquiring into had the right to die a free man, the coroner said. "In my view, unless the paperless arrest laws are struck from the statute books, more and more disadvantaged Aboriginal people are at risk of dying in custody, and unnecessarily so."

NT Attorney-General John Elferink said the government would not repeal the paperless arrests. <http://tinyurl.com/plw9pzf>

Anti-abortionists challenge exclusion charges

Three anti-abortion protesters charged under Tasmania's Reproductive Health Act have admitted they were within the 150-metre exclusion zone of a clinic but will fight the charges on constitutional grounds.

The three near-60-year-olds have all been charged over a protest outside a termination clinic in Hobart's CBD in April 2015 under the state's newish Reproductive Health Act.

In a case that could have ramifications for similar abortion clinic exclusion zones in Victoria and the ACT, they will argue that the law is invalid due to implied freedom of speech and religious freedom.

Their first hearing in a battle that could reach to the High Court will take place in Hobart Magistrates Court on December 2. <http://tinyurl.com/pa6a6m2>

Judge criticises bad rules governing prisoners

"I've already done a quarter of a century. How much longer? I don't want to die in jail," said Jamie McCrossen, 43, one of Tasmania's longest-serving prisoners, who has been locked in prison since 18.

He was jailed for assault and wounding and then declared a Dangerous Criminal in 1991 after sending threats to victims of his violent offence. Now he is applying for that decision to be reversed.



Justice Shan Tennent (*photo*) observed that the legislation governing declared dangerous prisoners in Tasmania was not as sophisticated as interstate laws. "I think it's pretty appalling to be honest, but that's just a personal view," she said. For example, a judge is not able to make orders that an applicant complete courses or comply with

conditions on release. Justice Tennent adjourned the case: she will deliver her decision later. <http://tinyurl.com/qb52bsu>

Support Sue Neill-Fraser at Marina Cafe party

Supporters of Sue Neill-Fraser are inviting people to a campaign cocktail party on Friday 4 Sept from 5.30-7.30pm at the Marina Cafe, foot of Bender Drive, Derwent Park, Hobart.

Neill-Fraser has spent six years of a 23-year sentence in Risdon prison convicted on dubious circumstantial evidence for murdering her husband. Bob Chappell disappeared overnight from a yacht in Sandy Bay in 2009: no body has never been found. CLA believes she is innocent, and should be freed.

To attend the function costs \$35, which includes a ticket in a lucky door prize, or \$40 to be included in an extra draw for accommodation vouchers, scenic flight and other prizes.

RSVP to Judy Benson northhobart@bigpond.com or phone 0418 335 299. Disclosure: co-proprietor of the Marina Cafe is CLA Director Rajan Venkataraman.

CIC criticises complacency over corruption

Public servants are escaping prosecution for misconduct because the Tasmanian government is complacent, according to the retiring inaugural Chief Integrity Commissioner, Murray Kellam.

After five years in the role, in a parting statement he accuses the government of complacency in tackling corruption, saying its failure to create an "offence of misconduct in public office" has meant public servants who would be prosecuted in other states are getting away with misbehaviour. He attacked the government's budget cuts to the watchdog and what he described as a "manifestly inadequate" legislative framework. <http://tinyurl.com/pjh6m6z>

The Tasmanian public service has an appalling record for spitting out people from interstate brought in to try to fix institutional management problems, Civil Liberties Australia has noted previously. The most recent high profile case was a prisons boss from England who was sent packing...then apparently committed suicide within a year of returning to his home country.

Suspended sentences would overcrowd jails

The number of Tasmanians sent to jail could triple if suspended sentences were abolished and not replaced with other non-custodial options, Tasmania's Sentencing Advisory Council has found.

In a preliminary report on the Tas government's plan to phase out suspended sentences, the council has recommended options including home detention, expanded treatment, enhanced community-based sanctions and deferred sentences.

If the 3975 fully suspended sentences imposed by magistrates' courts from 2011 to 2014 were converted to imprisonment, more than three times as many offenders would have been jailed over the period, Sally Glaetzer reported the council saying. <http://tinyurl.com/oadf2nq>

40-year-old murder conviction to be appealed

Legal academic and author of the latest Australian book on the Rule of Law, Dr Bob Moles, advised last month that Frits Van Beelen, convicted of murder in South Australia in 1972, will appeal his conviction on the basis of unreliable forensic evidence given at his trial by Dr Colin Manock, then state pathologist.

Dr Manock is the same person who was found by the SA Court of Appeal to have given unreliable forensic evidence at the trial of Henry Keogh. Mr Keogh, who was released from 19 years in prison in December 2014, has also applied to have his further prosecution halted. Links to articles on both cases: <http://netk.net.au/whatsnew.asp>

Top WA barrister Malcolm McCusker – a QC and former WA Governor – has said that all of the 400-plus convictions in which Dr Manock was involved will have to be reviewed. <http://netk.net.au/MOJGeneral/MOJ4.pdf>

Former High Court judge Michael Kirby has said that this might place an intolerable burden upon an already overworked appellate court, and that a Criminal Cases Review Commission might be necessary in South Australia or in Australia generally. See: <http://netk.net.au/MOJGeneral/MOJ3.pdf>

The situation with possible flawed convictions based on wrong forensic interpretations in SA is so serious that it threatens to draw in federal bodies over whether Australia is delivering on its international commitments to conventions which require a fair and just legal system to operate properly.

Law forces baristas to challenge bikies

New anti-bikie laws are creating stress among hospitality workers who are obliged by law to ask members of 10 outlawed gangs to leave licensed premises, the Australian Hotels Association says.

The SA laws declare the gangs as criminal organisations, meaning it is an offence for members to wear associated clothing, or colours, or gather in public, whether that's a licensed cafe, the local sport club or a hotel.

The AHA's Ian Horne said his group was advising the industry to not put workers in harm's way. Staff should call the police rather than confronting the gang members, as the law demands, he said. <http://tinyurl.com/ojnss5z>

Senator Penny Wright steps down

Senator Penny Wright (Greens, SA) has resigned from parliament for family reasons.

During the valedictory addresses to her, an opponent, Labor Senator Penny Wong, had this to say:

"Not only has Senator Wright's time in this place demonstrated her passion for environmental causes, but also I have been particularly struck by her continued and deep commitment to human rights and the law, as well as to mental health and education. In her time in parliament, she has held positions most notably on the Senate Legal and Constitutional Affairs Committee including as chair of the references committee in the current parliament, as well as on the Joint Committee on Human Rights and on the Joint Committee on the Australian Commission for Law Enforcement and Integrity.

These appointments reflect her interest and her expertise in this area, which she obviously brought to this place from her previous experience as a lawyer and advocate, which have also complemented her role as legal affairs spokesperson for the party.

"Senator Wright has today spoken about some of the priorities of her work, including justice reinvestment. I would say this: Senator Wright came to this chamber as a lawyer, and in her work and focus in this place she has demonstrated a consistent adherence to some of the best and highest principles of the legal profession, including the rule of law and the rights of the individual."

The Greens leader, Senator Richard di Natale, said:

"She drove an inquiry into the value of justice reinvestment in Australia to deal with issues such as the high incarceration rate of Aboriginal people across the country, and looking at whether we can redirect our resources in a much more caring and cost-effective way

She has been such a strong defender for the rule of law.

She has been a champion for human rights and civil liberties, against some of the attacks we are currently seeing on the rule of law in Australia.

Penny Wright is a member of Civil Liberties Australia: we congratulate her on her work for the people of Australia on legal and justice issues over the past four years. "If only the Senate and the House were full of Penny Wright clones!" CLA President Dr Kristine Klugman said.



Photo: CLA V-P Tim Vines, President Dr Kristine Klugman and Senator Penny Wright during a meeting on justice issues in 2013.

Judge says Aboriginal kids prefer jail to home

Aboriginal children in remote communities see detention "as a better place to be" because they can escape physical and sexual abuse and get fed, according to WA's Chief Justice Wayne Martin.

He told a parliamentary committee inquiring into Aboriginal and Torres Strait Islander experience of law enforcement and justice services that children as young as 10 were deliberately getting caught breaking the law. "I was told that many times in my visits to regional communities," he said.

Justice Martin has been outspoken about indigenous issues in the past, in 2010 saying putting young people in jail was more expensive than putting them up in a hotel and earlier this year lamenting the scourge of drugs in remote communities. <http://tinyurl.com/ou9qf14>

Police break finger during strip search

Police who injured a 33-year-old Joanne Martin during a strip search at East Perth Watch House, in April 2013, including breaking a finger, engaged in serious misconduct, a Corruption and Crime Commission report has found.

She had been arrested for disorderly behaviour in Northbridge.

Officers tried to remove Ms Martin's ring during the strip search, leaving her with a broken finger that later required the insertion of a rod, while she also had bruising on her left arm and complained of a painful left shoulder after being punched.

The CCC said some of the police officers engaged in serious misconduct, misconduct and reviewable action but it would be up to Police Commissioner Karl O'Callaghan to decide whether criminal or disciplinary action should be taken. <http://tinyurl.com/oydfghr>

Australian briefs

MacSporran is new CCC supremo: Alan MacSporran QC takes over as chair of Queensland's Crime and Corruption Commission from today (1 Sept). He has worked as a crown prosecutor in the Qld office of the director of public prosecutions before joining the private bar, has experience prosecuting matters on behalf of the Commonwealth and State and served as the Parliamentary Crime and Misconduct Commissioner between 2004 and 2009.

Photos added to sex register: The ACT government is beefing up police powers to monitor child sex offenders, including new powers to force offenders to hand over digital information and be photographed. Police will also be given the power to publish photos, names and identifying details of child sex offenders if they fail to report to police as required or if they are believed to pose a risk. <http://tinyurl.com/oq3jwwho>

Bruxner heads NTCAT: Richard Bruxner has been appointed president of the NT Civil and Administrative Tribunal, at the rank of stipendiary magistrate. Last year he became inaugural NTCAT president for 12 months. AG John Elferink also announced that Alan Woodcock would become a stipendiary magistrate. Woodcock has worked as a lawyer in the NT since 1994 in private practice, as a prosecutor with the office of the director of public prosecutions, and in his own legal practice. He has been a barrister since 2010. – media release NTAG 22 Aug 2015

'Syria travel agent' trial to proceed: Hamdi Alqudsi, accused of recruiting for Islamic State, has lost a NSW Supreme Court challenge, with a judge upholding the federal foreign incursion laws. He is accused of arranging the travel of seven young men to Syria in 2013, so they could fight with Islamic State. His trial is set down for December. <http://tinyurl.com/ouuzche>

Govt moves to protect private parkers: The ACT Government has passed a new law quickly to protect the identity of thousands of Canberra drivers overstaying their welcome in private car parks. The law blocks the country's largest private car park owner from accessing the personal details of hundreds of Canberra drivers, stopping it from potentially issuing misleading fines. The ACT Liberals opposition voted against the laws, arguing businesses have a right to recover debts and stopping them could force car parks to resort to wheel-clamping. But the Minister for Municipal Services, the Greens' Shane Rattenbury, said car parks had options to legitimately earn money and that harassing drivers at home should not be one of them. <http://tinyurl.com/oq3ekv5>



...even more emphasis on counter-terrorism: The financial intelligence units of Australia and Indonesia are to co-host a counter-terrorism financing summit. Chief Executive of the Australian Transaction Reports and Analysis Centre, Paul Jevtovic and the Head of the Indonesian Financial Transaction Reports and Analysis Centre, Muhammad Yusuf, will co-

chair the event in November in Sydney. So far as we are aware, there has been no meeting with Indonesia to discuss exchange of prisoners, or finding a way to repatriate Australians sentenced to death in Indonesia to serve a life sentence in Australia. <http://tinyurl.com/o6lkg5l>

Legal aid services reinstated: The NT Legal Aid Commission has received an extra \$1m funding from the NT government to help with increased case loads. The funding is in addition to the \$1.53 m federal funding. Legal Aid approached Attorney-General John Elferink expressing concern that an increase in case loads had made it difficult to work within funding parameters and services

would, regretfully, be limited moving forward. Full services are now being reinstated. – media release, NT AG, 28 Aug 2015.

CLA report — key activities for August 2015

CLA held a quarterly Board meeting in August – major items:

- Transition of web master position successfully completed; thanks for eight years service by former Director/ Webmaster Lance Williamson, as well as to (briefly) interim Webmaster Arved Von Brasch and new Webmaster Hayat Khan.
- Seminar given by Bernard Collaery on ASIO and East Timor, organised in conjunction with the ACT Bar Assn, ACT Law Society and ANU Law School, well attended; suggestions for 2016 invited.
- Management: resignation of Director Noor Blumer noted, with grateful thanks for her years of service; Director Rajan Venkataraman to be media spokesperson in Tasmania, appointment of new volunteer bookkeeper, lawyer Jessica MacDonald, welcomed.
- Project: CLA will undertake survey and analysis of processes for appointing and overseeing DPPs around Australia: meetings with barrister and solicitor members of CLA undertaken to scope project, meetings held with political and senior DPP/magistrate figures.
- New 'influencers campaign' aims to develop a short document of key issues/quotes to send to key member contacts, reporters, bloggers, influencers on a fortnightly basis with the aim of shaping media coverage: initiative to be developed and trialled, to be confirmed next board.
- Following design work, replacement of existing CLA banners and other promo material to be undertaken.
- Media spokesperson: very successful engagement with European Visitors Program in Brussels.
- Attended Senator Penny Wright valedictory speech (see report).
- Letter to Hon Michael Kirby re continued detention of Chiseko Mkoka, SA, and response.

Submissions:

- ChAFTA (Chinese-Australia free trade agreement) inquiry into trade agreement: lead author Pauline Westwood – lodged.
- Education processes in/by the Australian Parliament – lodged.
- NSW: Ombudsman inquiry into Firearm Prohibition Orders search powers: lead author: President Dr Kristine Klugman – lodged.
- ACT Human Rights Commission restructure – lodged.
- Victoria: Victorian Parliament's Legal and Social Issues Committee inquiry into end of life choices — lodged.
- ALRC inquiry into Rights and freedoms in Commonwealth laws — interim report released: submissions being prepared by 21 Sept 2015, led by Director Rajan Venkataraman. <https://www.alrc.gov.au/publications/traditional-rights-freedoms-ir127>
- Death penalty (see article above); group report urging government action – lodged.
- Right To Appeal – double jeopardy issues submission being developed.

Internship: Bilal Hussain, ANU law student, research paper on refugees/detention possible.

Media:

- Nightclub ID scanners, interview for Perth Indymedia radio
- Anti-terror laws and foreign fighters, interview for Canada print article.

International:

- liaison with AIDWYC – <http://www.aidwyc.org> – re Wrongful Conviction Day.

INTERNATIONAL

First Saudi women sign on to vote

Two women in Saudi Arabia made history last month when they became the country's first registered female voters, according to local media.

"The participation of the Saudi women in the municipal elections as voters and candidates was a dream for us," Jamal al-Saadi, one of the women who registered, told the *Saudi Gazette*.

Candidates were to begin signing up on 30 August 30. Men and women will vote in separate polling places.

In 2011, the now-late King Abdullah announced that women would be allowed to vote and run as candidates starting in 2015 in municipal elections, the only elections held in the Saudi Arabia. <http://tinyurl.com/nvqrftq>

Prosecutor sacked for over treason charge



Is publishing leaked details of state surveillance treason...or a lesser offence...or no offence at all?

That's the dilemma Germany is confronting after the Merkel government's Justice Minister Heiko Maas (*photo*) sacked the nation's head prosecutor Harald Range.

The furore concerns the publishing by two journalists at netzpolitik.org of information about German surveillance. While the state v judiciary fights continues, investigation and prosecution of the media people has been 'paused'.

Before the sacking, the Justice Minister had told Range that he doubted publishing the leaked documents constituted treason. Chancellor Angela Merkel backed her minister, saying that she gave him "full support", while refusing to say whether she still had confidence in Range, effectively siding with Minister Maas.

Prosecutor Range hit back, accusing Maas of "an intolerable encroachment on the independence of the judiciary." Watch this space: the battle over press freedom in Germany has a way to run, and will involve lessons for other western nations. <http://tinyurl.com/o4fewj5>

US spies commercially on Japan

WikiLeaks has published leaked documents from the US National Security Agency showing that America spied on Japan, and that the US shared the intelligence with Australia.

The NSA has already been identified as spying on allies Germany and France.

Four of the newly-leaked documents marked "top secret" show details of the Japanese government's positions and tactics on climate change and trade negotiations from 2007 to 2009. One document on Japan's climate strategy for the 2008

G8 summit is marked for sharing with Australia and the other 'Five Eyes' spook partners, Britain, Canada, and New Zealand.

WikiLeaks also published a list of US surveillance targets in Japan that included Japanese politicians, its top central banker and major firms. <http://tinyurl.com/psvpo9j>

ODD SPOT: Animals have no legal rights: judge

Two chimpanzees will remain at a university research lab after a judge declined to grant them a writ of habeas corpus. NY Supreme Court Justice Barbara Jaffe in April ordered litigation on whether Hercules and Leo had the right to challenge whether they were being unlawfully deprived of their liberty, held as they are for locomotion research at the state-run Stony Brook University in New York. But recently the judge ruled habeas corpus is reserved for humans only. Therefore, the male chimps won't be transferred to a Florida animal sanctuary called "Save the Chimps," as the Nonhuman Rights Project of Coral Springs, Florida demanded on the chimps' behalf. Jaffe wrote that efforts to give animals the same rights as humans "may even succeed" some day but that courts "are slow to embrace change." For now, she concluded that animals, "including chimpanzees and other highly intelligent mammals, are considered property under the law. They are accorded no legal rights." <http://tinyurl.com/pgt3vaf>

Fines for straying from government's line

Egyptian president Abdel Fattah al-Sisi has ratified a new anti-terrorism law with massive fines and possible sacking for "false" reporting on militant attacks.

The government sped up the passage of the law after the state prosecutor was assassinated in a car bombing in late June, followed by a large-scale jihadist attack in the Sinai peninsula days later.

The military was infuriated after media, quoting security officials, reported that dozens of troops had been killed in the Sinai attack. The military's official death toll was 21 soldiers: scores of jihadists also died.

The law sets a minimum fine of about \$34,000 and a maximum of \$87,000 for anyone who strays from government statements in publishing or spreading "false" reports on attacks or security operations against militants. <http://tinyurl.com/q67cu9n>

Fijian supremo cracks down on opponents

Defence lawyer Anam Ravindra-Singh, representing some of the 65 people charged with sedition and inciting political violence in Fiji, says authorities are yet to show evidence of their claims.

Some have been accused of trying to form a separate Christian state while others are alleged to have used firearms and being involved in military-style training.

Ravindra-Singh said he had yet to receive any information about evidence from prosecutors and police.

"In reality, we have been kept in the dark as counsel for these persons and we have yet to see any shred of evidence with regards to the allegations of guns and firearms being involved in military-style training,"

He said the police and prosecution had created a climate of fear and insecurity over the people of Fiji, adding that the local media had been censored also. President Frank Bainimarama apparently believes a Christian-based group is planning a breakaway state. <http://tinyurl.com/oye439q>

'Homegrown' too close to the bone

A controversial play, 'Homegrown', exploring the motives behind radicalised young people joining Islamic State has been cancelled without warning in the UK less than a fortnight before opening night.

The National Youth Theatre production's director Nadia Latif and playwright Omar El-Khairi claim both local authorities and police stuck their oars in.

With a cast of 112 aged between 15 and 25 – mostly from ethnic minorities – the play was developed through workshops with the young actors, looking at the emotive issues of jihadi brides and attitudes towards Islam in the UK. It was to be an immersive, promenade production, where the audiences could walk through school corridors, witnessing conversations and dramatic moments between the cast. <http://tinyurl.com/qxq9nuf>



Photo: Homegrown, left to right, Vanessa dos Santos, Humaira Wadiwala, Marilyn Nadebe.

Credit: Helen Maybanks/National Youth Theatre

Death sentence may be on its last legs

"The last member of the (US Supreme) court to renounce the death penalty was Justice John Paul Stevens, who retired in 2010," writes Linda Greenhouse in analysing execution sentencing in the USA.

"In the ensuing five years of silence, executions plummeted to a 20-year low (35 last year, compared with a high of 98 in 1999) and public approval of the death penalty, at 56% earlier this year, was the lowest in 40 years. Seven states carried out executions last year, compared with 20 in 1999.

"It's no exaggeration to say that there is a widespread de facto moratorium in place, even in most of the 31 states that still have the death penalty on their books. In four of those states – Washington, Oregon, Colorado and Pennsylvania – governors have imposed an actual moratorium," she wrote. <http://tinyurl.com/nfyfae3>

UK goes backwards on death penalty

The UK Foreign Office has revised its global human rights priorities, dropping any explicit reference to its campaign to abolish the death penalty.

The recalibration of the promotion of civil liberties overseas has triggered a row between campaigners and the foreign secretary, Philip Hammond.

According to the department, the change in terminology does not signal a shift in policy on capital punishment. The Foreign Office, however, has confirmed that it is in the process of re-labelling its much vaunted "six global thematic priorities", which consisted of women's rights, torture prevention, abolition of the death penalty, freedom of expression on the internet, business and human rights, and freedom of religion or belief.

In their place will be three less specific categories relating to human rights, democratic values and the rule of law. There is no mention of opposing the death penalty in the title of the new overarching themes.

The department also confirmed it was dropping the term "human rights countries of concern" and replacing it with the less critical-sounding "human rights priority countries".

In response, the UN has appointed Maina Kiai as a special rapporteur to focus on freedom of expression and assembly. The EU organised a global forum of more than 200 civil society participants last December. <http://tinyurl.com/py94lx5>

Clive Stafford Smith writing in *The Guardian (UK)*, 27 Aug 2015:

At one time or another, essentially every country has used capital punishment. Yet today, of the 195 states recognised by the UN, only 37 killer countries remain: just one in five. Of the rest, 102 have formally abolished, and 56 have either not executed for more than 10 years, or have imposed a formal moratorium. The death penalty is in its death throes. <http://tinyurl.com/o99begu>

Global oppression limits liberties bodies

Human rights organisations and campaign groups are facing their biggest crackdown in a generation as a wave of countries pass restrictive laws and curtail activity.

Almost half the world's states have implemented controls that affect tens of thousands of organisations across the globe.

Over the past three years, more than 60 countries have passed or drafted laws that curtail the activity of non-governmental and civil society organisations.

Ninety-six countries have taken steps to inhibit NGOs from operating at full capacity, in what the Carnegie Endowment calls a "viral-like spread of new laws" under which international aid groups and their local partners are vilified, harassed, closed down and sometimes expelled. <http://tinyurl.com/nclvxpj>

Telecom giant helps spy on UN delegates

The US mega-telecom company AT&T has had an "extraordinary, decades-long" relationship with the National Security Agency, the *New York Times* reported last month. Citing NSA documents dating from 2003 to 2013, the *NYT-ProPublica* story said AT&T was "highly collaborative" with an "extreme willingness to help" with government internet surveillance.

The documents show that AT&T gave the NSA access to "billions of emails as they have flowed across its domestic networks", the *NYT* and *ProPublica* said. They also claimed that AT&T provided "technical assistance" in "wiretapping all internet communications at the UN headquarters" in New York City. <http://tinyurl.com/qg2mzuv>

Where there's smoke...there's a litigious multinational

Photo shows a recent placard from a New Zealand anti-TPP demonstration.

The New Zealand government has allegedly received a warning from manufacturers Philip Morris that, if the country adopts plain packaging for cigarettes, it will be sued.



The company has already taken Australia before a non-judicial tribunal under an Australian–Hong Kong FTA. Australia has so far paid a reported \$50m to defend the case, ...even though the High Court of Australia had ruled conclusively in the favor of Australia.

It appears the new international regime, under the Investor State Dispute Settlement provisions, means that a national's sovereignty has become meaningless if mega-corporations want to dispute it, and the top court in any country is a meaningless bumper bar on the way to a multinational achieving what it wants.

International briefs

'Death penalty is cruel, unusual punishment' – court:

Casting the death penalty as an outdated tool of justice at odds with today's societal values, Connecticut's highest court last month spared the lives of 11 men on death row by ruling that capital punishment violated the US state's constitution. The court ruled, 4 to 3, that a 2012 law abolishing capital punishment must be applied to the 11 inmates facing execution for offences they committed before the measure took effect. But the decision went well beyond the narrow question of whether those men could be executed, declaring that the death penalty, in the modern age, met the definition of cruel and unusual punishment. <http://tinyurl.com/ozrg67f>

UN fails to pay 4000 interns: The UN has admitted to not paying more than 4000 interns, 68% of them women, in the last reporting year, pledging to review its internships policy after outrage about an unpaid graduate left with no option but to live in a tent in Geneva. David Hyde, 22, resigned from his post after revelations about his sleeping arrangements: he had flown 11,000 miles from New Zealand to take up an internship. Hyde said accommodation costs in the Swiss city were unaffordable. Images of the international relations graduate – standing in an immaculate suit, UN badge around his neck, next to a small, blue tent and rolled-up foam mattress by Lake Geneva – had circulated on social media. <http://tinyurl.com/qa3tj2o>

Maltese prof is new UN privacy supremo: Newly-appointed UN special rapporteur on privacy, Joseph Cannataci, has called the UK's oversight of surveillance "a rather bad joke at its citizens' expense," and said that the situation regarding privacy is "worse" than anything George Orwell imagined in his novel *1984*. Cannataci, a professor of law at the University of Malta who uses neither Facebook nor Twitter, is reviewing

governments' policies on digital surveillance and collecting personal data, and identifying activities that harm privacy protection without any compelling justification. He will also suggest how the private sector should be addressing its human rights responsibilities in this field. <http://tinyurl.com/qyaq693>

Mass shootings up fourfold: US mass public shootings have increased in frequency from 1.1 a year to 4.5 a year since the 1970s, according to a new report by Congressional Research Services. In the 1970s, mass public shootings killed roughly 6 people a year and injured 2. By the 2010s, there were an average of 33 deaths in mass shootings each year, with 28 additional people injured. July 2015 was particularly grisly with five mass killings – including a public shooting at a Chattanooga, Tennessee, military office that killed five service members – occurred in eight days. In the 15 years between 1999 and 2013, there were 317 mass shootings with 1554 victims: for comparison, the 9 Sept 2001 terrorist aircraft attacks killed 2996. <http://tinyurl.com/qerckyt>

Stopping the stopping: Northamptonshire police force in England is stripping officers' right to stop and search suspects if the officers have abused the controversial law-enforcement tactic. Eight police officers have been banned from being able to use the power on the streets. Adam Simmonds, the force's Conservative police and crime commissioner, said officers would have their stop-and-search powers removed if they had conducted searches that were deemed inappropriate on three occasions. <http://tinyurl.com/pruz59v>

Asylum seekers freed from jail: Two asylum seekers jailed over riots at the Nauru immigration detention centre have been freed from prison. The Nauruan Court of Appeal, in a scathing judgement, said the magistrate in the original trial failed to take into account serious flaws in the identification of the two men and also made "very prejudicial" comments that appeared to suggest there was an onus on them to disprove their guilt. The court also said it was concerned Wilson Security appeared to have carried out the investigation that led to the men being charged, rather than the correct authority, the Nauruan Police Force. <http://tinyurl.com/puasdgn>

Google makes one country remember: Google has rejected the French data protection authority's demand that it censor search results worldwide to comply with the European Court of Justice's right to be forgotten ruling. The company's rejection of the ruling for the one country could see its French subsidiary facing daily fines, although no explicit sanction has yet been declared. The ruling, made in May 2014, requires the search engine to remove links to pages that "appear to be inadequate, irrelevant or no longer relevant or excessive ... in the light of the time that had elapsed". Even accurate data that has been lawfully published initially can, the court said, "in the course of time become incompatible with the directive". <http://tinyurl.com/pu3qgw7>

Dying is a Swiss role: On average, one person a fortnight travels from the UK to Switzerland to end their lives in the Dignitas clinic, *The Guardian* reports. Dignitas in Dying says more than 300 terminally ill people end their lives in the UK each year in what the organisation says are "dangerous and undignified" ways. Helping someone to die in the UK carries a potential jail sentence of 14 years. <http://tinyurl.com/hcxppm6>

Half-lifetime jail for unmajestic ‘crimes’: Thai military courts have jailed two people, one for 30 years and the other for 28, for insulting the monarchy, the heaviest sentences for the crime in the country’s history, lawyers and a legal monitoring group said. Thailand’s lese-majeste laws are the world’s harshest and make it a crime to defame, insult or threaten the monarchy. Since the 2014 coup, there have been 24 convictions for lese majeste offences against King Bhumibol, a sharp rise over previous years. <http://tinyurl.com/o7fcwpu>

Tweets silenced: Twitter has blocked 31 accounts owned by the Open State Foundation, a US digital transparency group, which logged deleted tweets from politicians and diplomats around the world. It removed the Sunlight Foundation’s Politwoops US account, which monitored the gaffes and revisions of American politicians, in June. The company said that it had considered its decision carefully: “Imagine how nerve-racking – terrifying, even – tweeting would be if it was immutable and irrevocable? No one user is more deserving of that ability (to delete) than another. Indeed, deleting a tweet is an expression of the user’s voice.” But polities know their words are for public consumption...and recording. <http://tinyurl.com/pal69bv>

DATES

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

21 Sept, Adelaide: the intersections between anti-discrimination law, freedom of expression and freedom of religion: ALRC national discussion series, Adelaide U Nth Terrace campus, 1-2pm. Speakers include Prof Rosalind Croucher and Dr Keith Thompson. Details and RSVP: E: tina.obrien@alrc.gov.au or (02) 8238 6300.

25 Sept, Canberra: Finn’s Law: An Australian Justice, full-day conference and dinner (at The Lobby restaurant), with Paul Finn speaking, examining the work of this noted Australian jurist and legal academic. Noted Australian and international speakers explore his writings and judgments. Contact: coast.law@anu.edu.au or Nicole Harman on 02 6125 0454.

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>

30 Sept, Melbourne: Judicial review, self-incrimination, executive immunities, procedural fairness, fair trial, reverse onus of proof, strict liability: part of the ALRC national discussion, venue: Federal Court., 5.30-7pm. Details and RSVP: E: tina.obrien@alrc.gov.au or (02) 8238 6300.

2 Oct, world: Wrongful Conviction Day, supported by Civil Liberties Australia.

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

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>

17 Nov, Canberra: New directions in men, masculinities and law: sources, methods and law’s ‘man question’ – the example of wellbeing and work-life in corporate legal practice. Prof Richard Collier, Newcastle Law School, Newcastle on Tyne (UK). Venue: Staff library, ANU College of Law (private seminar – not open to the general public), 1-2pm. Details: coast.law@anu.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.anzfss2016.org

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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:mailto:secretary[at]cla.asn.au)

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