

## **We're not making it up: this item is NOT fictitious!**

Civil Liberties Australia has been asked to comment on an inquiry – into the *Criminal Code Amendment (Impersonating a Commonwealth Body) Bill 2017 [Provisions] bill* – which is being held by the Legal and Constitutional Affairs Legislation Committee of the Australian Parliament.

Here is a section of the explanatory memorandum provided with the bill (this is NOT a spoof – it is for real):

1. New subsection 150.1(3) provides that, for the purposes of new section 150.1, it is immaterial whether the Commonwealth body exists or is fictitious. Provided a person makes a false representation in relation to a Commonwealth body, it is not necessary that the specific body they purport to represent be actually in existence.
2. For example, conduct amounting to a person falsely representing themselves to be, or to be acting on behalf of, or with the authority of, the fictional Commonwealth Department of Alcohol and Fisheries or Ministry of Internal Security, could be criminalised under the new offences in section 150.1.
3. New subsection 150.1(4) provides that if the Commonwealth body is fictitious, the offences under subsections (1) and (2) do not apply unless a person would reasonably believe that the Commonwealth body exists.
4. This provision is intended to ensure that the offences only apply in circumstances where the Commonwealth body referred to, although fictitious, is reasonably capable of being believed to be a real Commonwealth body. This provision is intended to exclude application of the offences where the fictional body referred to is clearly not capable of being a real Commonwealth body.
5. For example, the offences would not apply if a person falsely represented themselves to be, or to be acting on behalf of, or with the authority of, the fictional Ministry of Silly Walks, the Australian Government Hot Dog Authority or the Commonwealth Fund for Jane's New Car, on the basis that a reasonable person would not believe such Commonwealth bodies exist.

This magnificent effort – a contender for the Australian Parliament's annual *Utopia* prize – has presumably been produced by the Office of Parliamentary Counsel, previously known as the Office of Parliamentary Draffhorses, and sometimes as the Office Of Parliamentary Scribes, Legal Or Legislative (OOPS LOL).

Anyone who would like to make a donation to the Canberra Relief Against Poverty fund for Bill's New Car can do so by posting cash in notes form, in a brown paper envelope, to Box 7438 FISHER ACT 2611. Please do not provide a name, return address or any other identifying feature.

## **Politicians try to twist law to suit themselves**

The fate of the “foreign” members of federal parliament should start to become clearer from 10 Oct.

That's the day the full bench of the High Court begins to hear arguments about why some MPs should be allowed to stay, and some should be disqualified.

The Coalition First Law Officer, Senator George Brandis, has come up with an interpretation that would see the Greens' Scott Ludlum and One Nation's Malcolm Roberts rubbed out. Basically, the Coalition is arguing that ignorance should be an excuse for not having to obey the law, a novel twist that would break centuries of legal precedent.

Under the Coalition interpretation, Deputy Prime Minister Barnaby Joyce, fellow Nationals Fiona Nash and Matt Canavan, leader of his own party Nick Xenophon, and the Greens' Larissa Waters could stay.

It's ironic how favourably political parties can interpret “black letter” law when it suits the party, whereas legislation that is very grey indeed is interpreted harshly if it relates to refugees, people on Centrelink benefits, or citizens who have inadvertently fallen foul of the Australian Tax Office.

Civil Liberties Australia hopes the High Court can rise above politics by not producing a “creative” judgement but instead ruling according to the clear wording of s44 of the Constitution. <http://tinyurl.com/y9f8mju8>

CLA also points out that the Australian Parliament has known of the problem s44 poses for decades, and has failed to take any remedial action. Even now, there is no proposal before the parliament for a referendum to remove anachronistic – but clearly legal and effective – provisions drafted about 120 years

ago and enacted in the Commonwealth of Australian Constitution Act 1900, which is an Act of the Parliament of the United Kingdom.

Perhaps it's time we had our own, modern, new Constitution Act, updated and consolidated over a period of 10-15 years (or as a series of referendums held with 5-6 federal elections). Such forward thinking would require politicians who were statesmen and women, and not the party hacks who currently dominate.

## **Fence of Fear symbolises inconsequentiality of the Cowards' Castle**

Civil Liberties Australia at first, a year ago, railed against the prospect of the new fence around the Australian Parliament because it would be ugly, useless and broadcast the wrong message.

But we were wrong!

Nothing is a better symbol than the new fence of what the cowardly crop of inconsequential little men and women called Members of Parliament have done to Australia for the past sixteen years, since "9/11".

The parliament, under both major parties, has created terror laws which restrict and control your average Australians while achieving no practical extra protection...just like the new fence.

No law yet passed has prevented a terrorist attack, yet our society is weighed down by hundreds of the new rules, restrictions and restraints since "9/11".

The fence is the perfect visual symbol of massive billions of mostly useless over-spending on security: bloated security agencies, black-armoured squads of excess police who pop up as post-event TV coverage backdrops, and millions upon millions wasted on weapons and 'toys for the boys'.

Nothing encapsulates the political profligacy over 16 years better than the \$126 million fence-a-rosey and guardhouse growth in Canberra around the building already known as the Coward's Castle.

*The fence goes up - SBS photo.*



Old Australian gum trees were ripped out of rolling lawns to permit the ugly, metal-barred fence. Those ravaged trees represent the traditional Australian values of freedom, a fair go and a welcome for the world's refugees, all gone because today's politicians are fearful lightweights who believe taxpayers should pay for their superior personal protection.

We feel sorry for them: imagine living scared 24/7 the way they do. Inside their green/grey-girted bunker, cowering MPs will continue to regurgitate rubbish and spite as seen in nightly coverage of Question Time.

Maybe we should be more understanding: perhaps it's not stupidity that causes their childish behaviour, but psychological panic attacks for fear something will go wrong.

The 2.6m fence – and a series of new guardhouses – will eventually seal off vast stretches of the Parliament's exterior previously accessible to the public.

Of the 226 MPs in Parliament, just nine voted against the fence: the Greens and independent senator Derryn Hinch. <http://tinyurl.com/yb2othuu> By their own actions, the current crop of MPs have elevated themselves above and beyond the people. They should be made to pay at the next election.

The average Australian is much, much braver obviously than 96% of our politicians.

Please avert your eyes in future whenever you see a photo or video of the Australian Parliament ringed by the Fence of Fear.

Prime Minister Malcolm Turnbull once said terrorists would win if we were to "bend to their will, to be frightened, to change the way we go about our lives, to abandon our values". Just so, CLA says.

See also: Gillian Triggs' Michael Kirby Oration on 27 Sept 2017: <http://tinyurl.com/y9ccwg5p>

## **Gene developments make new law more urgent**

Scientists in Britain have revealed the role of a fertility "master gene" in one of the world's first demonstrations of DNA editing in human embryos.

The study, which marks a first for the UK, could help uncover the cause of recurrent miscarriages and lead to more effective fertility treatments.

It also raises ethical questions about the prospect of controversial gene editing techniques being used clinically to correct defects in, or even enhance, human embryos in the future. Civil Liberties Australia has long campaigned for a federal law in Australia to regulate gene technology, including research, experimentation, patenting and applications in insurance, superannuation and employment areas.

Kathy Niakan, who led the work at the Francis Crick Institute in London, said: “Our research is the first time that genome editing has been used to understand the role of a gene in early embryonic development. This knowledge can be used to improve IVF treatment and improve our understanding of how some pregnancies fail.”

Niakan’s team is the first in Britain to have edited the DNA of human embryos, with just a handful of such experiments having been performed in China and the US. These focused on how editing might be used to prevent inherited diseases being passed from one generation to the next.

The latest work switches the spotlight to the basic biological sequence that plays out as a fertilised egg turns into a ball of cells, known as a blastocyst, during the first seven days of development. Only when an embryo successfully reaches the blastocyst stage does it stand any chance of implanting in the womb.

[The study, published in Nature](#), was reported in *The Guardian*. <http://tinyurl.com/yb3rmuog>

**HEALTH NOTE:** The Royal Australian College of General Practitioners last month published an inaugural *General Practice: Health of the Nation* report for Australia. Mental health issues are the most common reason to visit a GP, followed by respiratory and musculoskeletal conditions. Download the report: <http://www.racgp.org.au/download/Documents/News/Health-of-the-Nation-2017-report.pdf>

## MPs propose better, wider, more rewarding whistleblower protection

Whistleblower protection laws in Australia are virtually useless, according to the Australian Parliament.

A parliamentary committee report last month said existing laws made it near impossible to protect whistleblowers from retaliatory action, hold to account those responsible or effectively investigate alleged reprisals.

The committee has recommended a new authority be established to support whistleblowers, assess and prioritise allegations and investigate reprisals. The authority would manage whistleblower protection for both public and private sectors. Other recommendations, according to *AAP*, include:

- broadening “disclosable conduct” for the private sector to include a breach of any federal, state or territory law
- lower thresholds for disclosable conduct to protect whistleblowers like those in the financial service sector in recent years
- protecting former and current staff, public officials, contractors and volunteers
- explicitly allowing anonymous disclosures
- protecting confidentiality and the whistleblower's identity across both public and private sectors
- requiring law enforcement agencies to regularly update whistleblowers as to whether or not they're pursuing the matter
- including a 'reward' system that would allow a portion of any penalty imposed be allocated to the whistleblower. <http://tinyurl.com/y7xkb9gg>

This last proposal, known as the Qui Tam system in legal circles, has seen massive rewards paid to some whistleblowers in the USA. CLA has been advocating for the introduction of the Qui Tam system to Australia for many years.

## Big Brother mission creep nabs welfare cheats

The Department of Human Services raked back more \$25m in fraudulent welfare payments using an open source data analytics platform developed by the government’s anti-money laundering agency AUSTRAC.

A four-year data matching project between AUSTRAC and agencies aims to better detect welfare recipients with unexplained wealth, and also to nab couples who marry to get Australian partner visas. Austrac received \$21.1m in 2015 to build the platform as part of the DHS-led plan to return \$1.7 billion to the government over five years, Justin Hendry reported in *IT News* last month.

Austrac's Gavin McCairns told Senate estimates last month that the platform, still being developed, would replace manual processes with automated data-sharing. It would not have been cost effective to chase

these debts prior to the emergence of such data-matching processes, proving how IT's "Big Brother" can be employed for a relative pittance, CLA says.

Former Australian Privacy Foundation chair, Dr Roger Clarke, said citizens were told the justification for Austrac's existence and extraordinary powers was addressing the big problems of organised crime, drug trafficking, gun-running and terrorism financing.

"It appears that Austrac is now concerned with generating allegations of small-scale fraud," he said.

It's another example of Big Brother mission creep, CLA says. Even unexplained wealth provisions themselves were legislated to target the 'Mr Bigs' of crime, according to the government. However, they have so far caught only lots of 'mr littles'. <http://tinyurl.com/y7fbmv7z> Note: Dr Clarke is a member of CLA.

## Legal comic skewers Bauer

Comic-actor-law graduate Rebel Wilson has been awarded \$4.56 million from the publisher of 'Woman's Day', Bauer Media, over defamatory articles.

In June 2017, a six-person jury found that the 'Pitch Perfect' star was defamed by Bauer Media in eight articles when they branded her a serial liar. Last month, Victorian Supreme Court Justice John Dixon ruled Wilson, 37, should receive \$650,000 in general damages and \$3.91 million in special damages.

It is the highest defamation payout in Australian legal history, a fourfold record. The court heard that, before trial, Wilson would have settled for \$200,000 and legal costs. <http://tinyurl.com/yaejbjfn>

With siblings named Liberty and Ryot (photo above in 2011, left and right) and Annachi, Rebel and the Wilson family should be members of CLA.



## ODD SPOT: Where have all the journos gone?

The journalists' union, the Media Entertainment and Arts Alliance (MEAA), recently told a federal Senate Committee that more than 2500 Australian journalist jobs had been cut in the past six years. – <http://tinyurl.com/yay7rncv>

## Should the Senate pass these laws...all of which offend civil liberties?

The Senate's Scrutiny of Bills committee plays a key role in identifying where the government is proposing laws which are questionable, at best.

The full Senate has a responsibility to rein in the government by rejecting most of the Bills and provisions identified as problematic by the Scrutiny committee, a role the full Senate wimps on too many occasions, Civil Liberties Australia believes.

Ministers and bureaucrats are not being called to account for potential laws which over-reach their purpose, are poorly drafted, or run counter to established Australian rights and liberties which would be protected if we had a Bill of Rights.

Here are issues identified in Sept 2017 by the Scrutiny Committee – do you think these Bills should pass?

### Anti-Money Laundering and Counter-Terrorism Financing Amendment Bill 2017

Strict liability offences: The law could penalise people not at fault – they could go to jail for seven years.

Civil penalty provisions: Should an individual have to pay up to 20,000 penalty units (currently \$4.2m) for failing to notify a change of circumstances?

Fair hearing rights and immunity from liability: Why should the Commonwealth and AUSTRAC be immune from civil or criminal liability for their decisions?

Seizure powers: How can the Minister justify expanding powers for police and customs officers to seize cash and shares without a warrant (instead of securing the items while they obtain a warrant).

### Product Emissions Standards Bill 2017 and related bills

Reversal of the burden of proof: The bill proposes making a defendant prove he or she is innocent... rather than the prosecutor having to prove guilt.

Determining charges in delegated legislation: Associated Customs and Excise bills would allow bureaucrats to set the amount of penalties just by printing new regulations. But there's no disallowance procedures (for the Parliament to overrule the bureaucratic decisions) which recognise the fundamental role of the Parliament in levying taxation.

### **Social Services Legislation Amendment (Welfare Reform) Bill 2017**

Broad delegation of administrative powers: Is it right to allow private contractors to do in any job seeker they think should be subject to income management under the drug testing trial? If you are dobbed in, there's no law under which you can challenge a positive drug test; also a person dobbed in can't challenge a contractor's decision do so under merits or judicial review.

This item draws on material in the committee's [Scrutiny Digest No. 10 of 2017](#) ...and putting its arcane language into readable English.

### **Spread the word!**

*Advertising agency Zoo Group came up with a creative comparison to help people work out how to vote in the same-sex marriage squibscite.*

*Same-sex marriage is like Vegemite, they said: some people love it, some people hate it.*

*But those who hate it don't stop those who love it from buying it freely at the local store.*

*So, Zoo Group reasoned, people should:*

***Vote YES to Vegemite !***

### **Toothless rights committee develops muscular argument**

In aged care, the government is trying to pull an economic swifty to save money by 'pausing' indexation of the subsidy to aged care providers.

Blithely, they claim this move has no impact on human rights.

Not so fast, says Liberal Ian Goodenough's Parliamentary Joint Committee on Human Rights.

The 10-person committee – five Libs, four Labor, one Green – is the only body in federal parliament which keeps a weather eye on liberties and rights and how the government regularly trashes them.

The PJCHR was the committee given to the Australian people as a sop by the Labor Party when it squibbed bringing in a national Bill of Rights in 2009. A mammoth consultation throughout Australia had produced a wide margin of people in favour of an Australian BoR, but Labor under Prime Minister Kevin Rudd and with Robert McClelland as Attorney-General went to water.

In recent times, the formerly toothless PJCHR committee has started to turn economic arguments back on the government. Proposed new legislations to enable the aged care indexation 'pause' is a case in point:

“Australia has obligations to progressively realise the right to health and the right to an adequate standard of living using the maximum of resources available...(and) to refrain from taking retrogressive measures, or backwards steps, in relation to the realisation of these rights. A retrogressive measure is a type of limitation on an economic, social or cultural right,” the PJCHR says.

So, the committee argues, if you pause indexation, you are cutting the value of the subsidy in real terms over time. Show us how this is compatible with the right to health and the right to an adequate standard of living, which are guaranteed under international agreements that Australia has signed up to, the PJCHR demands.

“The right to health includes the right to enjoy the highest attainable standard of physical and mental health, and to have access to adequate health care and live in conditions that promote a healthy life. The right to an adequate standard of living requires that the state take steps to ensure the adequacy and availability of food, clothing, water and housing for all people in Australia.”

Aged Care Minister Ken Wyatt has the task of explaining how – in the absence of a national crisis – cutting funds to aged care can be achieving the “highest attainable standards...using the maximum of resources available”.

Good one, PJCHR. – Report 9 of 2017 <http://tinyurl.com/y8wcthev>

### **ODD SPOT: What you c’n and c’nnot say on a sandwich board**

...that’s an important issue a NSW District Court judge ruled on recently during an appeal for Danny Lim. Lim had stood in public on New South Head Road in Sydney’s inner-suburban Edgecliff one morning in August 2015, wearing a sign that appeared to call then Prime Minister Tony Abbott a “c---”.

The front of the sign read: "PEACE SMILE PEOPLE CAN CHANGE TONY YOU C---. LIAR, HEARTLESS, CRUEL. PEACE BE WITH YOU." The back of the sign read: "TRICKY LYING TONY YOU C--- SCREW EDUCATION HEALTH, JOBS & THE ENVIRONMENT CHILDREN'S FUTURE SMILE".

The word included an apostrophe as if it was the word "can't", and the letter "U" was represented by an upside-down "A". A magistrate in 2016 found Mr Lim guilty of offensive behaviour.

But Judge Andrew Scotting said politicians were often publicly criticised. "This is an essential and accepted part of any democracy. That criticism can often extend to personal denigration or perhaps even ridicule, but still maintain its essential character as political comment.

"There is no reason to conclude that the prime minister, as the leader of the federal government, should be treated any differently to any other person who holds or seeks political office." <http://tinyurl.com/y7clevvr>  
So there, PMs of the past, present and future...you c’n’t say you haven’t been warned.

### **Consultation to consider Aboriginal youth in care**

A new NSW body with the longest name in the history of consultation – the Family is Culture, Independent Review of Aboriginal children in Out-Of-Home-Care in NSW – is about to call for public submissions.

NSW announced the independent review in 2016 after concerns raised in the Our Kids, Our Way forum about the high numbers of Aboriginal children and young people in out-of-home care.

The review will examine systems, policies and practices as well as the involvement of children, family, community, service sector and carers in decision-making for Aboriginal children and young people. It will also review the case files of 1152 Aboriginal children and young people who entered care in 2015-2016.

If you would like to make a submission, email: [contact@familyisculture.nsw.gov.au](mailto:contact@familyisculture.nsw.gov.au)



### **Drug testing aims to keep the young from killing themselves at music festival**

A Canberra music festival in November will be the first in Australia to offer pill testing to try to save lives. ACT health minister Meegan Fitzharris last month announced that the government had given permission to the Safety Testing and Advisory Service at Festivals and Events (STA-Safe) to test illicit drugs at the 25 November Spilt Milk festival "to keep people safe".

A group involving Harm Reduction Australia, the Australian Drug Observatory, Noffs Foundation, DanceWize and Students for Sensible Drug Policy will make health professionals available in the event's medical area to scrape off a small amount of drug volunteered by a person, and analyse it.

Festival goers will be told what the pill contains: they can choose to dump it in an amnesty bin, in which bleach will destroy the discarded drug.

Pill testing already occurs at festivals in New Zealand, Europe and South America.

Civil Liberties Australia welcomes the testing: it is better to test than to have one or a few young people die at each music festival when they take drugs whose provenance is uncertain. <http://tinyurl.com/yd38wjhj>

## Ex-judge weighs in on side of police facing the music

Former Supreme Court judge Ken Crispin has rejected ACT Policing's central argument that it should be exempt from oversight by a proposed ACT anti-corruption commission.

Mr Crispin, who was also a former ACT Director of Public Prosecutions and is ACT Commissioner for Parliamentary Standards, outlined his position in a late submission. He does not agree with "the view that the Commission should be limited to investigating complaints only when there is no existing institution" with the relevant powers or jurisdiction.

Chief Police Officer Justine Saunders wants an exemption from ACT commission oversight for local police as "police" already report to the Australian Commission for Law Enforcement Integrity, as a federal agency. However, CLA believes that police in Canberra should be more – not less – subject to separate oversight because they operate as an independent, contracted entity (ACT Policing) from the Australian Federal Police. They are effectively private guns for hire.

Whenever tackled over officer behaviour, they change foot from AFP to ACT Policing to suit their own purposes, so that their answering clearly to an ACT commission would be a large step forward for accountability. <http://tinyurl.com/y77ns9od>

## State moves for wider recognition of same-sex marriages

The Queensland Government has expanded its formal recognition of same-sex relationships from 22 Sept. "Queensland's Civil Unions laws are about ensuring loving relationships can be treated equally," Attorney-General and Minister for Justice Yvette D'Ath said.

"When these laws commenced, it was prescribed that relationships recognised under corresponding laws in NSW, Victoria, Tasmania and the ACT, would be recognised in Queensland. As more jurisdictions around the world recognise same-sex relationships this list has needed to expand."

"Queensland will also recognise civil partnerships from the ACT and South Australia, and civil partnerships and same-sex marriages from New Zealand, Canada, the UK, Scotland, the Republic of Ireland, South Africa, and the states of California, Hawaii and New York in the USA."

"While the State can't legislate on marriage we can do everything in our power to provide recognised legal rights to as many couples as possible," Mrs D'Ath said. – Minister's media release 22 Sept 2017

## Police win in WA budget

The WA budget handed down last month was heavy on more money for police:

- \$23.5m blowout in meth border force from the election to \$83.5 million, chiefly to hire 20 extra intelligence officers to support the 100-strong force, plus equipment/infrastructure.
- \$9.6m to repurpose Wandoo Prison into State's first drug rehab prison.
- \$18.5m to recruit 25 police officers to establish Regional Enforcement Unit patrolling country roads.
- \$850,000 to establish "Justice Pipeline Model" to align increased police numbers and prison terms with court and justice system resources. <http://tinyurl.com/y7r2b3wt>

NOTE: at time of writing, the WA Police Union was proposing 'emergency response only' in support of its claim for more pay for officers, above the 1.5% rise the WA government is proposing...but they had been ordered to work as normal by new Police Commissioner Chris Dawson and told to cease all industrial action by the WA Industrial Relations Commission

## MPs keep bribery and corruption in-House

WA MPs have voted to extend their immunity from the Corruption and Crime Commission investigation after Liberal and Nationals MPs rejected a Labor government bid to make them accountable like other public officers.

Daniel Emerson, reporting for *The West Australian*, described "farcical scenes" – played out when the normal political journalists were in the Budget lock-up – which saw Opposition MPs arguing against measures designed to keep politicians honest like others on the public payroll.

CCC Commissioner John McKechnie had pointed out that a word deleted from the CCC Act under Barnett government changes in 2015 removed the watchdog's jurisdiction over MPs other than ministers. Attorney General John Quigley introduced legislation to correct the "oversight".

But Liberal and Nationals MPs balked at the amendment, so the CCC remains blocked from pursuing non-Cabinet MPs for anything that parliament could investigate under the Parliamentary Privileges Act 1891, which specifically includes bribery and corruption. <http://tinyurl.com/y85ryvqd>

Nice to know WA MPs prefer to keep bribery and corruption in-House.

## Dhu family get \$1.1m ex gratia payment

The WA government has paid \$1.1m ex gratia compensation to the family of an Aboriginal woman who died in a South Hedland prison.

Attorney-General John Quigley told a parliamentary budget hearing that the payment was made to five members of the family of Ms Dhu, She died in the lock-up after being arrested and detained for more than \$3000 of unpaid fines in August 2014.

The AG said the payment did not stop the family taking other legal action, but it would be deducted from any future damages. <http://tinyurl.com/ycbnpvva>

## New law allows setting the record straight

Gay and transgender Tasmanians can have convictions erased from records after state parliament passed a new law last month, following significant Civil Liberties Australia input.

The Expungement of Historical Offences Act allows someone with a historical homosexual or cross-dressing offence to have the charge or conviction removed from their criminal record.

Parliament approved the law after amendments, following consultation with bodies like CLA and others, streamlined procedures related to applications, the treatment of sensitive data and the decision-making process. <http://tinyurl.com/ycqywp4b>

States and territories are gradually lining up to pass 'mirror' legislation. WA is next.

## Saga now plays out on stage, as 'victim' continues to languish in prison

The Sue Neill-Fraser saga comes to life on the stage as the Tasmanian Theatre Company presents *An Inconvenient Woman*, a 70-minute play written by Brian Peddie with the support and assistance of executive producer Mark Blumer.



Blumer (photo), a CLA member and co-founder of Blumers Lawyers in Canberra, has supported the developing project for three years in a bid to help bring issues around what CLA believes is a wrongful conviction to wider public attention.

"A man disappears. A woman is convicted. The case divides a state." is the promo being used to sell the show, which "does not make any judgment about Susan Neill-Fraser's guilt or innocence, but asks probing questions about a judicial system under the spotlight".

Venue is Pop Up Theatre No 9 at Macquarie Point, Hobart, from Tues 24 Oct to Sat 4 Nov. Bookings and info: <http://tinyurl.com/ya3vah9v> or 08 6234 5998.

## Kids 'dumped' on children protection body, judge says

A Supreme Court judge says the Northern Territory's beleaguered child protection agency's detention centres are becoming "dumping grounds" for troubled kids.

Justice Stephen Southwood's extraordinary comments came after a 16-year-old armed robber he sentenced in April was dragged back to court after breaching the conditions of her partially suspended three-year sentence.

She admitted to breaching her curfew on four nights in August, beginning just two weeks after she was released from the Don Dale detention centre on strict supervision.

But Justice Southwood reserved some of his harshest words for Territory Families, who he said seemed "simply incapable" of dealing with the troubled teen and appeared to be failing her in much the same way her parents had before.

"Even though they've got parental responsibility for the child they just like to sit and watch," he said.

He said he would demand answers from the agency over why it "seems to be simply incapable of managing a complex child...her parents failed her. The government is meant to look after the most



vulnerable in the community. It's not a matter of being nice to her and letting her do whatever she wants, it's a matter of drawing bright line boundaries.”

The court heard the girl, who has a 14-page rap sheet including violent crimes, had been shirking many of her counselling programs, but had been regularly going to boxing lessons. <http://tinyurl.com/ycmm2pm6>

## Mixed results, but slight fall in crime rate

Victoria's Crime Statistics Agency said last month that the state's crime rate per 100,000 people fell by about 2% in 2016-17.

The number of offences was down by 0.6% for the same period. Robberies were up 10.5% and sexual offences by 6.5%.

Compared to the previous financial year, drug dealing and trafficking, property damage, arson and deception crimes all decreased. Murder was down 13%. <http://tinyurl.com/y7mugrgp>

## Australian briefs

**Children's protection delayed:** The reporting date for the Royal Commission into the Protection and Detention of Children in the Northern Territory has been extended until 17 November 2017.

**Courts dragged into the present:** Slowly, every so slowly, the Australian legal system is catching up with things digital. The Family Court of Australia last month issued a practice direction – an instruction about how courts operate – to declare that in future electronic records take precedence over paper files. It's time, CLA says, for a national inquiry into how the entire legal and justice system can be encouraged to move from the 17th century into the 21st. <http://tinyurl.com/yafcryex>

**Mental health housing boosted:** In a sign that state and territory governments are starting to realise how much more effort and funds is needed in the mental health area, NT Minister for Health Natasha Fyles has announced a \$3m allocation over four years for housing. “The Housing Accommodation Support Initiative (NT HASI) will support people aged 16-64 years with significant and ongoing mental illness to live in public housing in Darwin, Casuarina and Palmerston,” she said. “It will provide services that are individualised, holistic, integrated, culturally responsive, safe, and flexible, to enable people with mental illness to remain living in the community.” – Minister's media release, 27 Sept 2017



**Girls get to wear pants:** Girls attending public schools in WA may wear shorts and pants to school, after an 11-year-old made a handwritten plea to the Education Minister Sue Ellery (photo). Sofia Myhre told the minister that her primary school in Perth had not allowed her to wear shorts, other than for sport. “I think it's really unfair that my brothers have been allowed to wear shorts and all through primary school I haven't been allowed to except when I have sport,” she wrote. From now on, the Minister ruled, student dress codes policy must be non-discriminatory: girls are no longer to be limited to only dresses, skirts or “skorts”. <http://tinyurl.com/yaducr9a>

**Justice delivered loose-leafed:** Queensland's 86,000 Justices of the Peace and Commissioners for Declarations have a new 'bible', the latest edition of the JP Handbook. It details the how, what, why and when of witnessing multiple types of documents – from titles registry forms, statutory declarations and affidavits through to family law documents, wills and advance health directives. There are now replaceable loose leaf pages, eliminating the need to buy a new handbook each time there were amendments. The JP Handbook can be bought as a hard copy or can be downloaded free from the JP online shop [www.qld.gov.au/jps](http://www.qld.gov.au/jps) – AG Yvette D'Ath media release 170901.

**Cops close grog shops:** Police forced liquor outlets in Port Hedland to close for 24 hours last month after overnight alcohol-fuelled violence put one person in an induced coma and left another with a stab wound. The ban was put in effect a day after WA Police Commissioner Chris Dawson called for a Pilbara-wide permanent ban on full-strength alcohol sales to reduce child neglect and abuse. WA police have the power to ban booze sales under Section 114 of the Liquor Control Act. <http://tinyurl.com/y9zc6bsr>

**State updates its legislation website:** A new legislation website has become the official source for Queensland legislation – Bills introduced, Acts as passed, subordinate legislation as made, and point-in-time reprints (consolidations) of Acts and subordinate legislation. URL: <https://www.legislation.qld.gov.au/>

## Letter to the editor from a member:

### Casting a vote in the same-sex marriage squibscite:

After much anticipation the letter arrived. I opened it and read the question a first time.

I then wasted time, yelling abuse across the room and acting like a schoolyard bully by calling out childish names. At one point I nearly had to remove myself from the room. My lap dogs seemed amused.

After reading the question a second time I sat doing nothing from four minutes apart from ringing a bell.

I then locked the lounge room door to tick one box. Having performed the duties required of a politician, I resumed my normal adult demeanour.

I now look forward to receiving, in the mail, my parliamentary entitlement.

– Jeff Bradley, CLA member, Isaacs ACT

## CLA report – main activities for September 2017

Submissions occupied considerable time during September, both lodging them and preparing for a new series of possible contributions from CLA in coming months.

The way the parliamentary system works, committees meet and get busy with references when the two Houses are sitting in Canberra. That in-House activity sparks requests for comments and critiques to external bodies, like CLA, to help the committees make their recommendations back to the parliament some one, two or many months later.

It is not unusual for CLA to receive four or five requests in one day for us to make formal submissions to different committees – that one big day of requests usually comes on the last day of a parliamentary sitting fortnight, or the day after. There's frequently a trickle of one or two requests arriving by email on the other sitting days.

Obviously, it is not possible for CLA to respond to all these federal requests, because similar requests arrive at the rate of about one a month from each state and territory parliament. The job of managing our workload, and proposing which issues we make submissions on, falls to Director Rajan Venkataraman with the help of CEO Bill Rowlings.

Frequently we could benefit from input by members so, if you see a proposed submission where you could contribute your expertise or where you would like to make a comment, please let us know.

### Submissions:

Those lodged since the September CLArion was produced have been:

**WA:** End Of Life Choices, request from the Joint Select Committee on End of Life Choices of the WA Parliament. CLA has contributed an expanded version of the submission we had made in 2015 to the equivalent Victorian Parliamentary inquiry. In Victoria, a vote on an 'Assisted Dying' Bill is imminent.

**TAS:** Sentencing Amendment (Phasing out of Suspended Sentences) Bill (Department of Justice)

**NSW:** inquiry into Aboriginal youth in out-of-home care (see item above).

**Federal** matters we are considering lodging submissions on include:

- Senate Legal and Constitutional Affairs References Inquiry into the Law of Contempt (by 31 Oct 2017) – CLA lawyer members, or members who have been sued, may care to contribute.
- Inquiry into the adequacy of existing offences in the Commonwealth Criminal Code and of state and territory criminal laws to capture cyberbullying (by 13 Oct 2017);
- Criminal Code Amendment (Impersonating a Commonwealth Body) Bill 2017 [Provisions] (by 13 Oct 2017) – see article leading off this newsletter.

Parliamentary passes for president and CEO renewed for three years – with mandatory police check.

### From members:

Recommended: *ABC Radio National 'Big Ideas'* 13 September 2017, Professor Ciaran O'Faircheallaigh (Anglicized Kieran O'Fairchelleck) from Griffith University on 'Mining Royalties and Aboriginal autonomy' (<http://www.abc.net.au/radionational/programs/bigideas/mining-royalties-and-aboriginal-autonomy/8808038>)

## Events



Director Richard Griggs held a major public event last month in conjunction with the campaign he is leading for a Bill of Rights for Tasmania.

He reports that lecture by historian Prof Henry Reynolds – entitled *Would Andrew Inglis Clark support a Tasmanian Human Rights Act?* – was very successful.

Clark was an engineer-barrister-politician-Supreme Court judge, main author of the Australian Constitution and the man behind the Hare-Clark voting system used in Tasmania and the ACT.

LEFT: Richard Griggs with Prof Henry Reynolds at the event.

## Meetings

Rosemary Jennings, proof reader for CLArion, in hospital

Michael White, former MEAA ACT and Southern NSW rep, actor and live theatre activist

Lynne Bliss, real estate and former Canberra Times

Chris Crewther Liberal MP for Dunkley, re Better Justice, rate of wrongful convictions

Keith McEwan re letters to the editor

NSW members, Drs Des and Janette Griffin, re museums and Mabo

New members Kel Watts and Louise Yabsley (in training for Olympic canoeing)

Prof Thomas Mautner, Holocaust, EU, UN and Dag Hammarskjöld

By email (CEO Bill Rowlings and WA Director Margaret Howkins): With Dr Neville Barber of Barber Legal over a case involving a father who spent seven months in jail due to a false accusation and police tunnel vision. <http://tinyurl.com/y7gsfl6z>

## Upcoming:

**DFAT Australia-Iran debrief:** Director Jennifer Ashton will represent CLA at a debrief by the Department of Foreign Affairs and Trade following a renewed exchange under the Australia Human Rights Dialogue. CLA was involved in the pre-meeting dialogue between DFAT and NGOs, and this meeting is a ‘reporting back’ session: 17 Oct 2017 at DFAT HQ.

**Briefing on bikie gang issues:** The Deputy Director-General of the Department of Justice in the ACT, Richard Glenn, and the ACT Chief Police Officer, Justine Saunders, have requested a meeting with Civil Liberties Australia to brief President Dr Kristine Klugman on “reforms” to motorbike gang laws. Basically, the police want consorting laws reintroduced to the ACT specifically to tackle bikies. CLA is opposed to consorting laws because experience in other states show they inevitably are misused by police to target groups like Aborigines and petty criminals instead of violent bikies. 12 Oct 2017.

## Media:

CLA media release: *Why are politicians silent over violent neo-nazi attacks?* About the attacks on the Uni of Tasmanian campus relating to the same-sex marriage campaign.

Vice-President and national media spokesperson Tim Vines (photo, left) and CEO Bill Rowlings met with WA’s Sam Coten (photo, right) in Canberra last month to discuss his taking on a role as spokesperson in WA. Coten is a second year Law/Neuroscience student with a long history of concerns about civil liberties and human rights. He is also a national level basketball and swimming referee, who was in Canberra to officiate at a swimming meet involving competition between the states and territories.



**Letter to the editor:** Rajan Venkatarman wrote officially in CLA’s name last month to the *Mercury* in Hobart refuting claims by the Liberal government that mandatory sentencing works. He pointed out such claims were contrary to Law Council of Australia research and that the Tasmania’s own Sentencing Advisory Council said “mandatory sentencing is inherently flawed”.

**Report from WA** group, from CLA Director Margaret Howkins...among other things:

- Liaised with Sam Coten, CLA Youth spokesperson, on his writing of an article for publication in the *West Australian* and elsewhere. Topic: Scandalous numbers of Aboriginals incarcerated in WA prisons and Banksia Hill detention centre. (Awaiting publication)
- Christina Marruffo, Rika Asaoka (CLA members) and Margaret Howkins attended a discussion panel at Curtin Univ. Law School organised by Australian Lawyers for Human Rights on 14<sup>th</sup> September. We met with other CLA members including Robert Cunningham and Doreen Moulds. Points were raised about the need to **act** on existing legislation in WA.
- Attended the John Toohey Oration at the UWA University Club on 27 September. Barrister Greg McIntyre pointed out how important it is for the judiciary to experience Aboriginal 'country' and live amongst the Australian people who need justice and equality most. Rights gained 25 years ago are being watered down and lost to corporate greed.

## INTERNATIONAL

### **A worker has a right to private email sex discussion**

A European Court of Human Rights judgment has confirmed people enjoy a significant degree of privacy when sending and receiving workplace emails, meaning employers will have to give more explicit warnings to staff if they want to monitor internet use.

The legal battle began after a Romanian engineer was sacked in 2007 for exchanging messages on an office email account about his sexual health with his fiancée.

By 11 to 6, ECHR judges last month sided with Bogdan Bărbulescu, who claimed his right to a private life was not upheld by Romania's courts. He claimed it was breached when his employer checked up on chat logs from his professional Yahoo Messenger account that included personal and private communications.

The ECHR judges agreed that the Romanian courts had not struck a "fair balance" between Bărbulescu's right to a private life and his employer's right to ensure he was following work rules. His right to privacy, the judges declared, had been violated.

An employer "cannot reduce private social life in the workplace to zero. Respect for private life and for the privacy of correspondence continues to exist, even if these may be restricted in so far as necessary," the ECHR grand chamber judgment said. <http://tinyurl.com/y7vlbm2h>

### **EU ruling leaves flight record scheme up in the air**

The world's system of swapping passenger flight details – including Australia's – has been thrown into doubt by an EU court's ruling that the EU-Canada Passenger Name Records deal breaks privacy rules.

PNR, or Passenger Name Records, contain information about passenger flight details, including itinerary, contact details, forms of payment, accompanying passengers, and more. All is stored in airlines' databases for commercial purposes...and is potentially useful to police and security agencies.

The EU has PNR arrangements not only with Canada, but also with the United States and Australia, as well as internally between EU countries.

The Court of Justice of the European Union has found that the Canadian data-sharing arrangement breaches the EU citizen's fundamental rights to privacy, data protection, and non-discrimination.

But the Canadian ruling impacts the privacy of everyone travelling across EU borders, providing grounds for invalidating current arrangements with Australia and with the USA. All such agreements will have to be renegotiated to meet EU privacy standards.

The current Australian agreement allows authorities to store data for up to five-and-a-half years. <http://tinyurl.com/ygyhv837>

### **Lobbying adds to costs of drugs**

Pharmaceutical and health products industries spent \$182 million on lobbying in the USA for the first half of 2017, according to the Center for Responsive Politics.

Drug makers gave \$5.6 million to US congressional campaigns in that period, including six-figure donations to House Speaker Paul Ryan; Representative Greg Walden, a Republican of Oregon who heads the House Energy and Commerce Committee; and Senator Orrin Hatch, Republican of Utah and chairman of the Senate Finance Committee, a *Kaiser Health News* analysis found.

The drug lobby has spent \$38 million so far this year to air six ads depicting heroic researchers about 4600 times on US national TV, according to *iSpot.tv*, an ad tracker. <http://tinyurl.com/ya79l78h>

## **Firm's plans presage new cloud surveillance data bank**

Axon, the world's largest vendor of police-worn body cameras, is moving into the business of capturing video taken by the public, Ava Kofman reported for *The Intercept* last month.

Axon was formerly known as Taser, whose wildly successful global mass-marketing to police agencies of the 50,000 volt weapon gave a new word to the language to describe stun guns, and what they do.

The company says its new product will allow citizens to submit photos or video evidence of "a crime, suspicious activity, or event" to Axon's own cloud-based storage platform, to help agencies "in solving a crime or gathering a fuller point of view from the public."

Civil rights advocates whom Kofman interviewed were surprised to learn about the corporation's latest initiative, seeing it as yet another untested effort to co-opt community oversight and privatise justice.

"When police body cameras were established, citizens were clamouring for police accountability," said Shahid Buttar, director of grassroots advocacy with the US Electronic Frontier Foundation. "But we've seen how cameras have been more useful for police investigations than for accountability."

The critics fear the new concept, as yet not fleshed out, is likely also to favour a police interpretation of disputed evidence. <http://tinyurl.com/ycfbo8tc>

## **ODD SPOT: How US law enforcers made huge sums go up in smoke**

For seven years, agents at the Bureau of Alcohol, Tobacco, Firearms and Explosives followed an unwritten policy: If you needed to buy something for one of your cases, do not bother asking Washington. Talk to agents in Bristol, in the State of Virginia, who controlled a multimillion-dollar account unrestricted by the US Congress or the bureaucracy.

Need a flashy BMW for an undercover operation? Call Bristol. A vending machine with a hidden camera? Bristol. Travel expenses? Take this credit card. It's on Bristol.

Tens of millions of dollars moved through the account before it was shut down in 2013, but no one can say for sure how much. The government never tracked it. <http://tinyurl.com/y8kotah3>

This cautionary US tale, still unfolding, should be required reading for ministers in Australia setting up 'off-campus' operations, like those in the Border Force, Tax, Defence special forces and ASIS/ASIO areas.

**The CIA's birthday – 70 years of organised crime:** Here's an alternative viewpoint on the CIA's position in US society, on how it uses drugs for control: <http://tinyurl.com/y9syw6a>

## **Ag-gag law looks likely to fail**

An ag-gag law – stopping protestors highlighting bad animal practices – looks likely to be overturned.

In 2015 the state of Wyoming USA made it illegal to gather data on open lands to report harmful farming practices, environmental degradation, or the like, including water quality tests or taking photographs.

Fearing constitutional concerns, the state legislature amended the law in 2016 to say virtually the same thing but with a caveat: it's illegal to do such gathering if the observer does it from private property or had to cross private property first before entering public lands to do their investigation.

A federal judge ruled there was nothing unconstitutional about the ag-gag law because trespassing is an illegal act. But conservation and animal rights groups took the decision to a federal appeals court.

The 10th US Circuit Court of Appeals said the ordinance stifles speech, particularly speech necessary for public discourse about environmental and animal safety regulations. The appeals court didn't kill the law entirely: it ordered a lower court to decide whether the law could survive if it restricts free speech. <http://tinyurl.com/yafp6btf>

The ruling has ramifications for many other US states, and also may help guide legal decisions in Australia where animal protest groups use similar film-and-show tactics.

## **Crime up for second year in a row**

Violent crime in the US, including homicides, rose for the second year in a row in 2016, driven by increases in cities like Baltimore, Chicago and Las Vegas, according to FBI data released last month.

Violent crimes increased nationally in 2016 by 4.1% and homicides rose by 8.6%, one year after violence increased by 3.9% and homicides jumped by 10.8%. A total of 17,250 people were murdered in the USA in 2016, an average of 332 a week, or 47 a day. <http://tinyurl.com/ya7t7ac4>

## China gets new corruption body

China is to get a new anti-corruption agency to replace the feared Central Commission for Discipline Inspection.

The CCDI is a Communist Party internal discipline body formed when the party took power in 1949.

It had recently shot to prominence by spearheading Chinese President Xi Jinping's corruption crackdown on party officials, Operation Fox Hunt, as suspects had fled overseas to countries including Australia.

A new national law to establish the National Supervisory Commission will be approved by the 19th National People's Congress, the five-yearly meeting of the Communist Party leadership, on 18 October.

The new body would sit above the CCDI, and in theory be able to more easily work with international law enforcement agencies, because it is not viewed as a political discipline body, sources said. <http://tinyurl.com/ycaa7hup>

## ODD SPOT: House hears many peer-less speeches

More than 100 peers have claimed almost \$2.2m between them despite not having spoken in the House of Lords for at least nine months, according to a pressure group.

The Electoral Reform Society said an analysis of parliamentary records shows that of the almost 800 peers in the Lords, 115 of them – about 15% of the total – did not contribute in a debate between June 2016 and April 2017 yet claimed an average of \$18,916 each.

The society's conclusions have been challenged by a House of Lords spokesman, who said they failed to take into account other work conducted by peers including serving on committees, amending legislation and putting down written questions.

Peers can claim up to \$512 per day for turning up to the upper chamber in one of the debating rooms, but do not have to contribute or vote to get that allowance. <http://tinyurl.com/y98b45ll>



## International briefs

**Taxes used for social control:** The United Arab Emirates starts imposing a 100% excise tax on cigarettes from today, 1 October 2017, and a 50% tax on fizzy, sugary drinks. The UAE is following the lead of Saudi Arabia, which imposed similar taxes in June. The taxes are expected to raise about \$3 billion in SA and 2.3 billion in the UAE annually. A similar tax on sugary drinks is being proposed for Australia. <http://tinyurl.com/y7s7juos>

**Saudi lets women get behind wheel of Audi:** In a breakthrough for women's secular rights throughout the Muslim world, Saudi Arabia's king has declared women may drive vehicles from next year. Now the kingdom has to work out how to develop a licence system for women (where does it get female driving instructors and examiners from, as no "strange" men are allowed in a car with a woman). The freedom to drive will bring a host of concomitant changes, and questions. Will there be a new dress standard for women behind the wheel? May women drive trucks for a job? Can they be permitted to be taxi drivers? What transport role will they play during the annual pilgrimage? Pandora's Box has been prised open.

**Number's up for Irish cops:** Irish police grossly exaggerated the number of breath tests carried out on motorists, an internal report found: 3,498,400 tests were recorded on the police computer system dating back to 2009, but only 2,040,179 were carried out. A second report published last month investigated revelations that 146,000 people were taken to court and 14,700 people wrongly convicted of motoring offences because of issues with the fixed-charge notices. <http://tinyurl.com/ybh8c4tu>

**'Trial' by ordeal appears to be the Alabama way:** Kharon Davis, 22, was charged with capital murder and placed in the county jail in Dothan Alabama USA. That was 10 years ago: he has not had a trial. Davis – still officially innocent until proved guilty – has served half of the sentence he might get if convicted. He has had two judges, four teams of lawyers and nine trial dates, the first of which was in 2008. By any definition, Davis has not been the beneficiary of his citizen's right to a speedy trial. <http://tinyurl.com/y97f896p>

**Interpol recognises Palestine:** International police agency Interpol has voted to include the State of Palestine as a member, in a boost to Palestinian efforts for international recognition, *Associated Press* has reported. Interpol announced the inclusion of Palestine as well as the Solomon Islands after a vote by its general assembly in Beijing last month. Interpol will now have 192 member countries. <http://tinyurl.com/yaer632h>

**Villages brave reprisals to seek independence:** Some 1.8 million 'Indonesians' have signed a secret petition – smuggled between villages over vast distances – demanding a new independence referendum for West Papua, a province of Indonesia. The petition has been presented to the United Nations. The Indonesian Government banned the petition in the provinces of West Papua and Papua, threatening that those who signed it will be arrested and face jail. But about 70% of the population signed up. West Papuans say they have been denied a legitimate self-determination process since the province was incorporated into Indonesia in 1969. The petition demands a free vote on West Papua's independence and appointment of a UN representative to investigate reports of human rights violations by Indonesian security forces. <http://tinyurl.com/ya96vmt4>

## DATES

**8-13 Oct, Sydney:** International Bar Association conference: 8 -13 October 2017 [www.ibanet.org/Conferences/Sydney2017.aspx](http://www.ibanet.org/Conferences/Sydney2017.aspx)

**12 Oct, Canberra:** Young People and the Future of Work (annual Weeks Lecture in labour law), by Rosemary Owens of U. Adelaide, at ANU, Finkel Lecture Theatre, 5.30-6.30pm. Details: <http://tinyurl.com/yacpykfs>

**15 Oct, Perth:** Open Day, Supreme Court of WA, 11-3pm. Explore the 114-year-old courthouse in Stirling Gardens, Barrack St. Supreme Court judges will give talks and answer questions! Adjacent Old Court House Law Museum also open...and you can inspect the cells below the building. Info: Val Buchanan, manager media (08) 9421 5303.

**18 Oct, Canberra:** The Secret History of the Dismissal of the Whitlam Government – the Palace Connection (30th Lionel Murphy memorial lecture), by Prof Jenny Hocking of Monash Uni. 6-7pm, Finkel Theatre in the John Curtin School. <http://tinyurl.com/yazbcrbm>

**19 Oct, Brisbane:** Notable Trials series of the Selden Society: The Trials of Oscar Wilde, presented by Alan Wilson. To register: <http://tinyurl.com/ybu3hn2p>

**24 Oct-4 Nov, Hobart:** 'An Inconvenient Woman', the play about the Sue Neill-Fraser case, Pop-Up Theatre No 9, Evans Street. Info: <http://tinyurl.com/jpmkkip> .

**26 Oct, Adelaide:** 9th Southgate Oration, Julian Burnside on refugee harm, 12.30-1.30pm , Health Services lecture theatre 1.01, Bedford Park. Info: moira.mathieson@flinders.edu.au

**26 Oct, Brisbane:** Australian Academy of Law public lecture: 'Trends in legal education' Prof Sarah Derrington, Academic Dean and Head of School, TC Beirne School of Law, U. Queensland. Free, register by 20 Oct 2017.

**1 - 3 Nov, Melbourne:** 50 years of naming institutional racism: realising racial equity or intensifying injustices? 9am-7.30pm, Deakin University Downtown, 727 Collins St, Melbourne. Chair, organisers: Prof. Yin Paradies [yin.paradies@deakin.edu.au](mailto:yin.paradies@deakin.edu.au)

**8-10 Nov, Melbourne:** Migration Inst of Australia national conference 2017. Sofitel. Info: <http://tinyurl.com/y7xv5bcd>



**24-25 Nov, Adelaide:** Miscarriages of Justice (2nd Flinders Uni symposium, at Adelaide city campus), keynote Malcolm McCusker (photo), leading defence counsel and former Governor of WA, with Henry Keogh speaking about his 19-plus years wrongfully jailed in SA and Gordon Wood about three-plus years in jail in error in NSW. Details: [deb.mcbratney@flinders.edu.au](mailto:deb.mcbratney@flinders.edu.au)

**30 Nov - 3 Dec, Montreal, Canada:** 8th International Conference on Human Rights Education: Bridging Our Diversities. Details: <http://tinyurl.com/kvpzgz2v> NOTE: 9th of series to be held in Sydney in 2018.

**5-8 December, Canberra:** Acknowledging the past, imagining the future. Conference celebrating 50 years of criminology in Australia and New Zealand. Venue: QT Canberra. Details: <http://www.anzsoc2017.com.au/home.html>

**11-13 Dec, Adelaide: Illicit Networks, Policing Flows:** learn where and how the crime industry is going here and worldwide, Flinders U, 182 City Sq, Adelaide. Organisers: Centre for Crime Policy & Research at Flinders, with Canada's Social Sciences and Humanities Research Council, and Royal Military College. <http://tinyurl.com/ya6984ax>

**2018:**

**Late 2018 (Timing/venue TBC):** 9th International Conference on Human Rights Education. Contact: Dr Sev Ozdowski AM, Coordinator, International Human Rights conference series:, President, Australian Council for Human Rights Education. Email; [S.Ozdowski@westernsydney.edu.au](mailto:S.Ozdowski@westernsydney.edu.au)

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*CLArion* is the monthly e-newsletter of Civil Liberties Australia A04043, Box 7438 FISHER ACT 2611 Australia. Responsibility for election comment in *CLArion* is taken by CLA's Public Officer, Bill Rowlings, of Fisher, ACT. Please feel free to report or pass on items in *CLArion*, crediting CLA and/or the original source. We welcome contributions for the next issue: please send to: [Secretary\(at\)cla.asn.au](mailto:Secretary(at)cla.asn.au)

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