

High Court decision on citizenship creates opportunity to ‘Rebirth the Nation’

The High Court of Australia’s decision on the Suspect Seven MPs’ citizenship is a clear signal to the parliament and the people of Australia that the Constitution requires a total review, and possible overhaul. The court, sitting as the Court of Disputed Returns, ruled Matt Canavan and Nick Xenophon were legitimately elected but rejected the legality of the election of Barnaby Joyce, Fiona Nash, Malcolm Roberts, Larissa Waters and Scott Ludlam.

The politics will play out around who will eventually sit in “their” seats, including a 2 December by-election for the seat of Barnaby Joyce (New England), Nationals leader and deputy Prime Minister.

Civil Liberties Australia believes it is time for a new Constitutional convention process, to play out over 10-15 years, to review and modernise all current clauses, to consider whether new clauses are needed, and to debate and decide whether our new foundational document includes a bill of rights.

This national review should energise the nation, educate the youth and focus the people on Australia’s future like nothing since the 1890s. It is literally an opportunity for a ‘Rebirth of the Nation’.

Medical students back euthanasia for Australia

Australia’s medical students have declared support for doctor-assisted dying in the face of the Australian Medical Association’s strident opposition to euthanasia.

The Australian Medical Students’ Association announced its in-principle support for voluntary assisted dying (VAD) in a policy document released late last month. Support among Australia’s 17,000 medical students for VAD was running at nearly 80%: 19 out of 21 AMSA representatives from every medical school in Australia voted in favour.

The Royal Australian College of GPs has recently announced its support for the Victorian legislation.

Victoria’s lower house of parliament passed proposed draft VAD laws 47-37 last month. The issue is now before the the state’s upper house. A positive vote would mean Victoria becomes the first Australian state to permit euthanasia.

Polls for the past 30 years, including one in NSW last month, have shown that 70% or more of people support dying with dignity – or euthanasia – legislation. The percentage opposing such laws rarely reaches 15%, with an undecided figure frequently of about the same percentage. <http://tinyurl.com/ydcb864p>

The Victorian campaign has been led by that state’s Dying With Dignity organisation, of which the president is CLA member, Lesley Vick.

Photo: CLA President Dr Kristine Klugman (left) and Dying With Dignity Victoria President, Lesley Vick, put their heads together over the euthanasia campaign in Canberra last month.



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CLA’s Facebook page is a good source of news and analysis on emerging issues relevant to civil liberties and human rights. We provide links to submissions made by CLA to parliamentary and other inquiries, articles written by CLA members, relevant events happening around the country and news items from Australia and around the world.

It is also a good way for members to express their views on a wide range of subjects and engage in a conversation. Please check it out and recommend it to any friends with an interest in civil liberties:

<https://www.facebook.com/CivilLibertiesAus/>

NZ to get Criminal Cases Review Commission. Now for Australia?

A surprise inclusion in the Labour-NZ First coalition agreement – under Law and Order – is to establish a Criminal Cases Review Commission, a CCRC. <http://tinyurl.com/ybzafaon>

Here, Civil Liberties Australia and wrongful conviction lawyers and academics have been calling for Australia, or individual states and territories, to establish equivalent mechanisms. The model is the UK's CCRC, which has been operating for 21 years and has seen about 420 people freed from prisons after miscarriages of justice in trials of major cases, like murder and rape.

The NZ National Party, which ruled NZ until last month, had refused to set up such a body, saying it wasn't necessary, even though leading commentators believed the move could save the nation millions.

NZ Labour's new governing coalition partner, NZ First, issued a media release in October 2016. It said:

NZ First will establish a Criminal Cases Review Commission as soon as it is in a position to do so, says Justice spokesperson Denis O'Rourke. "In too many cases in recent years the safety of convictions for serious crimes have been called into question, and ad hoc associations of supporters of those convicted have sought to find ways of having those cases reviewed. This is very difficult and very expensive, and as a result the success of such associations in achieving a review often depends on how much money they raise and how much fuss they can make. That is not the way these matters should be dealt with in a modern and effective justice system."

In 2014, then-Canterbury Uni's dean of law Chris Gallavin (now Deputy Pro Vice Chancellor at Massey Uni) said millions of NZ taxpayer dollars could be saved by setting up an independent body to investigate miscarriages of justice which are being dealt with by a "clumsy and blunt" court process. At the time, Gallavin and Labour justice spokesperson Andrew Little renewed a decade-old debate, calling for the establishment of a Criminal Cases Review Commission. <http://tinyurl.com/y7pfas4m>



Chinese students urged to speak up in Australia

Chinese students at Australian universities should speak up if they hear something they disagree with, to gain an "authentic Australian education", says the head of the Department of Foreign Affairs and Trade.

"The silencing of anyone in our society – from students to lecturers to politicians – is an affront to our values. Enforced silence runs counter to academic freedom," DFAT secretary Frances Adamson (photo) told students at the University of Adelaide.

Ms Adamson, who is a former ambassador to China, gave the annual Confucius Institute lecture, telling international students – many of them Chinese – that Australian universities support free debate. She encouraged students "not to silently withdraw or blindly condemn. Respectful and patient discourse with those with whom you disagree is a fundamental skill for our ever-more-connected contemporary world," DFAT's chief said. <http://tinyurl.com/ybylmf9x>

Who ya gonna call...?

The Turnbull-Serco government of Australia is trying to slash phone waiting times at the Department of Human Services (DHS) from the average 27 minutes per call in January 2017.

The British prison, construction, shipbuilding, immigration, health, defence, transport and citizen/facility services firm, Serco Group, will deliver the call centre contract through its local arm.

The Australian government will pay \$51.7m to employ 250 Serco staff to take DHS calls, having sacked 1200 DHS staff in the 2016 budget. The contract amount indicates the cost per Serco employee will be about \$68,900 a year on average over the three years.

As well as the abysmal on-line waiting time, more than four million calls a month to DHS have been receiving an engaged signal, with people forced to redial and rejoin the queue. <http://tinyurl.com/ycr8gv6b>

Centrelink's – part of DHS – phone system returned 55m engaged signals last financial year, prompting further criticism that the agency is "in crisis". The figure is a dramatic increase on the 29m calls that received a busy signal in 2015-16, and the 22m in 2014-15. These figures do NOT include abandoned calls, which were 7m in 2016-17. <http://tinyurl.com/y9bvxtq5>

Ya gonna call the media first!

When the 32 AFP officers arrived to raid the Australian Workers Union offices in Melbourne for 10-year-old documents, waiting for them at the front door were TV and press cameras and reporters.

Obviously, calls outwards by government agencies to the media have a much higher priority than calls inwards seeking help from government agencies (see item above).

As it is illegal for the AFP to tip off the media to upcoming raids, we look forward to the AFP investigation into what extensions, and who, from their offices phoned what media numbers in the hours leading up to the event. Shouldn't be too hard to work out with the AFP's now over-arching access to telephone and other databases.

The AWU raids, on behalf of the Registered Organisation Commission, are trying to track down whether big donations to the activist group GetUp Limited during 2005-6 were properly approved under union rules. As now Opposition Leader Bill Shorten headed the AWU at the time, the raid appears to be supportive of a government bid to 'Get Shorty' to damage his chances at the next federal election.

Minister Michaelia Cash's office was also pre-advised about the raids: the APF media branch must have been very busy on the phones. Now, in the ultimate irony, the AFP has been asked to investigate the advance leak about when the raid would occur! CLA suggests they look in the mirror.

Labor appoints 'Minister for the Republic'

Federal Labor has appointed NSW Member of the House of Representatives, Matt Thistlethwaite, to be the first Shadow Assistant Minister for an Australian Head of State.

Mr Shorten announced the appointment last month as part of the push for Australia to become a Republic.

He announced in July 2017 that he would hold a compulsory plebiscite on whether Australia should become a republic within the first term if Labor won the next election. The question would be: "Do you support an Australian Republic with an Australian Head of State?" <http://tinyurl.com/y9aywatk>

ODD SPOT: Gorgeous George chucks a tanty

George Christensen, National MHR for Dawson (around Mackay/Bowen) Qld:

"This Adani (coal) project's been approved by state and federal governments. It's seen off every legal challenge that the ecoterrorists have been able to throw at it. Instead of facing facts, these petulant toddlers are throwing a tantrum and chucking their toys out of the pram. They are worse than toddlers. Not only are they threatening to break the law, disrupting legitimate business operations; they are putting lives and livelihoods at risk. I hope these law-breakers are arrested, charged and convicted of offences, especially the one in the Senate..."

– photo by Alex Ellinghausen, *Fairfax*



Warmonger to head new jiHAD against dark, evil forces

Australia's soon-to-be Big Brother, Michael Pezzullo, says there must be mammoth consolidation of power centrally in Australia to protect Australia from the "dark universe" of globalisation.

The man who now heads the Department of Immigration and Border Protection will likely be appointed fuhrer of Minister Peter Dutton's proposed new security super-ministry.

The recent speech to the Trans-Tasman Business Circle indicated the two men share loopy notions of dark threats that can only be countered by them, personally, exercising ultimate power without the distractions of pesky restraints like civil liberties and human rights. The way they run refugee policy indicates the future.

Laying out what he called the "philosophical context" for the proposed security and surveillance suprema body, to be called the Home Affairs Department (HAD), he warned darkly about "evil" forces at play worldwide and here.

The "emotional view" of home as a safe place was obsolete, he said, ramping up community fear further. He revealed the super-ministry, modelled on Britain's Home Office, would assume responsibility for critical infrastructure, "community cohesion" and protecting democratic institutions from foreign interference. The task would include shielding Australians from "the fracturing of public discourse and phenomenon of fake news", which he described as a threat to Australian sovereignty.

"Sovereignty is being compromised by fake news and global campaigns of information subversion and psychological warfare designed to undermine our democratic institutions and public discourse," he said. (Of course, CLA observes, that won't happen when Dutt-Pezz control the airwaves, and our mindwaves).

The intrinsic evil of the dark web needed to be "smashed" in the same way that western military forces opted to smash Adolf Hitler's Third Reich, Mr Pezzullo said.

So, after the failing, expensive and counter-productive War on Drugs comes the Dutton/Pezzullo Home Affairs Department War on the Web (perhaps a jiHAD?).

CLA believes we should concentrate on losing one war at a time. <http://tinyurl.com/yb88r3sq>

New class action may result in second multi-million government payout

The Australian government is facing another class action lawsuit brought on behalf of asylum seekers detained under Labor and Coalition governments over the past six years, Michael Koziol has reported.

Documents filed in the Federal Court allege a four-year-old boy, born in Darwin and detained on Christmas Island with his asylum-seeker parents, was detained for no valid purpose and thus unlawfully. Law firm Maurice Blackburn estimates "thousands" of asylum seekers are eligible to join the lawsuit, arguing their detention was unlawful because the government did not actively pursue their visa claims.

The Turnbull government recently settled a \$70 million payout to nearly 2000 asylum seekers detained on Manus Island, plus \$20 million in legal costs, to avoid a lengthy and image-blackening trial. The new class action may go down a similar path, as the government prepares to close Manus and throw refugees to the mercy of local people who dislike having them on their island.

How many deaths and maimings of refugees on Manus will it take before the Australian government agrees to let the rest of the refugees come to Australia, or go to NZ? CLA asks.

Gillian Triggs, former boss of the Australian Human Rights Commission, last month blasted the "illegal, cruel and unworkable" Manus regime in a fiery speech to refugee activists. She said Australia had a "shameful history of chronic failure to comply with our human rights obligations" and labelled it "ironic" Australia was now taking a seat on the UN Human Rights Council. <http://tinyurl.com/y8j3tefn>

HAD enough? Silly ministries bite the dust

The Saturday Paper picked up on the October CLArion lead item coverage of the nonsense of a proposed new federal law to ban fictitious-sounding bodies.

Legal blogger* Richard Ackland, writing as 'Gadfly', drew attention to the federal government's concerns about false representation, including their example of the Ministry of Silly Walks not being illegal because a reasonable person would not believe such an Australian Government body existed. Could you be certain? Ackland asked.

Tell that to John Cleese, CLA says. (*Ackland's blog is 'Justinian'). – Saturday Paper 21-27 Oct 2017

Hodgman government's 'Pythonesque' provisions overturned

The High Court has thrown out draconian anti-protest laws passed by the Tasmanian Hodgman Liberal government in 2014 as unconstitutional — saying they exhibited "Pythonesque absurdity".

They were also overly broad, vague, and confusing, the High Court said.

Former Australian Greens leader Dr Bob Brown and Tasmanian nurse Jessica Hoyt challenged the laws after being arrested during a protest in the Lapoinya Forest in North West Tasmania in 2016.

CLA had campaigned against the laws since early 2016 and we pointed out to the Tasmanian Government that the laws were likely to be unconstitutional.

The Workplaces (Protection from Protestors) Act was aimed at stopping protests disrupting forestry operations. The laws carried fines of up to \$250,000 and five years in jail.

The High Court ruled last month that the laws breached the implied freedom of political communication in the Australian Constitution. "The measures adopted by the Protesters Act to deter protesters effect a significant burden on the freedom of political communication," Chief Justice Susan Kiefel and Justices Virginia Bell and Patrick Keane wrote in their joint decision. "That burden has not been justified."

The court ordered the Tasmanian government to pay Dr Brown's and Ms Hoyt's costs.

Tasmanian CLA Director Richard Griggs was quoted by the *Hobart Mercury* as welcoming the decision. "Freedom of expression, including in the form of protest, is fundamental to a healthy democracy where ideas are contested," he said.

"The laws adopted by the Tasmanian Government were over-the-top and unnecessary and sought to stifle the rights of ordinary Tasmanians to protest about things that affect them and their communities."

He also called on state election candidates to declare now that they will protect Tasmanians' right to free speech by introducing a Human Rights Act in 2018. <http://tinyurl.com/y98uuus8>

CLA's other Tasmanian Director, Rajan Venkataraman, pointed out that the High Court's decision has ramifications for other states where governments have also bowed to pressure by forestry and mining interests and implemented tough laws against protesters.

"The decision highlights the fragility of Australia's human rights protections. We shouldn't have to rely on a narrow right that is only implied in order to safeguard our fundamental liberties," he said.

"Australia remains one of the only developed countries without explicit human rights guarantees. The ease with which governments can trample on our civil liberties was shown by the recent decision on the sharing of facial recognition data and the detention of people without charge for up to two weeks."

Nationalism bigger risk than terrorism: Greste

Nationalism and xenophobia are bigger risks to Australia than terrorism, according to once-jailed international journalist Peter Greste, speaking in Canberra.

"We've become incredibly bound up by rules and regulations. We've succumbed to the rhetoric around terrorism," he said.

Greste launched his book, *The First Casualty*, at an ANU conference last month.

In Egypt in 2013, Greste and his *Al Jazeera* colleagues Mohamed Fahmy and Baher Mohamed were arrested and charged with threatening national security. Greste spent 400 days in Egyptian prison before being released and deported to Australia.

Speaking about the current situation, he said: "The far greater threats are from things like nationalism and xenophobia, where we turn inwards and away from the rest of the world. I think that's doing far more damage."

"I'm not suggesting we're about to become Egypt any time soon ... we are in danger of moving our society towards that end of the spectrum and doing the job extremists want us to do." <http://tinyurl.com/ybuetdfv>

ASEAN summit won't even discuss civil liberties/human rights

Sydney will host an ASEAN-Australia special summit in March 2018.

It is Australia's first hosting of such a meeting with the nation's third largest trading partner.

Centrepiece will be the leaders' summit and retreat. There will be two major side-events:

- business summit with leaders of industry and firms to discuss making more profits; and
- counter-terrorism conference to discuss regional action to combat terrorism.

No civil liberties-human rights activity is so far on the ASEAN agenda.

Students work actively for human rights

University of Tasmania journalism students enrolled in the Professional Practice and Industry Engagement course spent the past semester working in small teams for a real-world client – the Tasmanian Human Rights Act Campaign (THRAC).

The campaign, seed-funded by Civil Liberties Australia, is led by CLA's original Tasmanian Director, Richard Griggs, now features 19 community-based groups.

Each UTAS journalist team presented their completed projects to the 'client' one Friday last month, as part of an end-of-semester showcase at the University Club. Aspects of their work – gratefully received by the THRAC committee – will be implemented in coming months, including publishing videos and podcasts.



The campaign aims to have as many state parliament election candidates as possible at the March 2018 poll declaring in advance their commitment to vote for a Bill of Rights for Tasmania. The ACT and Victoria already have fundamental guarantees of freedoms, such as speech and assembly, in their rights laws.

Commissioner questions ‘double-dipping’ pre-detention regime

The ACT Human Rights Commissioner has warned people in Canberra could be detained for up to 28 days under the new COAG pre-charge detention regime because of an existing territory detention regime.

Dr Helen Watchirs is also concerned that both federally, and in the ACT, ministers have provided little detail of the new 14-day detention for down to 10-year-old terrorists. "The first we shall hear about the nuts and bolts of the pre-charge detention legislation is when it is introduced," she said.

Dr Watchirs said that suspects could be detained under the current ACT pre-charge regime for up to 14 days. If the new rules added to that, people could be held for 28 days without being charged.

She was concerned that the new laws would sidestep protections in the ACT Human Rights Act. (Only the ACT and Victoria have such acts).

Dr Watchirs also said she understood the ACT's detention regime had never been used, and there had only been four such detentions in other states, with all people detained "released well under 14 days". <http://tinyurl.com/yandmyaw>

Eastman trial-of-the-centuries set to begin anew in February 2018

The latest in the trials of David Eastman will start in February...with 300 people lined up to give evidence.

If the trial is anything like Eastman's first series of trials and appeals starting some 22 years ago, the proceedings will resemble low farce rather than force of law.

The ACT Director of Public Prosecutions is again charging Eastman with the murder, by two close-range gun shots to the head, of assistant commissioner Colin Winchester of the AFP in the driveway of his Deakin home in Canberra in 1989. That date is correct: nearly 30 years ago.

In 1995 Eastman was convicted and sentenced to life without parole.

In 2014 a judicial inquiry by Australia's 'Have Gavel – Will Travel' judge, Brian Ross Martin, recommended the sentence be quashed and Eastman be pardoned because of failures of evidence and disclosure by the AFP, and of disclosure by the ACT DPP.

On 22 August of the same year, the Supreme Court of the Australian Capital Territory quashed the conviction, and ordered a retrial...subject to the DPP's discretion.

‘Our civil liberties aren’t what they used to be’, says Premier

NSW is going even further overboard in trashing civil liberties, a fact the State Premier supports.



"All of us have to accept, from time to time, that our civil liberties aren't what they used to be," NSW Premier Gladys Berejiklian (photo) said last month.

<http://tinyurl.com/y9e3xlu2>

Our Glad plans to keep people convicted of terror offences – or even those merely suspected of having been radicalised behind bars – in jail for an extra five years if “someone” decides they might pose a threat when due for release. Even intelligence agencies will be able to apply to keep a person in jail.

But, when a state is no longer based on civil liberties and rights principles, it has become a police state. Thus NSW in November 2017 is officially run by the police.

The federal government wants to extend police state status throughout the nation: with access to state and territory databases, the feds will harvest driver and other licence photos of virtually every Australia so that tracking people and using surveillance footage is made easier.

Just a reminder: no law (that is, NO law) passed since the 11 Sept 2001 aircraft attacks on the USA has prevented a terrorist attack.

When the people who now run NSW – the police – were faced with just one person they claimed was a terrorist in the Lindt Cafe siege, they botched the job and managed to kill two civilians.

The question becomes what is more dangerous: maintaining civil liberties/human rights and our Australian way of life, or giving incompetent police even more excessive powers?

Secret blacklist targets kids, Aborigines

Children as young as 10, as well as Aboriginal people, are under watch due to a secret blacklist kept by NSW Police.

Lawyers from the Public Interest Advocacy Centre and UNSW have released a study into a police policy known as the "Suspect Target Management Plan" (STMP, or 'Stomp').

The details of the program are closely guarded by NSW Police, but authors of the report believe thousands of people may be targeted as part of it. One author, PIAC senior solicitor Camilla Pandolfini, said the first time people realise they are in the program is when they are routinely harassed by police.

"Individuals aren't given a formal notification that they're placed on the STMP, but what they do experience is repeated stops and searches every time they're out on the street," she said. "And then police showing up at their homes at all hours of the night, all hours of the morning, sometimes a couple of times a day, sometimes a couple of times a week." <http://tinyurl.com/yb2zu9tc>

Prisoner held in 'torture' conditions – no notification, apology or compensation

The SA government is refusing to apologise to a prisoner, or compensate him, for being held in solitary confinement for 66 days, which the UN defines as torture or cruel punishment, SA's InDaily reported.

In a damning report released last month, the State Ombudsman has found the SA Department of Corrections failed to justify transferring a prisoner to Yatala Labour Prison and holding him in its "solitary confinement" G Division for 66 days. He said it also failed to fulfil a legal requirement to notify the Corrections Minister about the special detention. <http://tinyurl.com/y7kwurtu>

Phone app reaches beyond the grave

The Queensland Supreme Court has accepted a dead man's unsent, draft, mobile phone text message – which left his possessions to his brother and nephew instead of his wife and son – as an official will.

The 55-year-old took his own life in October 2016 after composing a text addressed to his brother, which indicated his brother and nephew should "keep all that I have", because he was unhappy with his wife.

A friend found the text message in the drafts folder of the man's mobile phone, which was found near his body. The unsent message detailed how to access the man's bank account details and where he wanted his ashes to be buried.

"You and [nephew] keep all that I have house and superannuation, put my ashes in the back garden ... [wife] will take her stuff only she's ok gone back to her ex AGAIN I'm beaten. A bit of cash behind TV and a bit in the bank Cash card pin ... My will". <http://tinyurl.com/ychw24yb>

Top cop's right hand man charged

The AFP Commissioner's right hand man has been charged with 64 counts of fraud, the ABC has reported.

Gary John Fahey, former executive officer to AFP Commissioner Andrew Colvin (photo), faced court a week after the ABC put a series of written questions to AFP Media about allegations that Mr Fahey misused his corporate credit card. In a statement to the ABC, the AFP said: "All allegations of criminal and serious misconduct are taken very seriously, regardless of the member's rank or position."

Mr Fahey, 40, of Moorooka in Queensland, was due to face the ACT Magistrates Court early in November.



According to the summons, Mr Fahey "dishonestly caused a loss to the AFP, knowing or believing that the loss would occur contrary to the Criminal Code". The summons alleged that between August 2015 and November 2016, Mr Fahey defrauded the AFP at various locations including Canberra, Victoria, Sydney, Adelaide and Fortitude Valley in Brisbane.

Former top cop to stand trial for 'perverting justice'

The former Police Commissioner of the NT, John McRoberts, will stand trial in the Supreme Court in 2018. Judge John Neill committed him on a charge of attempting to pervert the course of justice. McRoberts is accused of deflecting a criminal investigation into rorting by travel agent Xana Kamitsis, with whom he was allegedly having an affair.

The court was told last month that NT Police had wiped data from McRoberts' work phone and iPad before handing it over to the AFP detectives assigned to investigate him. <http://tinyurl.com/ydb36c9p>

NT's top cop admits his officers need 'guidance'

NT Police pepper sprayed an 11-year-old boy handcuffed in the back of a van and at risk of self harm. The child, who one officer described as "skinny, quite small", was high on a large amount of volatile substances and had just attempted to choke himself with a spit hood when he was sprayed, the NT Ombudsman's 2016/17 annual report shows.

Another complaint raised in the report reveals several officers let an intoxicated 16-year-old girl hit her head against a watch house cell door more than 200 times without intervening, according to Lucy Hugh Jones' *AAP* report in the *NT News* last month.

NT Police Commissioner Reece Kershaw denies that members of the force had a problem managing youth, but said some officers needed "guidance". <http://tinyurl.com/ydel4drj>

NT pinches police from around Australia

The NT government has begun a round of police pinching.

Chief Minister Michael Gunner announced last month they have fast-tracked the recruiting of 30 experienced police officers from around the country. Experienced police officers will get an intensive 10-week training program in Alice Springs starting late January to get them prepared for Territory policing. They will then operate in and around Alice Springs in the NT Police's Southern Command.

"We have invested millions since coming to office to make sure our officers can improve public safety and security for Territorians, including bringing back the Banned Drinker Register and investing \$45 million upgrade to replace the core policing system, PROMIS," Mr Gunner said.

What he didn't say was that the NT Police are plumping for PROMIS just as the Australian Federal Police are throwing the same system away as out of date, CLA says.

Earlier this year the government announced an extra 18 police to focus on youth crime, and 120 more officers have been promised over the term of government. – media release, Chief Minister 171018

ODD SPOT: Nudge-nudge plan crazy dangerous

Police and the WA government are considering Australia-first powers to ram vehicles off the road.

Police Minister Michelle Roberts confirmed she was working with Police Commissioner Chris Dawson on a possible trial of extra police pursuit measures known as PIT manoeuvres, or precision immobilisation technique, which involve nudging cars off the roads at high speeds.

The technique is not used anywhere in Australia, but is widely used in the US.

"We said we wanted to trial extra measures such as road blocks and force against pursued vehicles," Ms Roberts said. "Use of these measures, including in any trial would be under the command of senior police and only in extreme circumstances, taking into consideration road conditions, the threat to public safety and the like." <http://tinyurl.com/y846vv8n>

CLA believes the number of police car chases should be reduced, not increased, and that "nudging" cars at high speed is crazy because of the danger to bystanders and to police themselves.

Last year in WA, there were 1164 police chases — more than triple the number in 2010 — while 25 people died as a result of police chases between 2011 and 2016, about five a year.

WA Police Union president George Tilbury (photo) wants to use force, by police vehicles ramming from behind the vehicles they are chasing because he believes the threat of being rammed would make offenders less likely to try to evade police.

Pull the other one George: police ramming speeding vehicles will result in more innocent bystanders, more police and more fleeing drivers being killed and maimed, CLA says.

Reducing the number of "cowboy" police chases has worked in other Australian jurisdictions, so maybe WA could stop chasing so many cars in the first place. There are other, calmer ways to apprehend fleeing people. <http://tinyurl.com/y83984fw>



Inquiry leaves as many questions as it answers

An inquiry into the pathology service, PathWest, has found 11 anomalous results in six of the criminal cases it examined,

Alastair Ross inquired into the system after a senior forensic biologist was dismissed for breaching testing protocols, casting doubt over the convictions of 27 people. Laurence Webb, the senior forensic biologist with the state-run pathology centre, had been dismissed in August 2016 for failing to follow established protocols...but his sacking was not publicly acknowledged until 23 December of that year.

WA Attorney-General John Quigley said at the time that Mr Webb's dismissal cast doubt on the convictions of at least 27 people, including those involved in a number of high-profile murder cases.

Inquiry head Ross found 11 anomalous results across six of the 19 criminal cases it examined – that's an error rate of about 58%. Eight of those were transcription errors and two were typos, but one of the unexplained results has not been resolved and is under investigation by the facility's Forensic Biology Department.

What is not being investigated is errors and/or breaches dating back 20 years, for example in the case of Robin David Macartney, convicted of murder, who died in jail in July 2016. At least two eminent private forensic scientists from Australia claimed PathWest had made errors in reading Macartney's DNA results... but the intransigent agency and Crown law officials refused to hold an open inquiry – or to release their commissioned examination by a supposed UK expert – for comparison. <http://tinyurl.com/y9zhzc7u>

Forensic pathology is in quite some turmoil worldwide: see *'Forensic scientists, prosecutors, lie to the courts'* under **'International'**, below.

Claremont case delayed until next year

The man charged with two murders in Perth's infamous Claremont serial killer case and sex attacks on two other women has had his next court appearance pushed back to February.

Bradley Robert Edwards faces eight charges including the murders of 23-year-old child care worker Jane Rimmer in June 1996 and 27-year-old lawyer Ciara Glennon in March 1997 after nights out.

Edwards, 48, is also accused of abducting a 17-year-old girl in February 1995 as she walked through Rowe Park in Claremont and raping her in degrading and humiliating circumstances. The Kewdale man is further charged with indecently assaulting an 18-year-old woman during a break-in at a Huntingdale home in February 1988.

He is due in court on 28 February 2018. <http://tinyurl.com/y9secarb>

ODD SPOT: No 'substantial' breach

A 1000-page manual on future security arrangements for Parliament House in Canberra has been lost, but the Department of Parliamentary Services claims the building's safety has not been compromised.

Labor senator Kimberley Kitching used Senate Estimates to grill DPS staff about the security breach, alleged to have happened because a contractor working on the building's security upgrades lost the document. The document was lost in November and has not been found.

DPS's Paul Cooper, who oversees security, said the investigation had been conducted as if a "worst case scenario" had taken place. He said it found there had been "no substantial breach of security". <http://tinyurl.com/y9neuglu>

"No substantial mistake" is the weasel clause appeal judges use when a convicted person appeals, there has been one or more glaring errors in the original trial's evidence or procedure, but the judges can't bear to say the jury got it wrong or, worse, a judge made egregious mistakes.

Citizen jury gets to deliberate on car insurance

Of the 56 people chosen for a new 'citizen democracy' project in the ACT, 45% are women, 66% own their own home, more than 10% are under 24, 79% drive a car, 11% use public transport, 5% use a bike and 4% ride motorbikes.

The ACT is dipping its toe into people's democracy with a panel to examine the compulsory third party vehicle insurance system in the territory. While the jury was meant to exclude people with an industry stake, there has been no verification process to confirm that, Daniel Burdon reported.

The CTP deliberation is part of a wider \$2.8 million deliberative democracy trial the government is running, with a second jury to focus on developing a new carer's strategy for the ACT.

Barristers and solicitors in the ACT are dead against change to CTP. ACT Law Society president Sarah Avery questioned the integrity of the deliberative democracy process after the government awarded a \$770,000 contract for modelling of different options before the jury had met. <http://tinyurl.com/yanqhlew>

Human Rights Act saves citizens from 'fuzzy' surveillance

The ACT's Human Rights Act is saving its citizens from possible mass surveillance.

Under the new national photo-matching system, the ACT government will provide one-for-one matches only, where the system returns a single identical match to a searched face, rather than multiple possible matches from searches in the One Person One Licence System (OPOLS)...of the 'Capability', as it is being ominously called.



Surveillance expert Professor Katina Michael (photo) from the University of Wollongong said one-to-one matches would help avoid innocent Canberrans being inadvertently targeted in an investigation. "They're almost forcing the feds, I believe, to be sure about an exact match or don't bother at all. You don't want to be an innocent person ending up on a suspect list."

Chief Minister Andrew Barr said he insisted on restrictions on the use of the Capability to meet the ACT's Human Rights Act. The ACT was the first Australian jurisdiction to have a human rights charter: there is now one in Victoria, Queensland is committed to bringing one in, and a charter will be a core issue during the Tasmanian election campaign expected in early 2018. <http://tinyurl.com/yd87w5th>

International criminal court may be on its last legs

The International Criminal Court is in trouble, and may fold soon, according to a bleak assessment by Judge P. E. Smith, the Judge Administrator of Queensland's District Court who is also a colonel in the Army Legal Corps.

Now was "...a turbulent time for the ICC. The budget is high, there have been limited prosecutions. Those prosecutions that have taken place have been very lengthy," he said.

Most African states are likely to withdraw from the court: African leaders backed a "strategy of collective withdrawal" at their meeting in February 2017. The USA never belonged; Russia withdrew from ICC jurisdiction in 2016.

In its 15 years, the ICC has secured only four convictions, all wholly or partly on war crimes. Two related to the Congo, one to the Central African Republic and one to Mali. All the trials were drawn out: three years was the shortest, more than six years the longest.

The 'Court of Few Convictions' costs about \$250 million a year to run, with its 800 permanent staff.

Justice Smith was speaking to the Qld Justice and Law Society meeting on 20 Oct 2017.

Australian briefs

Women to be empowered: The Department of Foreign Affairs and Trade has launched a five-year program to empower women and girls in the Pacific region. The Women's Leadership Initiative allocates \$5.4 million to help participants — selected from Australia Awards scholars — to fulfil their leadership potential and drive big ideas and reforms in their communities. <http://tinyurl.com/yaltpdwd>

Indigenous over-represented in ACT detention: In March 2017, about 20% of the ACT's daily average sentenced population was Indigenous, according to a submission from the ACT Law Society on bail conditions. Indigenous people now account for about 1.6% of Canberra's population, with the Indigenous population in the ACT predicted to increase by 54% between 2011 and 2026, the submission notes. <http://tinyurl.com/yaxywf2j>

NT boosts bribery penalties: The NT will process draft anti-corruption laws through a new process involving the Legislative Assembly's Social Policy Scrutiny Committee and the Legislation Scrutiny Committee, which is likely to take until February 2018. The draft laws increase penalties around bribes to 10 years, up from 7. The *Independent Commissioner Against Corruption (Consequential And Related Amendments) Bill* also makes technical changes to the *Surveillance Devices Act* and *Telecommunications*

Act to enable NT ICAC to apply for warrants and use surveillance devices. – media release, AG Natasha Fyles 171019

Goodwin resigns: by-election due: Former Tasmanian Attorney-General Dr Vaneesa Goodwin formally resigned her seat of Pembroke in the Legislative Assembly on 2 October, and a by-election will be held on 4 November. Dr Goodwin stood down earlier in 2017 due to a diagnosis of brain cancer. CLA believes she was one of the best AGs to have held the role in Australia, a woman of principle and compassion coupled with toughness.

Aboriginal spending down/up: NT Treasurer Nicole Manison said the latest report into Commonwealth Indigenous funding shows federal Indigenous expenditure in the Territory is declining, while NT spending is up. The 2017 Indigenous Expenditure Report, released by the Productivity Commission last month, shows that since 2014, Indigenous spending by the commonwealth has dropped from \$28,144 to \$26,287 per capita. Ms Manison said the NT government's direct indigenous expenditure per capita remains the highest of all jurisdictions, and has increased since the last report from \$37,786 to \$41,899 per capita.

Letter to the editor from a member:

Do MPs read/understand the laws they pass?

In answer to the question in the October 2017 CLArion newsletter: 'Should the Senate pass these laws?', I say no! Why do our leaders think such draconian powers are required in our country?

In light of recent developments in the area of whether some MPs are qualified to be in Parliament, a part of me wonders whether some of our politicians read or understand what it is that they cast their vote on.

Unfortunately unless the political costs outweigh perceived political gains, such horrifying proposals and laws will continue to undermine our freedoms.

– Stu McRae, CLA member, Kerang Vic (thanks for your terrific newsletter)

CLA report – main activities for October 2017

Wedding of CLA Director Mark Jarratt and Dr Angela Dixon: congratulations and happy life

Meetings with politicians - Canberra

Shane Rattenbury (Greens) Corrections Minister, ACT Legislative Assembly, with CLA's Kristine Klugman, Frank Cassidy, Bill Rowlings:

Why are Aborigines over-represented in detention? Police have clear strategy: to target repeat offenders. Aborigines are already offenders (and known to police), plus more easily identified due to skin colour.

Under Justice Reinvestment:

- * Walk Tall pilot with 10 Aboriginal families (with Winnunga-Nimityjah - WN - Health Service);
- * new, specialist Aboriginal Bail Service to launch this month or next;
- * there will be a grant to run a driving school for Indigenous detainees, as it is around vehicle issues that many end up in jail

At the Alexandra Maconochie Centre - that is, the ACT jail – there will be an Aboriginal Health Service, run by WN (AMC holds 100 Aboriginal detainees, about 22% of AMC numbers)

CLA asked what cultural training is being provided to ACT Policing? Minister Rattenbury's office will ask formally for an outline.

ACT ICAC: new laws expected to operate from 1 January 2018.

Photo: Minister Shane Rattenbury, CLA President Dr Kristine Klugman and Director Frank Cassidy

Mick Gentleman (Labor) Minister for Police ACT, with Kristine Klugman, Frank Cassidy, Bill Rowlings

Discussed: Consorting laws, CLA's Better Justice program, Aboriginal juvenile rates of arrest by police.

Project on ways of cutting rate of Aboriginal



juvenile arrests: CLA's proposed national initiative raised in a meeting with ACT Police Minister Mick Gentleman, not much progress. Australian Institute of Judicial Administration – who launched a study – doesn't get involved in practical working projects, only research.

Two-way consultation: ACT Justice/ACT Policing and CLA: President Kristine Klugman and CEO Bill Rowlings met, at their invitation, with Deputy Dir-Gen of the ACT's Justice and Community Safety Richard Glenn and a senior 'bikie' police officer re Motor Cycle Gang (MCG) legislation reforms (drive-by shooting) **Chris Crewther** MHR Dunkley (Liberal, Vic). Discussed CLA's Better Justice program, wrongful convictions Background: UN lawyer, now chair of Foreign Affairs and Trade Joint Standing Committee's sub cttee on aid; also member of Treaties cttee. Sent information on genes.

Other meetings:

Skype sessions with CLA Directors Margaret Howkins (WA) and Richard Griggs (Tasmania)

Director Sam Tierney: Treasurer's role handed over

Canberra: Kel Watt and Louise Yabsley, new members; Howard Hanley, new member, Dr Helen Wiles, Thomas Mautner.

Sam Coten, visiting member from WA: meetings with Kristine Klugman, Bill Rowlings, Tim Vines

Members Lesley Vick and Ken Davidson: Lesley is President of Dying with Dignity Victoria, and is a leader of the euthanasia campaign in that state.

Prison watch: Sue Neill-Fraser: play opening in Hobart 24 October, hearing October 30 31 and 1 Nov.

ANU law interns: Kelly Chan has lodged her paper on Citizenship

For Board meeting discussion in November:

- Consideration of paper "What We Do" as a handout
- Marketing report, by Mark Jarratt
- Need for new website/webmaster
- All board members in Canberra for a meeting once every two years.

Media: (CLA V-P Tim Vines)

- Use of Facial Recognition Systems by the Government - Live interview 2CC
- High Court Same Sex Marriage Decision - Article for Civil Liberties Australia website

CLA Groups:

TAS:

Campaign for a Human Rights Act for Tasmania: Led by CLA Director, Richard Griggs, gathers momentum. UTAS Journalism students have voluntarily produced work to assist the campaign (see story in 'articles') CLA Director Rajan Venkataraman is actively helping the state/national same-sex marriage campaign.

WA:

CLA Director Margaret Howkins:

- CLA submission to end-of-life choices inquiry by WA Parliament;
- work on briefings about the concept of the Independent Police Complaints Commission, which is now Labor Government policy;
- meeting with MLA Margaret Quirk (Labor, Girrawheen) who is chair of the Joint Standing Committee on the Corruption and Crime Commission, and a former Justice and Corrections minister.

Submissions: to WA Parliament's inquiry into End-of-Life choices

INTERNATIONAL

Could this happen in Australia under new same-sex marriage laws?

NOTE: Be warned, CLA says. Something like this could be tried in Australia under proposed same-sex marriage laws. Robert Fitch, the *Justinian' legal blog's* man in Washington, reports:

In the 2014 case of *Burwell v Hobby Lobby Stores*, the US Supreme Court invented an astonishing new corporate freedom of religion, initially limited to closely-held corporations whose owners asserted religious scruples against particular government policies, for example the US Affordable Care Act's requirement that contraception be included in health insurance policies.

This US first amendment "religious freedom" for godless legal entities was news to those who had always assumed corporations possessed only the rights and powers assigned them by their charters or legislation. Pushing this extraordinary notion of corporate religious liberty ever further, the Trump administration has now proposed that all corporations of any size or composition have "freedom" to e.g. drop federally-mandated contraception coverage from employee health insurance plans.

A policy of pandering to intolerance and chilling anti-discrimination law is now disingenuously wrapped in religion.

Attorney General Jeff Sessions is busy re-framing the first amendment's freedom of religion to include "moral" scruples, to be extended to corporations; apparently, these claimed religious/moral objections may then be foisted upon suppliers, customers and employees.

Corporations asserting "religious freedom" to resist compliance with anti-discrimination and EEO law would seem to impose subjective religious beliefs on secular society, and be a triumph of church over state. – Robert Fitch

Photo: Jefferson Beauregard Sessions III, AG of the USA



Forensic scientists, prosecutors, lie to the courts

Two crime lab scientists and two state prosecutors in Massachusetts USA have been responsible for about 42,000 wrongful convictions over the past decade.

The Mass. scandal continues to play out as lawyers seek carte blanche freedom for the latest 18,000 victims of forensic "justice". They want those charged discharged "with prejudice".

One lab scientist was high on drugs stolen from the crime lab, another just plain falsified results.

The two prosecutors lied repeatedly to the courts that they had disclosed all available evidence to defence lawyers when in fact they withheld material seized from the car of one of the forensic scientists.

Mark Joseph Stern, writing for *Future Tense*, reports that crime lab chemist Sonja Farak was high on crack cocaine smoked in the morning, and LSD taken at lunchtime, when she certified the guilt of a man charged with selling heroin. She later admitted she had been "too impaired to drive home" that day, or to use the lab equipment. Farak had been high on drugs stolen from the lab for eight years before she was found out.

Another crime chemist in the same state, Annie Dookhan, falsified tens of thousands of lab reports, certifying results without doing the tests. Her misconduct tainted 24,000 convictions. When whistleblowers reported Dookhan, the lab silenced them, covered up her misconduct and allowed her to continue working.

The two prosecutors – lawyers for the state – exacerbated the cover-up, withholding material from the defence and the courts. So far, from the Dookhan case, 21,839 wrongful convictions have been dismissed. Dookhan was sentenced to five years in jail. She served two-and-a-half and was released on parole.

In December 2016, Mass. Superior Court Judge Richard J. Carey scheduled hearings to determine the scope of Farak's misconduct and scrutinise prosecutorial misconduct. He found that two assistant attorneys general, Anne Kaczmarek and Kris Foster, had withheld exculpatory evidence "through deception," "tampered with the fair administration of justice by deceiving [the court]," "distorted" the court's fact-finding, and "unfairly hampered" the defence. Their "reprehensible" conduct, Carey concluded, "constitutes a fraud upon this court."

When a case is dismissed "with prejudice", it is dismissed permanently; prosecutors do not get a second try. <http://tinyurl.com/y9txsdq6> and <http://tinyurl.com/hpenmh5>

These cases in the USA, and forensic misbehaviour in Australia, calls for regular review of practices and people in Australia's forensic crime laboratories, and in the offices of the directors of public prosecutions, CLA believes,

ODD SPOT: Two-year-old gives evidence in sexual offence trial

A two-year-old girl is believed to have become the youngest person to give evidence in a UK criminal case, after her interview was recorded by a specialist court team. Eventually the defendant in the abuse case pleaded guilty before it came to trial. The man was sentenced last month to more than 10 years in prison for sexual offences against a child. Neither the police force involved nor the defendant has been named in order to protect the identity of the child. <http://tinyurl.com/y7aukvkp>



France curtails liberty ‘to secure liberty’

France’s parliament last month approved a new law which President Emmanuel Macron (photo) claims is to expand the power to fight terrorism, whereas critics point out it poses a historic threat to civil liberties.

Terrorist violence has claimed 239 lives in France since 130 people died in the November 2015 attack, but critics said the new laws would not have prevented recent onslaughts.

Instead, the laws would continue discrimination against Muslims, which has grown since France declared a national state of emergency in 2015.

The new law turns provisions under the state of emergency into permanent aspects of French life. For example, French police will be able to conduct home searches and place suspects under house arrest with little court supervision.

The law makes stop-and-frisk policing permanent, and local authorities will be empowered to close "places of worship in which are disseminated the writings, ideas or theories that provoke violence, hatred and discrimination." <http://tinyurl.com/yamzn3zh>

Kuwait court rules for human rights and privacy

Kuwait’s Constitutional Court has overturned the nation’s controversial 2015 mandatory DNA collection law.

“Forcing civilians who have not been accused of violating the law to take and save their DNA in a database violates basic human rights and privacy,” the court ruled.

“The law violates Articles 30 and 31 of Kuwait’s constitution as well as Article 17 of the International Convention of Civil and Political Rights, which Kuwait has agreed to.” Articles 30 and 31 of the Kuwaiti constitution deal with “personal liberty.”

The law had mandated DNA collection from all citizens and resident foreigners – about 3.5 million people, plus all visitors to the tiny Gulf state. Kuwait’s Parliament passed the law in a rush after a July 2015 terrorist attack in the capital left nearly 30 people dead.

By having a large database of everyone’s DNA, authorities said it would be easier to identify victims of terrorism or perhaps even criminal suspects. But, the counter argument goes, if you haven’t done anything wrong, why should you have to lodge your private information, such as DNA, in a database? <http://tinyurl.com/y87jrp9g>

Environmental campaigning can be deadly

More than 150 people have died worldwide this year while defending their community’s land, natural resources or wildlife, with 2017 almost certain to be the deadliest “green” year on record.

Environmental activists, wildlife rangers and indigenous leaders are locked in fierce conflicts with mining, logging and agricultural companies in hundreds of places around the world, The Guardian reported.

The newspaper and watchdog Global Witness is recording all deaths of environmental campaigners in 2017; last month, the number reached 153.

Mining and extractive industries account for the most killings, 33 so far in 2017. Agribusiness has been responsible for 28 deaths so far this year, compared with 23 for all of 2016. More park rangers have been killed already in 2017 than during the whole of 2016. <http://tinyurl.com/yag6vhvw>

ODD SPOT: Paper to replace electronics

Brazil will adopt paper ballots for its national election rounds on 7 and 28 October 2018. In previous elections, votes were registered through an electronic voting machine. The move comes as many countries, including Australia, are planning to go more, or totally, electronic.

Liberty UK seeking to ensure Brexit doesn’t damage human rights

Liberty UK is pushing the ‘People’s Clause’, a series of amendments to the Brexit Repeal Bill that will guarantee that basic rights are not watered down when the UK leaves the EU.

The People’s Clause:

- Creates a black-and-white promise that ministers can't use their Repeal Bill law-making powers to roll back rights protections
- Makes sure parliament scrutinises how ministers rewrite laws, to prevent backroom deals that dodge the democratic process
- Brings all fundamental rights protections home from the EU in full force, including a fully enforceable Charter of Fundamental Rights and non-discrimination laws. – email from Liberty 171019

Voting 'selfies' meet mixed legal reception (NB: legal in Oz)

A US federal judge is upholding NY's ban on voters photographing their marked ballots in polling places: he says the US First Amendment is trumped by the law's stated goal to cut down on election fraud via vote buying and extortion.

US District Judge P. Kevin Castel said the statute deprives a perpetrator of election fraud the modern-day means to verify that a target voted a certain way. That verification method is a selfie of a voter holding a marked ballot at a polling place, which would then be posted to social media, he said.

"The State's interest in the integrity of its elections is paramount. The law is also narrowly tailored," Castel wrote last month. "Alternatively, the Court finds that the statute is a reasonable, viewpoint-neutral restriction of speech within a non-public forum."

Castel's ruling contradicts decisions by judges in Indiana, Michigan, and New Hampshire. Courts in those states have ruled against bans on voting-booth selfies. Seventeen states apparently ban ballot-booth selfies. <http://tinyurl.com/yd7hma55>

NOTE: In Australia, Civil Liberties Australia sought formal advice from the Australian Electoral Commission: taking photos in polling booths is not banned.

Quebec opts for full facial disclosure

Canada's Quebec provincial legislature has passed a religious neutrality bill obliging citizens to uncover their faces while giving and receiving state services, triggering criticism that the law targets Muslim women.

The law will apply to people taking state buses, for example, Justice Minister Stephanie Vallee said.

Quebec's two main opposition parties opposed the bill. They argued it did not go far enough in restricting the presence of conspicuous symbols of all religions in the public sphere.

The new law has two basic components: it bans the wearing of face coverings for people giving or receiving a service from the state, and it offers a framework outlining how authorities should grant accommodation requests based on religious beliefs. While the bill does not specifically mention specific clothing, it would prohibit the burka and niqab when people interact with the state.

Premier Philippe Couillard said he expected some people to challenge the law, but he defended the legislation as necessary for reasons related to communication, identification and security. <http://tinyurl.com/y95q4cf8>

International briefs

Is water a human right? <http://tinyurl.com/ybvuvntk>

Car bomb kills journalist: A Maltese investigative journalist who exposed her island nation's links to offshore tax havens through the leaked Panama Papers was killed last month when a bomb exploded in her car. Daphne Caruana Galizia, 53, had just driven away from her home outside Malta's capital of Valletta, when the massive bomb went off, sending the vehicle's wreckage spiralling over a wall and into a field. <http://tinyurl.com/ydypkw6e>



Historic offences can be wiped: Queensland men convicted when homosexual acts were a crime can apply to have their records cleared under new laws passed unopposed last month. Consensual homosexual sex was illegal in the state until 1991, when the Goss Labor government changed the laws. Until then, 464 people had been convicted: they can now apply to have their criminal records expunged. Civil Liberties Australia contributed to several consultation processes around this change by the Queensland government. <http://tinyurl.com/y7n4q7qz>

International law guru dies: M. Cherif Bassiouni, a renowned Egyptian-American jurist who some said was a godfather of modern international criminal justice, died in late September 2017 at his home in Chicago, USA. He was 79. The cause was complications of multiple myeloma, a form of cancer. He was a mix of quintessential intellectual, diplomat and human rights activist, who taught at universities, worked for the UN and advised governments. As a workaholic author his writings cover several shelves: 35 books, nearly 40 edited volumes and more than 270 essays and law review articles. <http://tinyurl.com/ybzm2s9l>

WTO conference bears watching: The 11th ministerial conference of the 164-member World Trade Organisation will be held 10-13 December 2017 in Buenos Aires, Argentina. Under discussion will be worrying developments such as in the Trans Pacific Partnership group (from which the USA has withdrawn) which wants to spread the impact of Investor state dispute settlement (ISDS), a technique by which arbiters supersede the final legal rulings of bodies like the High Court of Australia, and moves to cement the international hegemony of US corporations like Microsoft, Google and Apple. <http://tinyurl.com/yafs7yvh>

Under-age marriage sex illegal: Sex with a wife aged under 18 is illegal and will now be treated as rape, India's Supreme Court ruled last month, stripping legal protection from the already illegal practice of taking a child bride. The court struck down an exception in Indian rape law which permits sexual intercourse between a man and his wife as long as she is older than 15. If a minor wife complains against the husband within a year of sexual intercourse, the husband can be prosecuted for rape, *Deutsche Press Agency* reported. According to a 2014 study by UNICEF, India accounted for a third of child brides globally – more than 230 million Indian women married before they were 18. <http://tinyurl.com/ybax7ypp>

DATES

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> .

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

2 Nov Brisbane: Chief Justice Susan Kiefel on Legal Influences Across Centuries and Borders. U. Southern Qld Springfield Campus, D Block. Details: vcevents@usq.edu.au

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

13 Nov, Perth: Should dual citizens be eligible to serve in Parliament? [Dr Jürgen Bröhmer](#) and [Lorraine Finlay](#) discuss dual citizenship and explore how dual citizenship is handled on a global level. Kim Beazley lecture theatre, Murdoch Uni Perth campus. Free but register at: <http://tinyurl.com/y9hz374l>

14 Nov, Perth: Free workshop: 'Understanding Complexities of Multicultural Workplaces', run by CLA member Rika Asaoka, details and bookings: rasaoka@languageandculture.com.au or www.eventbrite.com.au

23 November, Darwin: 2017 Menzies Oration, by Prof Ian Anderson, Deputy Secretary for Indigenous Affairs , Department of Prime Minister and Cabinet. Menzies auditorium, Bldg 58, Royal Darwin Hospital campus 4.45pm to 6pm. Register: <http://tinyurl.com/ycnwzndm>



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

28 Nov, Canberra: Israeli journalist Gideon Levy speaks of 'Israel and the Occupation of Palestine', introduced by Senator Janet Rice. 7pm, Delhi 6 restaurant, Childers St Acton (across from the Street Theatre). \$50p//\$35 concessions. Book by 24 Nov E: kathryn09@gmail.com

30 Nov - 3 Dec, Montreal, Canada: 8th International Conference on Human Rights Education: Bridging Our Diversities. Details: <http://tinyurl.com/kvpzq2v> 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:

9-12 July, Greece: Hellenic Australian Lawyers Association conference, Contemporary Legal Issues and the Influence of Hellenism Keynote by CJ of Australia Susan Kiefel, Sheraton Rhodes Resort, details: <http://tinyurl.com/y7y74grh>

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

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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 Rowings, 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)

ENDS ENDS ENDS

ELECTIONS in Australia

2017:

25 Nov 2017: QUEENSLAND state election (after that, fixed four-year terms, with the election date the last Saturday in October: new in 2017, 93 seats for the first time, and full – compulsory – preferential voting).

2 Dec: By-election, seat of New England (NSW), due vacancy ruling by High Court of Australia.

2018:

17 March, SOUTH AUSTRALIA: state election

March (likely) but on or before 26 May: TASMANIA state election

24 Nov, VICTORIA: state election

AUSTRALIA: except for a double dissolution, an election must be held between August 2018 and May 2019 for HALF the state senators; an election must be held before 2 Nov 2019 for House of Representatives and territory senators.

2019:

23 March: NSW state election

2020:

probably 22 August: NT election

17 Oct: ACT election

2021:

WA state election, on 13 March

Elections world:

2018:

4 March: Russia, President

6 November: USA, House of Reps and Senate (one-third)

By 23 May: Italy

By 31 July: Zimbabwe

2019:

Indonesia: on 17 April 2019 general elections the presidency, the national legislature, all governorships, all state legislatures, and mayoral and regential seats will be contested simultaneously for the first time.

2020:

7 May: Britain

7 May: Scotland

November: USA, President

By 21 Nov, NZ election

2021:

Singapore general election