

## **Pilgrim resigns, tatters returns to FOI and transparency**

Timothy Pilgrim's resignation from his dual role as Australian privacy and information commissioner from 24 March leaves the government's privacy-data breach-FOI governance system in tatters...again.

Attorney-General Christian Porter announced last month that he would soon begin the selection process to replace Pilgrim. His announcement means the AG and the AG's Department have done no forward planning for the change.

Pilgrim's announcement was made two days out from the start of the Commonwealth's new mandatory data breach notification scheme and soon after he registered a new privacy code that applies specifically to federal government agencies.

The whole information-privacy-data breach area has been in chaos for more than seven years. In fact, FOI, openness and transparency in government began to wither when Labor's Senator John Faulkner – its champion in the first decade of the 21st century – stepped down as Special Minister of State in 2009.

Pilgrim (photo) started as the privacy commissioner in 2010, when the Office of the Australian Information Commissioner was a much better-resourced body with a separate commissioner for FOI, James Pople, and an overarching information commissioner, John McMillan.

Then suddenly the Abbott government announced it would abolish the agency completely. But the government could not get the necessary legislation through the Senate, so the ridiculous situation emerged where info supremo McMillan was working from his suburban Canberra home to keep a semi-closed operation functioning on the smell of a sump-dregs rag.

When McMillan became acting NSW Ombudsman in 2015, Pilgrim was left as chief bailer of an important governance ship of state that shamefully the government cared little about. He was rewarded with a PSM for plugging leaks, caulking the rotting decks and keeping up the appearance that there actually was a positive national policy for privacy and data management, and open, transparent freedom of information processes.

Now even the appearance has gone. Sources: <https://tinyurl.com/ydgvln96> and personal knowledge



## **TPP-11 still flawed, anti-Australian and plain dumb**

The most harmful clauses remain in the withered carcass of the Trans Pacific Partnership deal, TPP-11, according to the union expert on trade treaties, Dr Pat Ranald of AFTINET.

“The deal still includes special rights for foreign investors to bypass national courts and sue governments for millions of dollars in unfair international tribunals over changes to domestic laws, known as ISDS\*,” said Dr Ranald.

“The Australian government has not sought changes to provisions for more vulnerable temporary migrant workers, from Vietnam, Malaysia, Japan, Canada, Mexico and Chile without testing if local workers are available. This is contrary to its own claims to have reintroduced such testing. There have been no changes to the chapters on trade in services and state-owned enterprises which could restrict future governments from re-regulating essential services like TAFE, energy and financial services, even if there are demonstrated market failures.”

Dr Ranald explained that the 20 suspended clauses are mostly about medicine and copyright monopolies. Other governments had only reluctantly agreed to US proposals on stronger monopolies on biologic medicines and longer copyright monopolies to gain access to the US market. Some of these clauses have been suspended, pending the US rejoining the deal. But the intellectual property chapter still entrenches other restrictions on government's ability to change such regulation in future, which have been criticised by the Productivity Commission.

The 11 governments plan to sign the agreement in Chile on 8 March. The text will then be tabled in Parliament and reviewed by a Joint Standing Committee on which the government has a majority, to consider the implementing legislation. "This is virtually a rubber stamp process because, in addition to public submissions, the committee receives a major report from the Department that negotiated the agreement, which always says yes to the implementing legislation," said Dr Ranald.

"The government has so far refused to commission independent studies of the costs and benefits of the CPTPP. We call for independent studies of its economic and social impacts, and for a Senate inquiry that can critically assess whether the deal is in the public interest and whether the implementing legislation should be passed." – media release AFTINET 180221

\* Investor State Dispute Settlement: where quasi-tribunals of non-judges make binding decisions, without using precedent, that can hobble the High Court of Australia.

## **ODD SPOT: Are bishops agents of foreign governments?**

Australian bishops are worried proposed foreign interference laws could force Catholics to register as agents of the Vatican.

The Turnbull government wants lobbyists and representatives of foreign governments listed on a new register as part of its push to crack down on espionage and political interference.

Catholic Bishop Robert McGuckin of Toowoomba told a parliamentary committee hearing that the current bill was so broad that Catholics who engage in advocacy could be identified as agents of Vatican City.

Who would have thought Catholic PM Turnbull would re-introduce a provision that Post-Reformation England considered necessary to deal with undue influence from the 'Bishop of Rome', CLA says.

The issue raises another question: does the Queen's handed-down title of "Supreme Head on earth of the Church of England" (now 'Supreme Governor of the C of E') rank above or below her "Queen of Australia" title? Actually, to whom does the Queen owe allegiance, in what order? <http://tinyurl.com/y7o74c5s>

## **Dutton launches attack on judiciary**

Home Affairs supremo Peter Dutton said last month that the public should help select judges and magistrates.

The spook department minister has been campaigning recently against "pathetically weak" bail and sentencing decisions by courts over alleged gang violence in Victoria.

He has repeatedly criticised Victorian Premier Daniel Andrews for appointing "civil libertarians" to the state's benches who would by their nature, says Minister Dutton, impose "soft sentences".

In late January Mr Dutton, appearing on Sydney's 2GB with his mate, arch-conservative opinionater Ray Hadley, argued state governments should publicise a list of potential appointments to the courts and seek the public's feedback before appointing judicial officers. "I think there should be greater scrutiny around some of the appointments being made to the magistrates courts," he said.

Critics fear the Dutton idea of judicial independence would slide Australia into directly elected judges, thus politicising the judiciary in direct contradiction to the separation of powers principle. <http://tinyurl.com/y9vj8swo>

Now, if potential Ministers could be nominated, then voted on by the public...That's a good idea!

## **Civil libertarians: '...be outraged if they are appointed magistrates', says Dutton**

Here's what Dutton said:

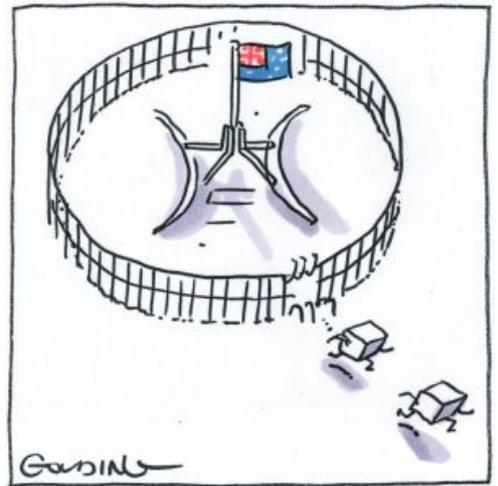
"One of the most important things that an elected government can do – in this case the Labor Government in Queensland – is to appoint sensible people to the bench and if you're appointing civil libertarians and people that are political advocates – I mean Lex Lasry, the judge you just spoke about in Victoria tweeting to me – people need to question these appointments and I don't see that we shouldn't be able to point these issues out because if the Queensland State Government here, or in Victoria, or New South Wales, is making a decision to appoint civil libertarians and others to the benches of the Magistrate's Court and higher courts, and we're seeing softer sentences as a result, then the community should be outraged by that and I think they are outraged by it.

"So this issue in relation to the magistrate on the Gold Coast (Joan White at Southport, apparently - ed) is really one for Annastacia Palaszczuk to answer and so far she's refused to answer any questions on it," Mr Dutton told his mate, Ray Hadley. <https://tinyurl.com/y72owxf7>



## Blobs 'raid' Parliament House: cabinets recaptured

The best part of parliament's cabinets fiasco – in which locked filing cabinets holding the deepest national



secrets were bought for pennies in a Canberra second hand furniture shop – is the major revelations contained in images accompanying the story.

Firstly, it is now proven beyond doubt that ASIO agents can be identified anywhere by the blobs (a real black hole) that sits on their shoulders where heads and common sense should be. And, of course, the emerging OH&S concern that the night-cart staff might need more exercise programs, if the above photo taken in the press gallery corridor is a guide.

Then there's the revelation about the REAL reason for the fence around Parliament House. As cartoonist Matt Golding illustrated in *Fairfax Media*, it's actually to try to keep Secrets-in-Cabinets (the adult version of Bananas-in-Pyjamas) from fleeing the parliament building.

Nobody has yet overtly linked the 'Barnbaby' to the cabinets: maybe that was the big secret inside?

Every time PM Malcolm Scarebull, Chief Alarmist 'Press-the-Button' Dutton, ASIO, the AFP and the rest of the Fear Fanatics utter a word on security, blob them out in your mind and report them to Parliament House security for recapture and locking behind the Big House Fence in solitary and silent confinement.

## Was the 'raid' approved? By whom? Was there a warrant?

The BIG question is: Did the ASIO blobs get the permission of the President of the Senate and the Speaker of the House of Representatives to enter the press gallery, which is an internal part of Parliament House.

Nobody has mentioned that they did. If they didn't, a dangerous precedent has been set. ASIO can now enter any part of PH, presumably at will.

Perhaps the Parliament will use its powers to call the Director-General of ASIO, 'Big Blob' Duncan Lewis (photo, right), to account? Or the Prime Minister, Malcolm Turnbull. Or the Attorney-General, if Christian Porter authorised the 'raid'. We note that ASIO's website says:

"It is essential for a security service like ASIO, operating in an open democratic society, to respect the rule of law..."

We wonder if ASIO did respect the law in the cabinet fiasco. After all, the ASIO legislation says:

*(2) It is not a function of the Organisation to carry out or enforce measures for security within an authority of the Commonwealth.*

That's pretty black and white. CLA would have thought that the ABC qualified as "an authority of the Commonwealth", even if Parliament House or the Australian Parliament does not. What was ASIO doing "carrying out or enforcing measures for security" inside the ABC, inside the press gallery, inside Parliament House?

We'd love to say more, but the ASIO legislation is so draconian that CLA might go to jail for five years for just thinking about the above issues !

See also: 'Pearls and Irritations' blog: Bill Rowlings. 'Secret' committee wants more power, but what about ASIO? 13 February 2018: The Australian Parliament's most secret committee is angling for more powers and the ability to conduct its affairs live on TV, just like in the USA. <https://tinyurl.com/ybxzsc3f>



## **ODD SPOT: Slavery Act could help ATO with its staff relations**

The Australian Tax Office is asking staff to do in workmates who take long lunches or waste time by eating breakfast or reading the newspapers at work. ATO management has warned staff that falsifying working hours or slacking off could be considered fraud. The memo, sent three months ago, said staff had an obligation to report possible fraud to investigators, who would check if that long lunch break was authorised. It noted staff may feel uncomfortable dobbing in their colleagues, and it offered assurances reports would be kept confidential. <http://tinyurl.com/y8p5qdnj> CLA notes that the federal government is planning to pass a modern slavery act in 2018.

## **DPP and government profit from crime**

The Office of the Director of Public Prosecutions in the ACT is profiting from crime, by gaining more staff which will inevitably mean pay rises for some staff.

The ACT government is giving the DPP nearly \$1 million to help seize criminal assets, the government announced ahead of its mid-year budget update.

While CLA has constantly criticised other jurisdictions for a similar approach, this is the first time a government has publicly acknowledged the direct link between the number of DPP staff and the amount of money seized under special proceeds of crime and similar laws.

The more money seized, the more staff is the inevitable outcome. The more staff, the more salaries will rise for managers. So the DPP's "independence" is now compromised by an upward spiral of concentrating on cases where financial returns to the DPP can be prioritised.

Last financial year, ACT prosecutors seized properties worth a combined \$1.1 million as proceeds of crime. About \$720,000 in cash, cars and other property was also forfeited to the ACT.

Another \$1.8 million worth of real estate, cash, vehicles and other property is now subject to a restraining order, a precursor to the seizure of the assets.

ACT Policing's bkie busting taskforce was last year given an extra \$6.4 million for eight more staff, including a forensic accountant to probe criminals' finances.

When passed, all governments have said proceeds of crime and similar laws were designed to capture the Mr Bigs of crime. Instead, they are being used as a revenue raiser and staff accumulator, with a net profit to the government. That's not how laws are meant to work. – Original source: <http://tinyurl.com/yayauplm>

## **Territory geared up for liberty-lost inspections**

The ACT is now ready for the UN Subcommittee to inspect its places of detention after Australia's ratifying the Optional Protocol to the Convention against Torture (OPCAT) in December.

The *Monitoring of Places of Detention (Optional Protocol to the Convention Against Torture) Bill 2017* sets out the powers of the UN Subcommittee should it elect to visit a place of detention in the ACT. Procedural considerations around access, privacy, and protections against reprisal for anyone providing information to the UN Subcommittee are also outlined in the Bill.

As well as visits from the UN Subcommittee, OPCAT requires states and territories to establish a system of regular visits by independent monitoring bodies to places where people are deprived of their liberty.

"The right to be free from torture and cruel, inhuman or degrading treatment or punishment is an absolute right in international law that cannot be limited, even in times of emergency or disaster," ACT Minister for Justice, Shane Rattenbury, said. "The ACT Government views OPCAT ratification as an important and significant mechanism to prevent ill-treatment in our places of detention." <http://tinyurl.com/ybkkrfy>



## **Ozdowski leads international conference on rights education**

The former Australian Human Rights Commissioner and CLA member, Prof Sev Ozdowski, is convening the 9th International Conference on Human Rights Education at Western Sydney Uni's Parramatta Campus over 26-29 November 2018.

The working title is: 'Unleashing the Full Potential of Civil Society'. It coincides with the 70th anniversary of the Universal Declaration of Human Rights and the 25th anniversary of the Vienna Declaration which highlighted the value of human rights education. Up for discussion will be national and international curricula, pedagogy

and best practices, as well as the most effective ways of maximising the potential of civil society through human rights education.

Some 400 international and Australian delegates are expected to attend, with a special focus on those from developing countries. Conference website – <http://ichre2018.com.au>

Since 2006 Dr Ozdowski (photo) has been Director, Equity and Diversity, University of Western Sydney and Adjunct Professor, Centre of Peace and Conflict Studies, University of Sydney.

## Govt takes special aim at teenagers, who will have lesser rights

The NSW Berejiklian government is mounting an assault on civil liberties by introducing a range of oppressive national security measures aimed firmly at teenagers, a law firm says.

“The state Coalition government announced it will spend \$6 million on setting up a ‘countering violent extremism unit’ within the NSW juvenile justice system,” Sydney Criminal Lawyers said last month. “It will be charged with identifying and closely managing “radicalised youth, or those at risk of radicalisation.”

“Young people deemed to pose a risk to national security will receive intensified communications monitoring, which will include increased screening, as well as restrictions on mail, phone calls and visitors. And at-risk youths will also undergo de-radicalisation programs.

“Law enforcement agencies will identify juvenile detainees that they perceive are at risk of being radicalised. And selected youths will then receive a national security interest designation, as well as individual case management,” the firm said.

“This is pretty ugly politics,” NSW Greens MLC David Shoebridge said. “Kids are going to see their rights removed, be subjected to intrusive 24 hours surveillance, and have contact with their families greatly restricted.” <https://tinyurl.com/yeh7cl2g>

## ODD SPOT: Dinosaur states hold out on rights for women

“...there’s another major issue – the ridiculous situation where abortion is a crime for half the women in Australia, but not for the other half. This is because abortion is still in the criminal code in Queensland and NSW. The recently re-elected Palaszczuk government is awaiting advice from the Queensland Law Reform Commission on legislation to decriminalise abortion.” - Deputy Leader of the Opposition, Tanya Plibersek, writing in Fairfax Media. <http://tinyurl.com/y8llzt9d>

## Who are the killers?

Murders in Queensland are “infrequent”, the state’s Sentencing Advisory Council has reported, with male murderers predominating and Indigenous people over-represented.

Looking at sentencing outcomes between 1 July 2005 and 30 June 2016, the Qld SAC’s shows:

- Murder is relatively infrequent — 195 offenders were sentenced for murder over the 11-year-period.
- 185 offenders were adults, while 10 were aged under 17 at the time of the offence, of which 4 were dealt with as an adult and 6 were dealt with as a child.
- All offenders dealt with as an adult received a sentence of life imprisonment. Of the six offenders dealt with as a child, two received a life sentence and four received sentences of 8, 10, 12 and 14 years.
- The vast majority of offenders sentenced for murder were male (93.3%).
- The average age of all offenders at the time of sentencing was 37 years: the average age of male offenders was 36.6 years and female offenders 42.8 years.
- In the vast majority of cases (82.1%), the offender was known to the victim in some way.
- The majority of offenders entered a plea of not guilty (72.3%).
- Aboriginal and Torres Strait Islanders were over-represented as offenders sentenced for murder—for both males and females. They are 18.5% of offenders despite making up 3.8% of the population.
- Just under 10% of offenders were charged with multiple murders. <http://tinyurl.com/yc2ps5d2>

## Ombudsman passes...with recommendations

The Queensland *Ombudsman Act 2001* has just passed its seven-yearly independent strategic review. Independent reviewer Simone Webb conducted the latest (and fourth) review, with her report published early in 2018. The Queensland Ombudsman is the only public sector Ombudsman in Australia to be

subject to an independent periodic review (though specialist parliamentary committees oversight the work of the NSW and Victorian Ombudsman).

It is a standard requirement applying to industry Ombudsman offices that they undergo a periodic review. Independent reviews were also undertaken two years after their establishment of the Small Business Ombudsman and the Office of the Australian Information Commissioner.

The Queensland report, recently released, demonstrates the value of these independent reviews and why they should be a standard requirement for independent watchdog offices, CLA's expert on ombudsman affairs says.

"The report provides an in-depth analysis of the work of the Ombudsman, with a large number of recommendations for operational and structural changes to improve the investigative oversight work of the office. Independent reviews of this kind respond to the institutional dilemma first posed by Juvenal – *quis custodiet ipsos custodes*, 'who will guard the guards themselves'," John McMillan said.

[Strategic Review of the Office of the Queensland Ombudsman, January 2018 | 2018 | Queensland](#)

## Corruption body's rules entrenched in NT

The NT now has an ICAC.

Attorney-General Natasha Fyles said the passing of the Independent Commissioner Against Corruption (Consequential and Related Amendments) Bill would ensure any wrongdoing uncovered by the ICAC can be prosecuted in court.

She said under the new legislation a person who accepts or requests a bribe, or a person who offers or gives a public officer a bribe, will now face a maximum jail term of 10 years (up from 7 years).

"Advancing secret personal interests will also be an offence that could attract a sentence of up to 7 years imprisonment," she said.

An independent panel is currently seeking a Commissioner for the ICAC with an announcement expected shortly. The NT ICAC is expected to be up and running mid-2018. – media release, AG Fyles 180206

## Prisoners up, exceed design capacity

There are a record 1789 prisoners in NT prisons, which are operating at 108.6% of capacity.

Correctional Services are scrambling to keep up: 40 new beds will create double-bunking in Darwin Correctional Centre and 20 more cells will be ready this month. Eligible prisoners are being assessed for administrative home detention and others may be transferred to the pre-release work village.

Northern Territory prison occupancy at 11 February 2018 was:

- Darwin jail, at 1077 inmates, was at 102.8% of design capacity (1003 male, 74 female);
- Alice Springs jail, with 609 inmates, was at 121.8% of design capacity (561 male, 48 female);
- Barkly Work Camp had 59 inmates, 118% of design capacity; and
- Datjala Work Camp's 44 inmates was 88% of design capacity. <https://tinyurl.com/ycnyglpl>

## Election is high stakes for human rights

The Tasmanian Greens and Labor have committed to passing human rights legislation in the next term of parliament, if in power after the 3 March state election.

Tasmanian Labor made such an election commitment late in 2017, and the Greens followed suit early in 2018. The Liberals have not followed suit.

"We believe all political parties should be able to make a commitment towards human rights protection and we will continue communicating with the Liberals and all other parties contesting the election to encourage them to make such a commitment." the leader of the Tas Human Rights Campaign, Richard

Griggs, said. Griggs (photo, with April, a UTAS journalism student) is a Director of Civil Liberties Australia.



## **Tas Liberals plan to have second tilt at ‘anti-free speech’ laws**

The Tasmanian Liberals plan to resurrect anti-protest laws which the High Court has found breached the right of free speech.

Aiming to appeal to pro-forestry groups in the lead-up to the 3 March election, Resources Minister Guy Barnett said the reworked legislation would "get the balance right, to support the right of workers and businesses as well as protecting the continued right to free speech and the right to protest".

However retired Senator and environmental campaigner Dr Bob Brown, who was instrumental in the overturning of the Workplaces (Protection from Protestors) Act 2014, said people who "care about Tasmania's future environment, economy and employment prospects" would put the Liberals last at the election. <https://tinyurl.com/yb3pffyh>

## **Judges must lift their game: two calls for complaints, education systems**

The NT's Criminal Lawyers Association is asking the Northern Territory Attorney-General, Natasha Fyles, to set up an independent body to oversee complaints against judges.

The move follows NT Chief Judge John Lowndes finding complaints against Judge Greg Borchers over his behaviour in the Youth Justice Court and Local Court in 2017.

Dr Lowndes found Judge Borchers had engaged in "inappropriate judicial conduct", "displayed a lack of judicial temperament" and made "gratuitous and unnecessary" comments and remarks.

As a consequence, Dr Lowndes said Judge Borchers would not be assigned duties in the Youth Justice Court in Alice Springs, although he continues to oversee cases involving children elsewhere. <http://tinyurl.com/ybup23uz>

The NT move follows Civil Liberties Australia's request to all federal, state and territory AGs to bring in mandatory further education for people before they are appointed magistrates or judges. The proposal was contained in one of the two 2018 CLA Australia Day letters.

## **NT moves to improve youth justice**

The NT government has introduced new bail support services as part of a suite of reforms to fix the broken youth justice system.

They have allocated \$4.86m to youth bail support services in Darwin and Alice Springs, as part of a youth justice reform program of \$18.2m.

The new support services for young people aged 10-17 years include bail support accommodation, bail supervision and a bail support and referral line. – media release, Minister Dale Wakefield 180208

## **‘Send a kid to Geelong Grammar and Switzerland, to save money’, CJ muses**

This is an extract from a recent speech by the Chief Justice of WA, Wayne Martin:

“Ten years ago the Auditor General in WA conducted an enquiry into juvenile justice.

“He looked at children in the juvenile justice system between the ages of 10 and 17. The 250 children who would have the greatest number of intersections with the justice system cost WA \$100million (in 2008 dollars). That is \$400,000 each.

“Of those 250 children, approximately 75% would be Indigenous children and a lot of those children would come from families that are very well known to the system. So we are spending \$100 million on 250 children who are easily identified from families well known to authorities, and all we can say with confidence is that those children are very likely to graduate into the adult criminal justice system when they turn 18. For \$400,000 we could send those children to Geelong Grammar School and to a Swiss finishing school and still have change.

“It costs \$360,000 per annum to put a child in the State's only detention centre at Banksia Hill. That is close to \$1000 per day – significantly more than the city's most expensive and luxurious hotel.

“The other place chronically disadvantaged people go is hospitals. Hospitals are extremely expensive. Very often the care needs of chronically disadvantaged people are acute, and the treatment required, perhaps in an intensive care ward, is extremely expensive.

“The point I am making is that we are spending a lot of money mopping up the consequences of disadvantage when we could be spending money, effort and time much more effectively by preventing disadvantage in the first place.

“But of course this is not just an economic argument. This is a social equity argument. It's about actually realising the great Australian ideal of a fair go,” CJ Wayne Martin said.

– speech to Teach for Australia Associates, Perth, 22 Jan 2018.

## **Productivity Commission report reveals WA's justice system among priciest**

The price of justice in WA is the highest in Australia, apart from the sparsely populated NT — with the dollar cost per person of police services, criminal courts, civil courts and corrective services topping spending charts released by the Productivity Commission.

But the commission's latest report on Australia's justice sector has revealed the percentage of WA offenders returned to jail on a new sentence within two years of being released is the lowest in the country, according to Tim Clarke, writing in *PerthNow*.

Keeping prisoners in jail costs WA \$261 per person per day, almost double what NSW spends per head of population.

At the other end of the process, WA taxpayers are also paying the price, with figures revealing that per case WA has the most expensive Supreme Court in the country.

The recurrent expenditure on all the major areas of the justice system showed WA way ahead of the rest of the country save for the NT.

On police services, WA spends \$527 per person per year. That compares with \$430 in Qld, \$421 in Tasmania, \$401 in the ACT and \$375 in NSW. The national average was \$431.

In the criminal courts, WA spends \$48 per person per year, almost double what NSW spends and \$13 above the national average.

And the cost of civil cases was in a different league to Australia's other major jurisdictions, costing more than three times as much as NSW and Qld. <http://tinyurl.com/y7g5d6ua>

## **Claremont accused charged with third murder**

Bradley Robert Edwards, 49, was last month charged with the murder of Sarah Spiers, 18.

He had previously been charged with the murders of Ciara Glennon and Jane Rimmer. The three women disappeared in inner-suburban Claremont between January 1996 and March 1997 in what became known as the Claremont serial killings. Spiers body has not been found.

WA Police Commissioner Chris Dawson said the new charging was a "significant development".

One man died in his 60s last month after being – apparently wrongfully – hounded by WA Police for a decade, with overt and covert surveillance on him, sometimes around the clock. The WA Police also destroyed the reputation of then-President of the Council of Civil Liberties WA, Peter Weygers, by – wrongfully and some speculate, maliciously – naming him as a “person of interest” in the investigation into the murders.

Whatever the outcome of the current trial, there should be a comprehensive inquiry into WA Police's handling of the entire Claremont murders situation, CLA believes. <https://tinyurl.com/y9nw8nwo>

## **Austic may join long list of innocent convictees**

New claims that police planted evidence while investigating the killing of a pregnant teacher's aide in Boddington in 2007 continue the serious doubt hanging over the justice system in WA.

Former state governor and QC, Malcolm McCusker, and forensic evidence expert, Dr Clint Hampson, are calling into question the wilful murder conviction of mechanic Scott Austic (photo).

They believe police withheld and planted evidence to secure a conviction.

Austic's legal team believes a second, unidentified person could have been involved in the murder, a theory which is now backed by the dead woman's sisters.

Austic was jailed for a minimum of 25 years in 2009 for stabbing to death Stacey Thorne in the town, 120km south-east of Perth. Then WA Attorney-General, Michael Mischin rejected a petition for mercy in 2013.



McCusker, the state's leading barrister before he took the governorship from 2011 to 2014, is also a key player behind the questioning of whether Arthur Greer, who served 25 years for murder, is guilty. <http://tinyurl.com/y9waaamq>

The saga of police, prosecution and forensic misconduct in WA is long and sad: Button, Beamish, Mickelburgs, Mallard, Rayney, etc.

Current AG John Quigley is planning to introduce the 'right to appeal' law passed in SA in 2013 and in Tasmania, at CLA's instigation, in 2015. Under that provision, the state Supreme Court can re-hear a full appeal if it finds there is "fresh" and "compelling" evidence.

## Custody youths suffer severe brain disorders

Perth researchers have revealed that 90% of youths in custody have at least one severe brain disorder. The Telethon Kids Institute studied more than 100 young people aged 10 to 17 at the Banksia Hill detention centre. They found unprecedented rates of serious neuro-developmental problems affecting the ability to think and remember.

The groundbreaking research found 89 per cent of detained youths had at least one severe impairment, while two-thirds had three or more, despite many coming into frequent contact with government agencies. Of 36 children who met the criteria for foetal alcohol spectrum disorder — caused when an unborn child is exposed to alcohol in the womb — only two had been diagnosed.

The study, published by the British Medical Journal, calls for formal neuro-developmental assessment of all young people entering the justice system and comprehensive training for detention centre staff. <https://tinyurl.com/yb5ztab3>

## Australian briefs

**House visitors get body cameras:** Public housing safety officers are the latest group to get body cameras in the NT. The trial with the safety officers will take place in Darwin and Alice Springs until nearly the end of March. The cameras have been rolled out to NTPolice, so now they are being extended to other public servants. Given the tensions sometimes in the NT parliament, will MPs get them next, CLA asks? — media release, Minister for Housing Gerry McCarthy 180202.

**One in 6 police chases result in a crash:** 27 people died in crashes connected to police pursuits in WA between 2010 and 2016, a recent inquest heard. Of the 5278 police chased vehicles in that period, 38% resulted in someone being arrested while 16% ended in a crash. <http://tinyurl.com/y7nl2a7y>

**Rayney appeals:** Lloyd Rayney is appealing his \$2.62m damages award, claiming Judge Chaney should have calculated interest on financial losses from the day then-Detective Senior Sergeant (now Inspector) Jack Lee named him as the 'prime and only suspect' in the murder of wife Corryn Rayney. The judge had tallied the losses from the date three years later when WA Police finally got around to formally charging Mr Rayney. Rayney was acquitted by a single judge in the original trial, acquitted again by a bench of three judges when the State of WA appealed the first acquittal, and found to have been defamed by a fifth judge. All judges ripped to shreds the quality of the police investigations. <http://tinyurl.com/y8r2kzxc>



**Rights committee makes key appointment:** The federal parliament has appointed Associate Prof Jacqueline Mowbray of Sydney Uni as external legal adviser to the Parliamentary Joint Committee on Human Rights. This is a key appointment, CLA believes. The post is the pivotal academic/parliamentary guardian of freedoms and liberties in Australia, given that we do not have a Bill of Rights. Prof Mowbray completed her PhD at the University of Cambridge in June 2008: her earlier degrees were from U Queensland and U Melbourne. Her particular area of interest is international law and legal theory, with a focus on international human rights law. — email communication to CLA from PJCHR.

**Abuse victims get a long reprieve:** Child sex abuse victims are expected soon to be able to take civil action against their abusers in WA. MPs last month unanimously passed enabling legislation, which Attorney General John Quigley has described as the new national benchmark. "Most victims of child sexual abuse take years and years to make disclosure because of the shame that can attach to sexual offences, where the victims blame themselves," he said. "We decided that it was imperative that we lift the statute of limitations for child sexual abuse because of the delay of reporting." <https://tinyurl.com/y9zou6q6>

**New judge appointed:** A criminal barrister and former public defender, Chrissa Loukas-Karlsson, is the ACT's newest Supreme Court judge, slotted to take up duties on 26 March. She joined the NSW bar in 1989 and was appointed senior counsel in 2012. Her experience includes Legal Aid, the Aboriginal Legal Service, and as counsel before the UN International Criminal Tribunal for the former Yugoslavia in the Hague. She has appeared in criminal trials, sentences and appeals in the District Court, the Supreme Court and Court of Criminal Appeal in NSW, and in the High Court of Australia, as well as serving on professional law bodies. She will replace Justice Hilary Penfold, the ACT's first resident female judge, who retires shortly. <http://tinyurl.com/y6uv9h7j>



**Two new juvenile facilities for the north:** The NT has allocated \$70m for new juvenile detention centres in Darwin and Alice Springs. In Darwin, a new facility is to be built, adjacent to the old Don Dale centre, with secure, cottage-style units to hold about 30 children. In Alice, the new centre is slated for the Desert Knowledge precinct. – media release 180216 NT Families Minister Dale Wakefield.



**'Sneaky' new CCTV units double surveillance:** Mobile surveillance CCTV units used in the territory have doubled to 10 after Darwin Council donated five to the NT Police. Darwin Council paid for the units through a \$635,000 Commonwealth Government's Safer Communities Fund grant. The council then donated the five CCTV units to the NT Police, effectively circumventing the usual rules about access to the 'brown paper bag' money – proceeds of crime seizures – which funds the grants scheme. <https://tinyurl.com/ycmxcbdh>

**Photo left:** From NT Chief Minister's Department, 12 April 2017: **'A powerful tool in the fight against crime in Tennant Creek'**. The media release boasts: "Housed in a solar powered mobile trailer, the unit has two operational cameras covering both long and wide range views and zooming capabilities. The cameras will be monitored from a central control room in Darwin with specialist CCTV operators. The use of CCTV cameras throughout the NT has already proved valuable, allowing Police to respond quickly and often catch offenders in the act." But not people molesting two-year-old children in Tennant Creek, apparently.

<https://tinyurl.com/y77mtjq9>

## CLA Member letters

### Sink the TPP Mk II

Please weigh in on the shocking Australian-sovereignty-surrender called the Trans-Pacific Partnership, now it's back. Although the text is secret, it still seeks to exclude government actions and tie the hands of future parliaments and other Australian governing bodies. It still contains the shameful corporate-controlled private courts for investors to sue our government – with no resort to Australian courts, no appeals, and no precedents. Enormous damages can be levied. Future government actions would be subject to suit if they affect a foreign corporation's (quite irrelevant and purely speculative) lost future profits – think mining plans that don't get the go ahead for environmental reasons or a change of government policy.

It's almost beyond belief that any Australian government would agree to these courts – John Howard didn't. Today's Coalition has already agreed to them a couple of times, but now is the time to stop. The ISDS is only in the TPP because of American bullying, and without the US there is no reason to keep it – unless of course the hope is to induce the US back in.

– RB, CLA member, Canberra ACT

### Shocked by shallowness of standard of proof

I was shocked when WA's Justice Lindy Jenkins convicted (Jan 2017) Francis John Wark of murdering the young lady Hayley Dodd in July 1999.

The interesting part of this trial by judge alone is the shallowness of the standard of proof required to convict beyond reasonable doubt. I thought that was a very high standard. But I realise it is very shallow indeed. You can be convicted on a serious charge without any factual proof or any independent verification:

Fact One - Nobody knows if Hayley Dodd was murdered, including the sentencing judge.

Fact Two – Nobody knows how she died, if she has died.

Fact Three – Nobody knows if she was sexually assaulted.

Just because somebody goes on a hike and then goes missing, particularly if she is a young female, we should not automatically conclude that she was sexually assaulted and murdered. To my mind, the accused was convicted on no credible actual evidence or independent verification.

– Brian G Tennant AM, CLA member and human rights campaigner, Subiaco WA

NOTE: Long-time human liberties and rights campaigner Tennant has put his money where his mouth is: he took out a large text advertisement in the local paper to highlight what he sees as flaws in the Wark conviction. Wark is appealing his conviction.

### **Lack of rights charter underscores most issues**

My concerns are:

1. the need for a Charter of Rights both State (NSW) and Federal
2. the increase in population surveillance & breach of privacy by both State & Federal Govts
3. increased powers given to Police by State Govts (particularly NSW)
4. the erosion of the right to silence by both State & Federal Govts
5. the erosion of the administrative right to appeal Govt decisions e.g. cannot appeal a NSW Police decision not to amend personal documents to NCAT
6. increase in punitive powers given to authorities.

– VP, CLA member, NSW

### **Maintain enlightenment principles**

I've come to believe that a liberal democracy can only survive if the values of the citizens are generally in alignment and there is a shared sense of national identity. It seems to me that we are entering a world - wide time of chaos. Therefore, I think the most important thing to do at this time is to concentrate on maintaining stability and public education of enlightenment principles and the history and foundation of Australia.

– Arved von Brasch, CLA member, Bruce ACT

## **CLA report – main activities for February 2018**

### **Parliament House meetings**

Sen David Leyonhjelm, on his model litigant's private members bill

Sen Rex Patrick on War Powers, Better Justice, Gene Patent issues

### **Member meetings**

John Myrtle on criminologists contacts

Andrew Fraser re ANU law intern supervision (photo, right, with CLA CEO Bill Rowlings left)

### **Networking meetings**

DFAT NGO human rights consultation forum: on Australia's role on Human Rights Council (see below)

Farewell drinks for Maggie Shapley on her retirement from the Noel Butlin Archives

### **CLA Board meeting: highlights**

Interstate and travelling directors participated by Skype, loudspeaker phone.

eAGM under way, voting 9-23 March, AGM declaration on 31 March.

### **Submissions:**

CLA has made four federal subs since November 2017, plus one each to Queensland and Tasmania. The federal subs were to inquiries into Proceeds of Crime, Electoral Funding and Disclosure, Quality of Care in Residential Aged Care, and Religious Freedoms. The Qld sub was into Abortion law reform, and the Tasmanian sub into bail reform. A submissions trial with U Qld students worked well; they are now working up a Right To Appeal argument for Qld govt.

### **Tasmania report:**

Bill of Rights/etc: CLA Director, and campaign leader, Richard Griggs reported Labor and Greens had signed on officially to legislating for a BoR; more than 1000 people have signed the petition to Parliament.



Griggs will stand on 5 May for election to the Upper House seat of Hobart, will take leave from UTAS during April. CLA has formally appointed Rajan Venkataraman as Tas CLA spokesperson for Feb through May 2018, and back-up from then.

**WA report:** Margaret Howkins reported an active quarter. Sam Coten and she are adapting CLA's 'religious freedoms' sub for West for submission re s73 of Equal Opportunity Act 1984.

President Kristine Klugman described censorship issue with a CLA member who is a prisoner in Acacia prison: awaiting response from CEO WA Justice Dept Dr Adam Tomison.

CLA is replying formally by letter to another prisoner who sought our intervention on a 'censorship' issue to do with access to a particular style of comic – CLA will not be supporting the prisoner because of the nature of the comic and the nature of the prisoner's offending.

AG Quigley says there is no money to implement important initiatives on the Labor Party policy platform. For example, the Independent Police Complaints Commission will not start this term (eg before 2021). Proponents, led by Howkins, will further an Upper House petition, and push to audit existing processes.

The Board formally endorsed Sam Coten as youth spokesperson as part of a skills development plan involving help and support from three Board members, Vines, Howkins and Rowlings.

**Treasurer's report:** Board formally congratulated Sam Tierney on his assimilation of CLA's financial information and early provision of 2017 end-of-year financial statements, as well as involvement with fixing/improving members' database and upgrading of website. Treasurer's proposed protocol for handling invoices/expenses and financials was adopted, with thanks.

**Media Director:** Vice-President and National Media Spokesperson Tim Vines reported on media since November, with a quiet period over the holidays, but ramping up with articles for Sydney Criminal Lawyers blogsite (anti-whistleblower laws, magistrates/judges training) and article on ASIO and the 'cabinets' fiasco for John Menadue's *'Pearls and Irritations'* blog. Option for more articles on both sites in future noted.

Facebook: Vines and Venkataraman RV reported on the posting of various items, and encouraged Board members to advise appropriate articles and other suitable information for posting.

**Marketing-membership:** Mark Jarratt reported on the latest version of plan, with task allocation to occur post-meeting. More finely tuned member interaction possible now database working properly.

T-shirt production: JA reported to be completed late-Feb.

**Database/website:** Secretary-CEO Bill Rowlings reported on broad database refurbishment under Lance Williamson, and website 'draft' design enthusiastically endorsed as proceeding excellently. Proposed costs/charges by Lance Williamson: his offer accepted, with formal thanks by the Board to him. Board is seeking to secure, in the longer term, back-up talent, on- or off-Board. Vines suggested CLA becoming more involved in 'digital issues' re liberties/rights to attract members from that sector. ENDS Board.

**Meeting report:** The DFAT-NGO\* forum on 1 Feb 2018 was disappointing, and nowhere near the quality of previous forums in earlier years. A fuller report is on the CLA website, but basically delegates were lectured at, at length. There was relatively little time for the vast expertise of the NGO delegates attending, which was acknowledged by the organisers in their opening remarks, to be heard. DFAT appeared defensive and 'closed' whereas forums are usually open and illuminating in a two-way sense. DFAT can, and should, do MUCH better next time. (\*Dept of Foreign Affairs and Trade – Non Government Organisations)



Above: DFAT NGO consultation in session in March 2018, at crammed-together, round tables.

## INTERNATIONAL

### Justice system in turmoil, says a man who should know

“No one who knows anything about the (British) justice system doubts it is in crisis, that the crisis is unprecedented, that it is rendering the system unable to perform its most basic functions. And that the victims of this are poor people.”

Sounds like a lefty socialist commenting, doesn't it? No, the author is Charles Falconer, a former Lord Chancellor and Justice Secretary.

“It is no longer reliably convicting only the guilty. The disclosure problems in serious sex cases have almost certainly resulted in innocent people being convicted. The system for releasing prisoners on parole is letting out those who are unsafe (John Worboys) and keeping inside those who are safe (see the relentlessly unfair incarceration under the IPP (indeterminate sentences for public protection) system.

“The prisons are as dangerous as they have ever been in modern times to prison officers and prisoners alike. The probation service has ceased to function in the face of a misconceived privatisation.

“Legal aid has been so restricted as a result of the terrible reforms contained in Laspo – the Legal Aid and Sentencing and Punishment of Offenders Act 2011 – that the government has maintained massively flawed decision-making systems for welfare, homelessness, and immigration decisions, safe in the knowledge that most of those who are the victims of wrong rulings have no effective means of redress.

“The civil non-family courts are only open to rich people (there is in effect no legal aid for civil claims now); and the family courts are filled with local authorities seeking to remove children from their parents, and disputes between couples in the middle of the pain – to them and their children – of partnership breakdown, and unable to obtain legal help to resolve these disputes.” <http://tinyurl.com/ydx8fnza>

### Police face forensic failures on major cases

More than a dozen British police forces are outsourcing digital forensic investigative work to unaccredited private laboratories – which could be at least part of the reason a series of rape cases have been abandoned recently because of problems with digital evidence.

The collapse of four trials within two months because digital forensic evidence had not been shared with defence teams has shaken confidence in the criminal justice system, The Guardian UK reported last month. Thousands of rape cases are now under review by the UK's Crown Prosecution Service.

Fresh concerns are emerging about the quality of digital forensic evidence being used to prosecute serious crimes, including rape and child abuse. One UK industry figure described the digital forensics market as a “race to the bottom”, saying police contracts had been awarded to the cheapest providers irrespective of whether they complied with minimum quality standards set by the government. <https://tinyurl.com/ybcqtqye>

### Police culture to blame for disclosure failure: chief

Police forces have a “cultural problem” with disclosure of evidence, Surrey chief constable Nick Ephgrave said recently, after it emerged that 900 criminal cases in England and Wales were dropped last year. The BBC has revealed that charges against 916 people were dropped in 2016-17 due to a failure to disclose evidence, up 70% from 537 in 2014-15. The Crown Prosecution Service said this represented 0.15% of the total number of prosecutions, but conceded that there were still “systemic disclosure issues”. The National Police Chiefs Council, however, said it highlighted the need to swiftly improve and appoint disclosure champions in each force.

The new figures come after several rape trials collapsed in recent months because police failed to disclose evidence in favour of the accused.

A CPS spokesman said the organisation prosecuted more than 588,000 defendants in 2016-17, with a conviction rate of 83%. <http://tinyurl.com/ybf4on2o>

### Irish to vote on abortion

Ireland will hold a referendum on whether to liberalise the country's abortion laws at the end of May, offering voters the first opportunity in 35 years to overhaul some of the world's strictest laws.

Voters will be asked if they wish to repeal the eighth amendment of the constitution, inserted in 1983, which enshrined an equal right to life of the mother and her unborn child, and to instead enable parliament to set the laws.

An all-party parliamentary committee recently called for terminations with no restrictions to be allowed up to 12 weeks into a pregnancy.

Abortion has long been divisive in once stridently Catholic Ireland, now undergoing a wave of social change. It was the first country in the world to adopt gay marriage by popular vote in 2015. <http://tinyurl.com/yicszb3rk>

## Chinese rulers crack down on lawyers' rights

China is cracking down on lawyers for defending the rights of other lawyers.

In January, the Chinese Justice Bureau disbarred Yu Wensheng and rescinded the law licence of Sui Muqing (photo). Both had been defending some of the 20 lawyers caught up in cases around the '709' mass arrest of lawyers crackdown on 9 July 2015.

In the past few months, Chinese authorities have rescinded the registration of law firm, Beijing Wu Tian, and moved to disbar other '709'-connected' lawyers in Yunnan, Changsha, Hangzhou, Shandong, Shenyang and Shanghai.

"Punishing lawyers for defending human rights is punishing the rule of law, rights, and order," a Chinese lawyers defence group says. Lawyers go through a mandatory annual review by justice departments, which renew their licenses, so keeping the lawyers on a tight leash.

Chinese Minister of Justice Zhang Jun emphasised during a speech in January that lawyers must be subject to the leadership of the Party, and support "the socialist system". <http://tinyurl.com/yc7cq88e>



## Top rights fighter dies

Asma Jahangir, one of Pakistan's most prominent human rights activists, died of a heart attack last month. Jahangir, 66, was the chairwoman of the Human Rights Commission of Pakistan. She was known for outspoken criticism of the country's militant Islamist groups and her record as an activist.

She was the president of the Supreme Court bar association and had served as the UN special rapporteur on human rights in Iran since 2016. <https://tinyurl.com/yb3lrugb>

## Mass surveillance regime unlawful

Appeal court judges have ruled the UK Government's mass digital surveillance regime is unlawful after a legal challenge brought by the Labour Party deputy leader, Tom Watson.

Liberty, the human rights campaign group which represented Watson in the case, said the ruling meant significant parts of the Investigatory Powers Act 2016 – known as the "snooper's charter" – are effectively unlawful and must be urgently changed, Alan Travis reported.

The court of appeal ruling late in January said the powers in the Data Retention and Investigatory Powers Act 2014, which paved the way for the snooper's charter legislation, did not restrict access to confidential personal phone and web browsing records to investigations of serious crime and allowed police and other public bodies to authorise their own access without adequate oversight.

Three appeal court judges said that DRIPA was "inconsistent with EU law" because of this lack of safeguards, including the absence of "prior review by a court or independent administrative authority".

Martha Spurrier, director of Liberty, said: "No politician is above the law. When will the government stop bartering with judges and start drawing up a surveillance law that upholds our democratic freedoms?"

The British Home Office announced a series of safeguards in November 2017 in anticipation of the ruling. They include removing the power of self-authorisation for senior police officers and requiring approval for requests for confidential communications data to be granted by the new investigatory powers commissioner. <http://tinyurl.com/yasaesch>

## International briefs

**Psst! Here's a secret ranking:** Switzerland, the USA and the Cayman Islands are the world's biggest contributors to financial secrecy, according to the Tax Justice Network's Financial Secrecy Index. Secrecy is a key facilitator of financial crime and money laundering, corruption and tax evasion, the group says. Failing to contain it denies people everywhere their human rights and exacerbates global inequality. Australia hosts significant quantities of illicit funds from outside the country, they say, ranking Australia 44 out of 100 countries, down (in the wrong direction) from 47 two years ago. <http://tinyurl.com/yacy29c9>

**Beware drugs:** Researchers from York, Manchester and Sheffield universities say medication errors cause 712 deaths a year in England and may be implicated in between 1700 and 22,303 others. Patients suffer harm or die when they are given the wrong drug or the wrong dose, and also from their prescription taking an hour more to be dispensed than it should, they found. About 270m drug errors happen every year in England, though three-quarters result in no harm to patients, according to the findings, which were commissioned by the government. In very rough terms, the population of England is about twice that of Australia: halve the numbers to get a reasonable approximation of drug errors deaths and harm here, in a similar system. <https://tinyurl.com/yckpc33c>

**Nobel laureate may be guilty of crimes against humanity:** Myanmar's Aung San Suu Kyi, heavily criticised for failing to stand up for the Rohingyas, could be held accountable for crimes against humanity, UN Special Envoy Yanghee Lee (photo) said last month. "For complicity or neglecting to do anything. I am afraid so," she said in an interview with the UK's *Channel 4 News*. Professor Lee agreed with the interviewer that what has happened with the Rohingyas in Myanmar is a systematic targeting and persecution of people. Asked whether there had been an effort to destroy the very identity of Rohingyas, which appeared to suggest genocide was occurring, her reply was, "Absolutely." <http://tinyurl.com/y7pgke9s>



**Asian women exploited, lose their lives:** The violent deaths of two young women in Kuwait and Malaysia last month has forced the question of vulnerable workers back on the agenda. The degree of depravity both women are reported to have endured has prompted outrage across Southeast Asia. Adelina, a 21-year-old domestic worker from East Nusa Tenggara in Indonesia, died in Penang after alleged abuse at the hands of her employers. In the same week the body of a murdered Filipino woman, Joanna Demafelis, a 25-year-old domestic worker, was repatriated from Kuwait. Her body had been discovered in the freezer of her employer in January after she was reported missing by her family in 2016. Subsequently, thousands of Filipino domestic workers left Kuwait to return to the Philippines, many with their own stories of abuse at the hands of employers. <http://tinyurl.com/y7c987dv>

**Hong Kong losing freedoms:** Hong Kong's human rights situation is getting worse, Amnesty International said last month, claiming the city's rights to peaceful assembly and expression have come under threat. In an annual report reviewing the human rights situation in the city in 2017, the organisation said authorities had taken a hard line against protesters and activists. "In the past year, the right to peaceful assembly and freedom of expression have both been dealt blows in Hong Kong," the report said. The report also pointed out that such implementation of the city's Public Order Ordinance had led to criticism by the UN Human Rights Committee for failing to meet international human rights laws. <http://tinyurl.com/yqyq2kqx>

**West Papua admitted:** After months of campaigning West Papua – represented by the United Liberation movement for West Papua (ULMWP) – has fulfilled the prerequisites for full membership of the key sub-regional organisation, the Melanesian Spearhead Group. This international forum comprises four independent Melanesian states; Papua New Guinea, Solomon Islands, Vanuatu and Fiji. Kanaky (New Caledonia) is also represented through the representative organisation, FLNKS. ULMWP achieved Observer Member status in 2015 while Indonesia was controversially granted Associate Member status. As well, the West Papuan People's Petition, bearing the signatures of 1.8 million West Papuans (estimated to be 70.88% of the WP population) has been presented to a UN representative in Kuala Lumpur with a demand for a referendum on independence. <http://tinyurl.com/y7qfcuk9> <https://tinyurl.com/ybcmymnt>

**Religious 'peace' unsettles traditional Chinese Catholics:** An emerging rapprochement between the Vatican and Beijing is unsettling communities of Chinese Catholics and increasing pressure on them to join the government-backed church after decades of resistance, the Wall Street Journal reported last month. Spanish Dominicans came to farming villages along China's southeast coast four centuries ago, and most of the 84,000 Catholics in the area, including the community's popular bishop, worship outside the state-sanctioned church. But there is now both government and Vatican pressure for them to join the state church, giving Chinese authorities more oversight of and control over their activities. <http://tinyurl.com/y8lhux65> – paywall.

**EU MPs demand release by China:** 37 members of the European Parliament have demanded President Xi Jinping “immediately and unconditionally” release detained Hong Kong bookseller Gui Minhai. Gui, who is a Swedish citizen, was among five HK booksellers who went missing in 2015 and later turned up on the mainland at different times, claiming they had gone there voluntarily. Gui was serving time for a drink-driving offence until last October, but little else was known of his movements except that he was living in Ningbo. China’s public security officials said last month Gui had been carrying “documents containing state secrets” when he was arrested on a train. He was detained on suspicion of leaking secrets abroad, they claimed. <http://tinyurl.com/y9nenfob>

## **DATES**

**2-3 March, Brisbane:** Bar Assn of Qld conference on ‘Access to Justice’. Keynote by Wayne Martin, CJ of WA.

**3-4 March, Canberra:** Sentencing – New Challenges, two-yearly conference of the National Judicial College of Australia. Details: <https://njca.com.au/program/2018-conference/>

**8 March, Melbourne:** Situational Awareness: Ethics of Uncertainty in the Face of New Terrorism, Prof Susanne Krasmann, Laureate Program in International Law, Melbourne Law School. 6-7.30pm, Law Bldg. Details: [laureate-intlaw@unimelb.edu.au](mailto:laureate-intlaw@unimelb.edu.au)

**8-9 March, Brisbane:** Community Legal Centres Qld conference 2018. Oakwood Hotel, 15 Ivory Lane. Details: <http://tinyurl.com/yahnulh>

**9-10 March, Brisbane:** Qld Law Society symposium, Convention Centre. <http://symposium.qls.com.au>

**17 March, Sydney:** Rotary Peacebuilding Conference, Sydney Town Hall, 12 Noon. Speakers include Mohammad Yunus. Details: <http://tinyurl.com/ycjncxen>

**20 March, Melbourne:** Prof Richard Rawlings (Prof Public Law, University College London), one of the UK’s leading constitutional experts, will discuss Brexit: the construction of ‘a UK single market’ to facilitate domestic commerce, pave the way for international trade deals and protect national resources. Theatre G08, Grd Flr, Melbourne Law School. Details/bookings: [law-events@unimelb.edu.au](mailto:law-events@unimelb.edu.au)

**24 March, Canberra:** CLA member and wrongs-righting author (with an OAM for doing so) Estelle Blackburn (photo) will lift the lid literally on a 75year-old mystery when she and former NSW AG Andrew Tink discuss their research into the 1940 Canberra air disaster, which gave RAAF base Fairbairn, on Canberra Airport, its name. UWA alumni event, \$15pp, Vibe Hotel, includes ability to drive to the air crash memorial (3km) normally only reachable by walking 3km. Booking (only 30 places available): [dbooking@inet.net.au](mailto:dbooking@inet.net.au) \$15pp.



**30 April-18 May, Adelaide:** exhibition (3 May forum 6-7.30pm) South Sea Islander and Australian Reflections on ‘Blackbirding’, Kerry Packer Civic Gallery, PM Bob Hawke Centre, Uni of SA. Details: <http://tinyurl.com/ycry7g7h>

**24-26 May, Brisbane:** Forces of Change – Defining Future Justice, Australasian Institute of Judicial Administration, Stamford Plaza Brisbane. Details: <http://tinyurl.com/ycdtxour>

**14-15 June, Newcastle:** ‘Newcastle as a Restorative City Symposium: Justice Community Education and Health’ at NeWSpace, 409 Hunter St. Details: <http://tinyurl.com/y77avcx4>

**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>

**18-20 Jul, Brisbane:** Australasian Study of Parliament Group conference ‘Trust in Parliament in a post-truth world’, hosted by Qld Parliament. Details: <https://www.aspg.org.au/conferences/2018-queensland/>

**15-17 Nov, Sydney:** Australian Bar Association conference, Intntl Conf Centre. Info: <http://tinyurl.com/yczmcvsc>

**26-29 Nov, Western Sydney:** 9th International Conference on Human Rights Education – Unleashing the Full Potential of Civil Society. 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) Website: <http://ichre2018.com.au>

\*\*\*\*\*

*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)

ENDS    ENDS    ENDS