

Nauru is Australia's devil's island

There are at least 22 child refugees contained on Nauru: maybe many more, but no-one's telling.

Refugee Minister Peter Dutton won't say how many children he holds: he dissembles by obfuscation.

On Nauru, there are at least 255 people who seek refuge in Australia as of April 2018, according to the latest publicly available figures on the Home Affairs website. Of these, 22 are children and 26 are women.

But many more may live outside formal 'detention' on the tiny island less than 1/100th the size of the ACT. The Pacific Ocean contains the children and their parents. They can't leave the sand-fringed prison.

Some have been there half a decade. It's possible they will never leave. They cannot get passports. They will never be 'Nauruan'. They are by law never permitted to enter Australia, even 50 years from now.

The only way children can escape their personal Guantanamo Bay-like nightmare is if their parents take a cash bribe from Minister Dutton to go back to the country from which they originally fled. As refugees, they fled because they feared persecution. They are now between the deep blue sea and the devil.

When the children turn 18, they will be offered a bribe in their own right. That's all that hope looks like.

There are no people "in detention" on Manus Island, a few hundred kilometres north of the PNG mainland and about the same size as the ACT. That island is also a prison, created by Australia in 2001.

On Manus, an estimated 515 men – only men – are still contained by the Bismarck Sea. We don't know precisely how many, because the Home Affairs website is a perfect example of public relations spin hiding more than it reveals. <http://tinyurl.com/y9knuacb> <https://tinyurl.com/y7pza3gw>

To the end of May 2018, a total of 701 refugees have voluntarily – that is, they accepted bribes by Australia – returned to their country of origin or elsewhere. Thirteen people were returned involuntarily by Australian authorities.

In 2016-17, Australia granted 13,760 refugee visas. Those on Nauru and Manus cannot get such visas according to Minister Dutton: "They will never set foot in Australia," is the official line.

So far, the offshore detention policy has cost Australia at least \$10 billion in out-of-pocket expenses, not counting the 'bribe' money to Nauru for facilities and \$1000 per refugee per month.

The figure includes \$70m compensation going to men held on Manus for their illegal detention in dangerous and damaging conditions. And \$55m paid to send a small group of refugees (7 is the likely number, at about \$8 million each) to Cambodia: it is believed all have since left that country.

It is estimated each refugee claimant held under our offshore policy costs \$400,000 a year (each Australian prisoner in Australian jails costs just north of \$100,000 a year).

But the costs to Australia's international reputation may be vastly more than \$10 billion. It is possible the reputational damage is double or triple that figure. It's incalculable. <https://tinyurl.com/hsawa8q>

(References not listed above are available via the CLA secretary). PS: Guantanamo Bay, the US facility on the island of Cuba, still holds about 40 detainees.



Chief Justice speaks out against law-and-order election campaigns

"I entertain great doubt as to whether contemporary community values relating to criminal justice can be accurately gauged from statements made by callers to talk-back radio, or bloggers, or correspondents to newspapers, or even by editorial pieces in printed media," the Chief Justice of WA, Wayne Martin, said last month.

"(R)eliable or not, these sources motivate legislators all around Australia to enact increasingly punitive laws in response to what they perceive to be community expectations.

"In most, if not all, Australian jurisdictions general elections are preceded by a law and order auction in which political contestants endeavour to out-bid each other in their punitive approach to crime.

(They) rely upon the assumption that a majority of electors firmly believe that increasing levels of punishment generally, and reducing the discretion of the courts by imposing mandatory minimum sentences, will make the community safer. That assumption is never questioned.

"Tragically missing from any political debate with respect to such issues is any reference to any evidence, or any form of analysis aimed at assessing whether the community might be made safer by other or more nuanced and varied responses to criminal behaviour," CJ Martin said.

Read his full speech: <https://www.cla.asn.au/News/chief-justice-criticises-law-and-order-election-auctions/>

Unfortunately, CJ Martin retires this month. CLA urges him to continue to speak out against injustices.

Keane lists how and why Australia is heading towards police state

Crikey's Bernard Keane has nailed it with his rundown on where Australia is heading.

"I always figured it couldn't happen here. There was something about Australians and our collective personality that made it impossible. As it turns out, there isn't anything special about Australians. We were kidding ourselves," Keane wrote last month.

"To say that Australia is heading toward a police state sounds absurd, the claim of a bug-eyed conspiracy theorist — to say it not as a rhetorical flourish or partisan abuse, but as a statement of fact, a description of the road we have travelled so far. And yet, here we are...we are becoming a specific kind of police state, in which the government hands itself ever more power to prevent scrutiny, deter and punish whistleblowers, smear opponents and hide its wrongdoing, using legal framework justified in the name of national security.

"We're becoming a nation where embarrassing the government, or revealing its misconduct, has become a dangerous



occupation. Perhaps police state is less accurate than an anti-dissent state,” he wrote.

Under “legislation, intimidation, ambit claims that partly failed”, Keane goes on to list 18 laws or other regressive moves the government has made, as proof of his contention.

The theme of nearly all of these actions is that, where the government has capacity to use the law or funding, it attacks those who criticise it, subjects it to scrutiny, or embarrasses it by revealing misconduct.

And it has done so in a systematic way, changing the law to give itself greater powers, making ambit claims in order to push through smaller increments of change, and using other legislation as cover for reforms to unrelated areas. <http://bit.ly/2JNlytQ>

Civil Liberties Australia and others have been warning similarly about the slippery slope the nation is sliding down, and the malfeasances of politicians, both federal and state, for the past decade.

Just as this edition of CLArion went to press, MP Andrew Wilkie revealed wholly unconscionable charges laid by the federal government against lawyer Bernard Collaery and Witness K, the man prepared to give evidence in court over Australia’s spooks spying on negotiations with Timor Leste to the benefit of commercial interests.

The charges are proof positive of how far towards a police state Australian governments have taken us.

“What a truly rotten, despicable, cowardly, unprincipled, corrupt and wicked government we have,” was how CLA member John Richardson put it.

ODD SPOT: No safeguards threatens liberty

US Justice Felix Frankfurter wrote: “The history of liberty has largely been the history of the observance of procedural safeguards.” <https://tinyurl.com/y9x3w4ro> Australia’s lawmakers have been throwing procedural safeguards – like the state being responsible for the burden of proof, and innocent until proven guilty – out ever since the 11 Sept 2001 and the Al Qaeda aircraft attacks on America. We the people are far less protected from abuse by state entities than ever before, particularly without a bill of rights.

Five to be decided on Super-By-Election day

Looks like we’ll know by the end of July who fills the five House of Representatives seats now in limbo. If you’d like to nominate, get in quick. Nominations close on 5 July.

The by-elections are in the electorates of Braddon in Tasmania, Fremantle in WA, Longman in Queensland, Mayo in SA and Perth in WA, for the seats recently occupied by Justine Keay, Josh Wilson, Susan Lamb, Rebekha Sharkie and Tim Hammond (who was the only one who resigned).

The first four MPs were ruled to have lied on their application forms before the general election, in that they falsely claimed they did not owe some allegiance or have rights in relation to another country.

Key dates are:

- Close of nominations: Thursday 5 July 2018
- Declaration of nominations: Friday 6 July 2018
- Date of polling: Saturday, 28 July 2018

Defence mission for Irvine: find out as little as possible is wrong

In 2018, former spook boss, ‘Safe Hands’ David Irvine, has been given the job of finding as little deleterious as possible about what Defence has done, or not done, over allegations that Australian soldiers committed war crimes.

His is the third “investigation” into Australia’s “special” forces to be launched in two years. The problems should have been apparent to military brass for two decades; they probably were, but nothing was done.

In 2016, NSW Supreme Court Justice Paul Brereton, an Australian Army Reserve Major General, began investigating claims of war crimes in Afghanistan, and possibly elsewhere, over the past 18 years.

In 2016, an inquiry by consultant Dr Samantha Cromptvoets (photo: ABC) found special forces committed war crimes in Afghanistan: there was a “complete lack of accountability” from the bottom all the way up to the top brass.



Allegations include:

- acting illegally, as well as against orders, by carrying out ‘summary executions’;
- violence for the sake of it (including domestic violence);
- disregarding human life and dignity;
- abusing drugs and alcohol;
- a deeply-embedded, dysfunctional culture; and
- the two special forces streams – the full-time Special Air Service (SAS) regiment based in Perth and their Army Reserve top up and back-up group, the reservists’ Commando regiments of the east coast – being at loggerheads, with the permanents dismissive of the part-timers.

Formal warning: Australia’s ‘special’ troops endanger our national security

Dr Cromptvoets (see above) warned the extent of the problems created potential risk for national security and foreign relationships, as well as obviously restricting the particular forces’ ability to deliver results.

The Brereton investigation followed, and stemmed from, that of Cromptvoets. But nothing has changed.

Defence Minister Marise Payne said an inquiry by the office of the Inspector General of the Australian Defence Force, James Gaynor, had been going on since May 2016.

Claims include an Australian special forces soldier kicking a handcuffed Afghan detainee off a cliff.

Fairfax reported Ali Jan was a shepherd and father of seven rounded up in a search for a rogue Afghan National Army sergeant who had killed three Australian soldiers. In handcuffs, Jan was kicked off a cliff above a river bed by an unnamed Australian soldier, and then executed by shooting, *Fairfax* reported.

Usually an instant on-camera defender of any soldier, even executive director of the Australia Defence Association, Neil James, said there was “definitely a serious problem”. “...high operational tempo in an elite group is the type of scenario where you’re going to get cultural problems and where those problems are going to become institutionalised over time.” <http://tinyurl.com/y9uyff49> <http://tinyurl.com/y8rvycgk> <https://tinyurl.com/yaclq85y> <http://tinyurl.com/ybqsjiyuw>

Why has it taken two years?

The key question about the problems inside Special Forces Command have been hidden by Defence and government ministers for two years in a wilful cover up and avoidance of democratic transparency.

It was only a special investigation by *Fairfax* which brought the massive problems to public attention.

The merest tip of a chillingly worrying iceberg has now been admitted by Defence Minister Marise Payne.

The situation provides a timely reminder that new laws passed in recent years forbid – at the pain of jail –any mention whatsoever of operations by ASIO, ASIS and the like. If the media or CLA became aware of similar problems within the spook entities, we would be unable to report them at all.

CLA calls on the government to repeal the ‘no reporting spook activities’ laws as unjust and un-Australian.

Defence position is defence-less

“Over time, the secretive status of special forces generated a culture allowing mateship to overwhelm accountability*.” – Chris Masters and Nick McKenzie, writing in *Fairfax* online. <https://tinyurl.com/ybovo2cb>

- The phrase above is also a perfect summation of what goes wrong in police forces, until a Royal Commission every 10-15 years resets the moral compass of the particular state’s police, Civil Liberties Australia says.
- The ADF needs a similar every-decade general inquiry. Federal departments/agencies need one every 15-20 years, though some need it more frequently (Centrelink, Comcare, Veterans Affairs).

The Irvine inquiry should not conclude without commanders of special forces over the past two decades being asked why they did nothing about breaches of the law, in this case the law of armed conflict.

CLA member Kay Danes (photo), an Army wife, **has nailed the problems in an article** for CLA posted in June 2018 on the CLA website: [Command failings that are defence-less](#) Here’s what a former SAS boss said about the article:



‘**Command failings that are defence-less**’ by Kay Danes OAM is a superb article: accurate, well written and to the point. Australians have an instinctive sense of what constitutes ‘a fair go’ and they’ll respond if they feel they’re being denied it. – former Special Air Services Regiment (SASR) Lieutenant Colonel Riccardo Bosi.

HRC should hold emergency meeting on Yemen

In withdrawing from the UN Human Rights Council last month, the USA criticised Australia’s passive role.

The USA’s UN ambassador, Nikki Haley, accused the council of being anti-Israel and criticised countries which shared US values and encouraged Washington to remain but “were unwilling to seriously challenge the status quo”. <https://tinyurl.com/ybkc5yzz>

Australian Foreign Minister Julie Bishop said: “It was our strong preference for the US to remain a member of the UNHRC and I had made this known to senior members of the Trump administration.”

Australia would stay on the HRC, Bishop said, trying to make changes from the inside. Australia is half a year into a three-

year term until late 2020, on the 46-member council currently chaired by Slovenia.

The HRC meets three times a year to examine human rights violations.

Earlier this year it sent a three-person “eminent expert” team to Yemen to report on that country’s civil war.

The war is armed and fuelled by outside nations, notably nearby Iran and neighbouring Saudi Arabia, which has regularly bombed the Yemeni port cities of Aden and Hodeidah as well as other key facilities.

The expert team included former Australian federal Member for Fremantle, Melissa Parke. The UNHRC is due to consider its report in September 2018. CLA understands the team has long left Yemen, and completed its work and report.

As Yemen began to disintegrate further last month, the HRC should have considered the report in emergency session, CLA believes.

We call on the HRC to do so now, in July, rather than waiting another two months as more bombs drop and more Yemenis die, starve and are displaced from around the port of Hodeidah in particular. Note: Ms Parke is a CLA member, but has had no part in the writing of this item.

Vets’ health and mental health suffering grows

When it comes to helping returned soldiers, one Senator wants \$500m spent on upgrading Canberra’s War Memorial instead of allocating the money to health and mental health support for veterans.

He holds this stance, despite admitting that there are a “lot more” vets now than there used to be.

Canberra’s Liberal Senator Zed Seselja wants the memorial to be able to recognise recently returned veterans without impacting on existing recognition of older conflicts.

“We have a lot more veterans than we had 20 years ago, a whole new generation of veterans, and it’s important that their service is properly recognised without ever of course taking away from our great recognition of the sacrifices of WWI, WWII, Korea and Vietnam,” he said. <https://tinyurl.com/y98a9nox>

ID is a bad IDea, Senate hears

Under scrutiny by Senator Nick McKim (Greens) and Senator Penny Wong (Labor) at a Senate Legal and Constitutional Affairs Committee hearing recently, Commissioner of the Australian Federal Police Andrew Colvin and Secretary of the Department of Home Affairs Michael Pezzullo weren’t able to give a satisfactory explanation why new powers for police to demand ID of people at airports were necessary.

Commissioner Colvin could only assert that “those thresholds aren’t consistent with the operating environment... “

Nor were the specifics of circumstances explained; for example, what would happen if a person was unable to produce an ID? The excuse given was that the legislation was still being drafted.

However, as Senator McKim pointed out: “So, an AFP officer could go up to someone and demand that they show ID because...they look like an interesting person whom they might want to have a conversation with.... You can already do that. We’ve just agreed that your officers can already have a conversation with people and be reassured...”

Colvin: “But we can’t require it.”

Senator McKim: “Well, you can’t require ID at the moment, and I’m very thankful for that, because I do think this is a step too far down the road to authoritarianism in Australia, to be frank.” – Senate Legal and Con Cttee 21 & 23 May 2018

Beware! TweedleDee and TweedleDumb agree

The Coalition and Labor are as one – you can't tell the difference – over a new law targeting foreign interference in Australian politics by countries they don't really like, CLA assumes (read China).

The government agreed to about 60 changes recommended by the parliament's spook committee to ensure Labor support to pass the bill in the Senate.

The bipartisan* agreement extends to re-defining spook terms like foreign interference, political violence, sabotage, prejudicing national security and concepts like treachery and, we hope, sedition.

The last time the government fiddled with the same legislation, some CLA members proudly wore a bumper bar sticker on their vehicles which said: 'BE SEDITIOUS AT LEAST ONE A DAY'.

The sticker was the brainchild of one of our Catholic clergy members, John Parsons, and was an attempt to highlight how silly the legislation was.

In yet more fear-raising, Attorney-General Christian Porter is claiming there is an

unprecedented level of foreign interference in Australia's political system. The Chinese are the unstated bogeymen: both major parties refuse to acknowledge publicly the extent of US interference in our political system.

For example, we recently had the speech of spook committee boss WA Liberal Andrew Hastie, supported by his deputy, Victorian Labor MP Anthony Byrne.

For CLA's commentary on the US-initiated speech undermining an Australian citizen, see *CLArion* June 2018 (or email the Secretary to receive a copy of the CLA 'Spook Report').

Under the agreed changes to the new laws, the maximum jail terms drop from 10 to 7 years for some offences. Journos get better protections if they breach the draconian secrecy provisions: the government will, as usual, reverse the burden of proof and make the humble scribe prove he or she "reasonably" believed their work was in the public interest.

What if we imposed a similar burden of proving their activities were in the public interest on politicians? How many would stay out of jail? Is it in the public interest to conduct daily brawls on TV in Question Time?

For example, how could the proposed \$500m expenditure on expanding the War Memorial in Canberra be more in the public interest than spending the same amount on the health and mental health care of the increasing number of veterans brought on by successive governments going to (or staying in) 'wars' at the behest of one 'interfering' foreign nation, America?

Or spending it on fighting domestic violence, or adopting a bill of rights for Australians and educating people about the rule of law, human rights and civil liberties? <https://tinyurl.com/y9d49lrx>

The new definitions will be carefully crafted to be useful to the Bipartisan Parties who believe they are Born To Rule. <https://tinyurl.com/yaqtge8c>

- Very few people realise that the "bipartisan" spooks committee (PJCS) is NOT representative of the Australian Parliament, nor of the Australian people.
- It has ONLY Liberal and Labor MPs on it – there is no National MP, and certainly there is no representative of any of the minor parties or independents.

ODD SPOT: MPs have 20c each way on guns

Parliamentary Friendship Groups (non-country) are groups formally recognised by the Presiding Officers (President of the Senate and Speaker of the House of Representatives).

That recognition lasts for the term of the Parliament (that is, until the next general election elects a new parliament).

The federal parliament currently has two 'friends' groups in relation to shooting:

PARLIAMENTARY FRIENDS OF SHOOTING

"The group aims to connect like-minded individuals who have an interest in recreational shooting. It will promote, and coordinate events to promote, responsible shooting and hunting sports, both competitive and recreational, for Members and Senators. In a regular newsletter, members will be able to read about the latest in competitive shooting and national issues concerning pistols, rifles, clay targets and hunting. It will be an informal group where members can discuss their mutual interest in this sport."

Contact Persons are Senator Bridget McKenzie and Anthony Byrne (chair and deputy chair).

PARLIAMENTARY FRIENDS OF GUN CONTROL

"The purpose of this group is to provide a forum for Members and Senators to meet and interact with experts and advocates on the effects of gun control measures."

Contact Persons are Dr Andrew Leigh and Mr John Alexander, who are co-chairs.

Incidentally, there are parliamentary friendship groups for basketball, Blockchain, cricket, Defence, Free TV, netball, paralympic sport, recreational fishers, surf life saving, womens' AFL...and a myriad of other activities.

The number of such groups is slightly up on the previous (44th) parliament <https://tinyurl.com/ya2wftnk>

PERSONS IN FULL-TIME CUSTODY(a), Mar 2013 to Mar 2018



Australian Bureau of Statistics

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Prison numbers rise, costing taxpayers more

Prisoners in Australia are up 38% in five years.

The prison population hit the 40,000 mark for the first time in 2017, with 40,577 in jail during the first quarter of 2017.

Data recently released by the Australian Bureau of Statistics shows a new record of 42,102, which is up 25,968 on 10 years ago.

Costs are up 30%. Net operating expenditure is up from \$2.4bn five years earlier to \$3.1bn now.

Over the past five years, males in custody increased 37% (10,436) and females are up 53% (1210).

About 33% of total prisoners (13,182) are unsentenced or on remand – charged, not granted bail, but not yet found guilty. Remand prisoners increased 6% from last year compared to sentenced prisoners with a rise of 3%.

In the most recent quarter (to March 2018), the number of people going into prisons – 17,300 – was up 5%. Of those 75% were unsentenced (that is, on remand).

The figures indicate the numbers on remand in Australia are getting worse by the week. Not only are the jails clogged, so are the courts. <https://tinyurl.com/y9g3pxux> <http://tinyurl.com/ybcc5gtu>

What the numbers mean: prisons are hellholes

Suicide is frequent, violent bashings are regular and twice as many people are housed than should be, according to an ABC News report last month.

Queensland's main remand prison, the Arthur Gorrie Correctional Centre, is a hellhole in a Brisbane suburb, Wacol. GEO Group Australia runs the prison: it claims "prisoners are managed safely and securely at our correctional facilities" (company website 180622 1045 hours). Staff and prisoners disagree.

Staff fear one of them will be murdered in the near future. The union says the place is a powder keg. Drugs are rife, with prisoner claims that warders will deliver drugs inside to order, the ABC report says.

Suicide attempts went from two in the 2012 year to 37 in the 18 months to September 2017.

The centre's prisoner population is at capacity, up 35% since 2012 and 28% since 2013, an official report by the Qld chief inspector of prisons said recently. At the time of the report, 630 prisoners of 1179 total were doubled up in 315 cells.

The late 2017 report also revealed a 500% increase in serious assault and a 700% increase in sexual assault in the three years to the end of 2016.

Prison officers also do their own assaulting: they used tear gas and batons inappropriately, and injured handcuffed prisoners with their fists, feet and/or knees, according to reports.

Whatever happens at the prison, the Qld government is responsible, Civil Liberties Australia says.

The state's Crime and Corruption Commission is part-way through an inquiry into corruption and corruption risks inside the state's prisons. But the danger is now, not long after a report reaches parliament. <https://tinyurl.com/y98ck55o>

While the current Labor government is at fault for not fixing the problems, the dire nature of the state of Arthur Gorrie and other Qld prisons stems from rabid 'law and order' election campaigns and subsequent laws and excessive jailing, notably in Qld's case by the former Newman Liberal-led government.

Watchdog lashes police over cover-ups

The Victorian corruption watchdog has lambasted the state's police for covering up allegations of criminal conduct against officers.

The Independent Broad-based Anti-corruption Commission (IBAC) audited 59 investigations run by Victoria Police's Professional Standards Command (PSC) from 2015 and 2016. PSC is required by law to inform IBAC of claims of misconduct made against officers.

"There are deficiencies in how more serious complaints about police are investigated by PSC," IBAC commissioner Robert Redlich said. The audit found 10 investigations into criminal allegations against officers – including claims of drug use,

assault and criminal association – were classified as "work files" but should have been classified as criminal complaints and referred to IBAC.

In one case, it was alleged a Victorian officer made threats to kill, used drugs and attempted to pervert the course of justice. The case was not referred to IBAC.

IBAC audited 59 PSC investigations from 2015 and 2016. Complaint files understated the allegations against police and did not identify potential conflicts of interest 95% of the time.

The former head of PSC, Brett Guerin, quit suddenly in February after he was linked to a series of racist and vulgar posts online. – from a report by Joseph Dunstan and Joanna Crothers of ABC News <https://tinyurl.com/y8kpg2u4>

New law to ban unpleasant clothing risks absurd outcomes

Civil Liberties Australia responded with concern in Tasmania to the tabling in Parliament of the *Police Offences Amendment (Prohibited Insignia) Bill 2018*.

"It is a very big step indeed to allow police and parliament to ban the wearing of certain items of clothing," Richard Griggs (photo), Tasmanian Director of Civil Liberties Australia, said in a media release.

"Parliament traditionally passes new laws and the police enforce them. It sets our system of law down a very different path if we begin to regulate the badges that people wear on their coats.

"It is disappointing that such an extraordinary new law has been drafted so broadly that the banning of clothing can be done to protect 'the amenity of the community'. This means the bans could be imposed to maintain the pleasantness of Tasmania which would be an absurd outcome.

"So we have a double whammy of a very large expansion of power for police and parliament combined with a very broadly worded piece of supporting legislation. The combined effect of which is a proposed new law that we urge the Tasmanian Parliament to interrogate very carefully," Mr Griggs concluded.

CLA has written to the Minister for Police to ask the following questions:

- Will organisations subject to the ban be able to appeal the decision or point out errors?
- Will the advice from the Commissioner for Police, required under proposed section 6A(5), be made available to Members of Parliament? Will the advice be available to members of the public? Will the decision to proscribe an organisation be able to be appealed or reviewed? If so, how?
- Do you consider that the banning of identifying insignia limits freedom of speech and freedom of association? If so, did you consider any other models of legislation which might enable the State Government to meet its policy objectives through mechanisms which limit freedoms to a lesser degree?
- Why is the proposed law not specific in naming "motorcycle gangs" (or groups) and instead written to be open to application to any group?

"For example," CLA CEO Bill Rowlings comments, "the law may prevent priests and religious brothers wearing cassocks as a



'uniform' because Catholic prelates have been found guilty of pedophile offences. Similarly, the Salvos could be banned from wearing their uniform for committing like offences.

"What happens if a Defence force unit, maybe in the Reserves, is guilty of abusing a female child recruit. Certainly an offence of that nature would require a police commissioner to protect the 'amenity of the local community'. Would military uniforms be banned in Tasmania as a result?"



Greens push for secular laws to prevail over religious concessions

WA Greens Upper House councillor Alison Xamon has tabled a draft law to ensure the state's equal opportunity laws operate in religious schools.

Discrimination in schools is permitted currently if it adheres to the "doctrine, tenets, beliefs or teachings" of a religion. That means religious schools can discriminate against staff who are unmarried parents, living together out of wedlock or who are LGBTI.

Schools can refuse to enrol students who live in circumstances contrary to the school's religious beliefs.

Xamon's law would remove an exemption for religious schools in equal opportunity legislation. "(Schools) are receiving taxpayer dollars and frankly what someone's sexuality or gender identity or marital status is, is really irrelevant to being able to teach or to garden or to be able to work in administration at a particular school," she told *WAtoday* online journal.

What WA decides to do will be a bellwether for similar laws around Australia. The federal government should be legislating along the lines of the Xamon bill for a common position Australia-wide, but it lacks the courage to take to enforce the nation's secular constitution. <http://tinyurl.com/yb6k45ne>

WA cops union fights the wrong battle

The WA police union is getting antsy about rent for its officers occupying government-provided housing in the bush going up \$30 a week...in some places.

It took out a full-page newspaper ad claiming "Police officers will leave your town unless this unfair increase is removed." Union president George Tilbury claimed police would leave the regions "in droves".

The current Labor Police Minister Michelle Roberts said the rent-rise decision was made by the previous Liberal government, was announced years ago, and had just come into effect.

It applied to all public sector workers – teachers, nurses, etc – not just police.

The government gave rent-free accommodation to police at 55 rural/remote locations throughout WA, and had allocated \$8.76m in incentive payments to get police officers to go bush. <http://tinyurl.com/y9rn5jo8>

CLA believes police unions should spend more time ensuring the government funds better education and training for officers, so detectives in particular don't suffer the well-known WA police 'diseases' of confirmation bias and tunnel vision.

Evidence in a dozen major murder cases has produced wrongful convictions and cost the state tens of millions of dollars in compensation, as well as seeing innocent people locked in jail for decades upon decades.

Big Brother is watching, and will talk to you

To tackle alcohol-related crime and anti-social behaviour, the first of 26 CCTV cameras across the NT have started operating.

The 11 new fixed CCTV cameras are in the Darwin suburb, Nightcliff, with others to go into Palmerston and Tennant Creek.

"We have invested \$1.4m to upgrade and enhance our CCTV network across the Territory, including cameras in Tennant Creek and in Bakewell," AG Natasha Fyles said. "To help keep businesses secure, the cameras in the Nightcliff mall area are fitted with speakers, which can be used to deliver pre-recorded messages or live alerts warning people their behaviour is being monitored by police," she said. – AG's media release 180620

Siren warning sounded by police bosses leaving

The NT Police are reeling from a spate of resignation, not to mention the strange case of the last previous Police Commissioner and his being found guilty of perverting the course of justice (see Australian Briefs).

Assistant Commissioner Lance Godwin resigned three months ago. Deputy Commissioner Kate Vanderlaan went on 'personal leave' about the same time, NT Parliamentary Estimates was told, amid an internal investigation into her conduct.

Current Commissioner Reece Kershaw told Estimates that Assistant Commissioner Peter Bravos remained on "sick leave" for reasons which have never been publicly disclosed. The former executive director of the police administration, David Rose, whose role was the civilian equivalent of an assistant commissioner, has also left. Would the last police boss to leave please turn off the siren? <https://tinyurl.com/ydfwa6x7>

NT celebrates 40 years

Today (1 July 2018) is the 40th anniversary of the Northern Territory gaining self-government, allowing those living in the territory to purchase freehold land for the first time.

The NT has a population of 244,000, with more than half living in Darwin. Indigenous Australians make up about 15% of the population, and own about 50% of the land.

The ACT will celebrate 30 years of 'gaining' self-government in 2019: in a referendum before self-government, 63.75% of the ACT's population voted against it, but the federal government ignored the free choice of the local people.

The Governor-General signed the ACT Self-government Act on 6 December 1988, and the first election for the local Legislative Assembly was held on 4 March 1989. The ACT has about 400,000 people.

Police get even more resources to tackle bikies

NSW police are again trying to crack down on bikies by creating two "elite", 23-person anti-organised crime units in the Hunter and Illawarra regions.

The units put all criminal groups in NSW on notice, said State Crime Commander, Acting Assistant Commissioner Stuart Smith last month.

The squads, based on Sydney's Strike Force Raptor, will each have a 23-strong team that includes investigators, Highway Patrol and intelligence staff.

"In April, 300 armed officers carried out sweeping raids arresting 13 alleged bikies," the *Fairfax* report said.

Since 2009, officers from Strike Force Raptor have seized tens of millions in cash, drugs, and other proceeds of crime. "We've hit them [outlaw bkie gangs] where it hurts most - profit," Acting Assistant Commissioner Stuart Smith said.

It is astonishing that – given the all-powerful new bkie laws, the virtually unlimited manpower resources and the ability of the

DPP to charge people under Proceeds of Crime laws – bikies have not been eliminated as a problem already.

If this latest initiative doesn't work, maybe the NSW government can start to look more critically at the competence or otherwise and the commitment of its own police force. <https://tinyurl.com/yc47urob>

Eastman trial on again: massive cost to citizens

The second jury trial for murder involving David Eastman began last month with the selection of 16 jurors.

The ACT DPP Jon White has re-charged Eastman with murdering former AFP assistant commissioner Colin Winchester by shots to the head while sitting in his car in a home driveway on 10 January 1989.

The trial will likely persist through the 30th anniversary of the death early in 2019.

Eastman has pleaded not guilty before acting judge of the ACT Supreme Court Murray Kellam.

The judge was on the Court of Appeal in Victoria, and sat on probes by that state's Independent Broad-based Anti-corruption Commission (IBAC) into claimed police misconduct. He has also been a judge in Samoa, and was for five years chief commissioner of Tasmania's Integrity Commission. He has presented ethics programs for judges and magistrates throughout Australia as well as training lawyers, police, magistrates and judges in developing countries for UNICEF.

Kellam was originally appointed in 2016 to run the trial from about May 2017 (it had originally been slated for 2015). But as is customary with trials involving Eastman, in a separate bid Eastman appealed to the ACT Supreme Court for a permanent stay of proceedings.

He lost, including in a further bid for a High Court review (his third in the long-running saga), hence the current trial.

Many in the ACT believe Eastman is entitled to a permanent stay of proceedings, if only on the grounds of waste of taxpayers' money.

Eastman was committed to stand trial for murder on 25 Dec 1992. On 3 Nov 1995, he was found guilty and sentenced to life imprisonment. From then, he made various legal appeals almost annually until, eventually, the conviction was quashed in 2014 after he'd served 19 years of a life sentence.

The quashing followed an inquiry by acting ACT judge Brian Ross Martin under a special ACT law. It began on 11 Nov 2013 and on 30 May 2014 it was announced Martin had recommended Eastman's conviction be quashed.

The reasons? The AFP knew but did not disclose the reputation of their forensics 'expert' had been seriously questioned by Victorian Police. As well, the ACT DPP failed to hand over all the documents it should have given the Eastman defence team.

In August 2014 the ACT Supreme Court bench of Justices Steven Rares, Michael Wigney and acting Justice Dennis Cowdroy confirmed that Eastman did not receive a trial according to law, and that he should be freed.

They left open to the DPP the question of whether to hold a new trial. Many people in the ACT believe the main reason for the current trial is to try to resurrect the reputations of the DPP itself and the AFP.

The cost is enormous. More than 100 people are expected to be called to give evidence.

So far the ACT Government has allocated \$7m extra to the DPP and legal aid to cover the current trial. It would be reasonable to assume that the cost to the taxpayer across all government bodies involved, including the AFP, would be at least double that amount.

So far, the numerous Eastman trials, inquiries and other proceedings before 2015 have probably cost the ACT and the nation upwards of \$30m. Jailing him has already cost probably \$2m, given the current rate of more than \$100,000 a year.

If he is convicted this time, he will

undoubtedly appeal to the High Court. Even if he doesn't, he would be entitled to serious consideration for parole immediately upon conviction...because he has now proven over the past four years that he can live in the community without disturbance. – Sources: comment by Bill Rowlings, CEO of CLA plus <http://tinyurl.com/y7v7rn6e> <http://tinyurl.com/ydd5kkvd>

Photo: David Eastman, now 72, rugged up against Canberra's cold, during the first days of his trial last month. ABC TV photo.



Australian briefs

Prison officers to get mental health help: The WA Prison Officers Union is to become one of the first correctional services-focused bodies in Australia to offer internal mental health training to its members. With support from the state government, WAPOU will become a registered training organisation and deliver new mental health training specific to the profession. Union boss Andy Smith told Fairfax he had been to the funerals of 12 prison officers who had taken their own lives in just over 14 years. <http://tinyurl.com/yde819yy>

Mass facial recognition project dumped...for now: Spook Central – aka ACIC, the would-be equivalent to the Stasi in the old East Germany – has dumped its current bid to introduce biometric fingerprint and facial recognition so as to have a secret file on every Australian. The Australian Criminal Intelligence Commission fired contractor NEC Australia last month, allegedly for delayed project delivery. The system was supposed to match fingerprints, and include facial recognition, but it had involved no public consultation, no input from liberties/rights and privacy groups, and was not supported by appropriate legislation. "This decision was taken in light of project delays," ACIC chief executive Michael Phelan said. The Australian National Audit Office has launched an audit into the project fiasco. <http://tinyurl.com/yb648s3n>

Top cop goes to jail: Former NT police commissioner (and previously WA assistant commissioner) John McRoberts was last month found guilty of attempting to pervert the course of justice and sentenced to three years jail, suspended after 12 months. He is expected to appeal. A jury found he tried to interfere with a travel agent fraud investigation between May and November 2014. McRoberts failed to disclose he was in a sexual relationship with the main target, former Darwin travel agent and CrimeStoppers NT chairwoman Alexandra Kamitsis. She was sentenced in December 2015 to three years 11 months jail, with 18 months non parole, for fraud and corruption. She was released to home detention after 10 months. <https://tinyurl.com/zpn8jff>



Testing for safety principle supported: Pill testing should be available at NT music festivals to prevent drug overdoses, assistant Police Minister Jeff Collins said last month. He is a member of the parliamentary Select Committee on a Harm Reduction Strategy for Addictive Behaviours. Collins said young people need to be made aware of the risks of taking illicit substances. The committee reports in August 2018. Australia's first pill testing occurred in Canberra in April.

Indigenous police evoke good response from youth:

Warakurna in WA is the first entirely Indigenous-run police station in Australia. The town, near the NT border, is policed by two Aboriginal officers who also cover two other nearby communities. Warakurna office-in-charge, Revis Ryder, said he hoped to become a role model for younger Indigenous people in the community. Youth crime had "dropped off dramatically" since last year, said the officer, who is also the local football coach. His policing partner is Sergeant Wendy Kelly. <https://tinyurl.com/yd3qtred>

New ICAC commissioner sworn in: The NT Administrator (like a Governor in the States), Vicki O'Halloran, last month swore in the NT's first Independent Commission Against Corruption (ICAC) commissioner, Kenneth Fleming QC. He is recruiting staff for a formal ICAC start date yet to be gazetted. – media release, Chief Minister Michael Gunner 180613.

Maybe this time? The NT government and the territory's four land councils signed a Treaty Memorandum of Understanding in Barunga last month, committing to the first NT treaty with Aboriginal people. However, it will be at least a further year before any draft is prepared for a public discussion phase. The agreement was signed on the 30 year anniversary of then-Prime Minister Bob Hawke's unfulfilled promise, made at Barunga, of a treaty with indigenous Australians. <https://tinyurl.com/y9k7fb6f>

Members letters:

Statistics go better with Coke:

According to Christopher Snowdon, writing for the UK Institute of Economic Affairs (the IEA) (Clarion 1 June 2018), the average basket of goods would rise by \$800 per annum if a 'sugar tax' was enacted. That estimate depends on Snowdon's explicit and tendentious assumption that the sugary drinks in that basket are price inelastic. Clearly that is not universally the case, as 'sugar tax' effects on consumption of sugary drinks in California show : <https://www.theguardian.com/society/2017/apr/18/first-us-sugar-tax-sees-soft-drink-sales-fall-by-almost-10-study-shows> . While a 'sugar tax' would be regressive, it might substantially lower taxpayer and personal health costs (possibly by more than \$800pa for victims of diabetes etc) and lengthen lives, particularly for the less well off and their dependents, who consume more sugary drinks.

To achieve an increase of \$800 per annum with a 20% tax, Snowdon's annual basket of goods would need to contain \$4000 worth of sugary drinks. At say \$1.28 per litre bottle of Coke (current Coles online special price), that is about 3125 litres per annum or roughly 8 litres/day. With a 4-person household of 2 adults, 2 children, that's 2 litres each per day. Yet the very top consumers (young males) drank about 1.5 litre/day in 2011-12 (ABS 4364.0.55.007 - Australian Health Survey). That's a lot of Coke. – David Roth, Kambah ACT

Democracy no more:

I have just viewed Julian Burnside QC's outstanding and deeply troubling documentary film 'Border Politics' about Australia's treatment of asylum seekers. In his opening remarks Burnside said "He fears for Australia's democracy". I would say that with our treatment of refugees, and our massive erosion of civil liberties (including more legislation before the parliament right now), supported by both main political groupings, that the Australian Parliament no longer represents the will of the people of Australia and has not done so for a considerable period of time. Hence we are, already, no longer a democracy.

– Reg Murray, Glen Iris VIC

CLA report – precis of main activities for June 2018

Civil Liberties Australia continued to press for a national bill of rights, to protect religious freedoms among others, when appearing before a parliamentary committee last month.

CLA's President, Dr Kristine Klugman, CEO Bill Rowlings and ANU Law student member Elly McLean answered questions from MPs about our formal submission on religious freedoms, lodged in March 2017.



Photo shows Dr Klugman (left) and Elly McLean in the foreground, and Dr Anne Aly and Kevin Andrews left and centre with the Senate inquiry secretary, Sonya Fladun, on the right.

The inquiry is one of four investigations in recent years into the subject of religious freedoms. Former MP Phillip Ruddock conducted one inquiry which reported to government on 18 May, but no details of his recommendations have been made public. Former Attorney-General, Senator George Brandis made it a cornerstone of the 'Freedoms Inquiry' that The Australian Law Reform Commission undertook, and the same topic was inquired into under aspects of anti-discrimination legislation, federally and in states and territories. Brandis' Freedoms Inquiry report has been dispatched into individual departments and agencies for their comment, probably never to see the light of day again.

CLA's most recent appearance on 22 June 2018 was before the Human Rights sub-committee of the Joint Standing Committee on Foreign Affairs Defence and Trade, chaired by Liberal Kevin Andrews (Menzies, Vic). The only other two committee members present on that day were the Labor deputy chair, Dr Anne Aly (Cowan WA) and Senator Claire Moore (Labor, Qld).

CLA stressed in our written submission the importance of spreading our national concepts and philosophy of freedoms, including religious freedoms, to neighbouring companies.

At the hearing in Parliament House, we outlined four initiatives the committee should recommend:

- protection of many rights should be encompassed by a national charter of rights, which should be a legislative model initially followed by a referendum to vote on turning it into a constitutional version after several decades (as Canada did after 25 years);
- combining the outcomes, if any, of disparate individual inquiries (Ruddock, Brandis etc), which make it difficult for voluntary organisations to keep track of the issue, because recommendations are duplicated and then usually not acted upon anyway;
- creating a definitive written description of how Australia guarantees protection of religious belief (or non-belief) in a form which could comprise a standalone section of statutory rights charter. We recommended that other discrete rights (speech, association, etc) could be compiled in a similar way, so that Australia gradually agreed on the wording of a full bill of rights; and
- the influence of religious groups is disproportionate to their representation in the community: for example, Christian prayers before parliamentary sittings should be scrapped, or else made inclusive of various religious beliefs which make up the Australian multicultural community with say, a Muslim prayer on one day, a Hindu prayer on another and so on, provided one in each three sitting days featured no prayer, to represent the 30% of Australians who are non-believers.

To keep up-to-date with all of CLA's activities, please follow our Facebook page at:

www.facebook.com/CivilLibertiesAus/

There, you will find information on CLA initiatives and submissions, meetings we are having, events we are attending and other issues we are following.

NT:

Caitlyn Perry has taken over as the administrator/conduit for CLA matters in the territory. An economist, she was previously the executive director of the Darwin Community Legal Service. Now she works with NT Council of Social Service and is on the advisory council of the Australian Pro Bono Centre.

She was praised, along with other long-term visionaries, in May this year by the Chief Minister, Michael Gunner, when he made a formal apology to the gay community in parliament on the passing of the 'Expungement of Historical Homosexual Offence Records Bill.

The CM said, describing Caitlyn and other advocates for a fair go: "What the government looked to break down, they built. They built pride, self-respect, solidarity. They are the heroes. Many would shun the term but I will put them on record nonetheless." <http://tinyurl.com/y7ploy23>

ACT meetings/etc:

- Skype meeting with Tasmanian directors Richard Griggs and Rajan Venkataraman
- Wendy Gesini re current CLA activities
- Keith McEwan re NAIDOC week
- John and Trish Simmons re CLA membership activities and transport issues
- Kevin and Marli Popple re networking
- Bill Stefaniak update on Model Litigant Obligations
- Sam Tierney re finances and membership database



- Jean and George Winston of the Blue Mountains NSW (photo, with CLA Director Jennifer Ashton, right), re refugees, with CLA President Kristine Klugman and refugee expert Ashton
- Lynne Bliss

WA:

- Meeting with Lloyd Rayney to request submission in support of the petition for an Independent Police Complaints Commission (IPCC) tabled in the Legislative Council of WA. He was supportive and has obliged. Whenever the IPCC submission is mentioned, people want to sign it.
- Attended a public meeting with CLA member Christina Marruffo: Q & A session with Richard Denniss. ('Dead Right: How Neoliberalism Ate Itself and What comes Next') Well attended evening with a range of pressure groups present. Many attendees interested in more CLA information.
- Meeting with CLA member Rika Asaoka to edit her monthly online article on Intercultural Interpretations of Workplace Appraisals: How staff are supported (or not) at work.
- Meeting with CLA member Christina Marruffo to discuss support for launch of 'cartooning' module at Edith Cowan University as social commentary vehicle.
- Meeting with CLA member Catherine Atoms to list names of effective MPs and community leaders to contact for repeated tabling of the IPCC petition.
- Wrote four letters to arrange meetings with the agreed names.
- Mailing 'Letters' page from 'West Australian' daily and 'The Post' weekly to CLA president. Objective: new CLA membership initiative.
- Planned CLA marketing stall at popular Growers Market in Fremantle in July.
- Wrote to CLA member Atoms suggesting fact-finding strategy on UK's Independent Office of Police Conduct, specifically on how it overlooks itself.

Federal parliament hearings:

By teleconference: spoke to CLA submission on Senator David Leyonhjelm's model litigant bill

In person hearing, speaking to CLA submission on religious freedoms, with ANU law student and CLA member Elly McLean (see report above)

Consultations:

Open Govt Partnership National Action Plan consultation, at Prime Minister and Cabinet Department: raised issue of government as a model litigant

Barrister and judicial officer lecturer Hugh Selby re the state of "justice" in Tasmania, CLA's Better Justice program and other national initiatives

Networking:

Sent 'Spooks' analysis article from June *CLArion* to whips and members of the Parliamentary Joint Standing Committee on Intelligence and Security, Prof George Williams and Assoc Prof Christopher Michaelsen, and MPs David Leyonhjelm Andrew Wilkie, Cathy McGowan Adam Bandt, Bob Katter, Nick McKim, Andrew Bartlett, Derryn Hinch, Richard Di Natali, Peter Whish-Wilson. Posted to Morry Bailes, Pres Law Council of Australia.

Emails of congratulations to retiring justices Lex Lasry (Vic) and Wayne Martin (WA, CJ).

Meeting with Australian Dictionary of Biography director Melanie Nolan (Vintage Reds talk).

Submissions/etc for June 2018:

Tas: Meeting with Aust. Human Rights Commission re legislation for implementation of OPCAT (Rajan Venkataraman)

WA: Independent accountability of police, petition submitted to the Select Cttee on Environment and Public Affairs, WA Parlt by Alison Xamon MLC, Member for North Metropolitan (organised by Margaret Howkins)

National: Proceeds of crime laws research, extended interview with UWA researchers (Bill Rowlings).

National: Appearance before Religious Freedoms inquiry committee - see article above.

A limited number of CLA T-shirts are still available, mostly in large sizes, at \$35 each including postage. CLA greeting cards can be bought for \$27.50 for 10, or \$50 for 20. They fit into a normal 220 x 110mm envelope. And we have free bookmarks available if members would like some posted to them.

INTERNATIONAL

'They're watching you...'

The Economist has produced a timely warning about the surveillance state:

"They're watching you. When you walk to work, CCTV cameras film you and, increasingly, recognise your face. Drive out of town, and number-plate-reading cameras capture your journey. The smartphone in your pocket leaves a constant digital trail. Browse the web in the privacy of your home, and your actions are logged and analysed.

"The resulting data can be crunched to create a minute-by-minute record of your life.

"Under an authoritarian government such as China's, digital monitoring is turning a nasty police state into a terrifying, all-knowing one.

"Especially in the western region of Xinjiang, China is applying artificial intelligence (AI) and mass surveillance to create a 21st-century panopticon and impose total control over millions of Uighurs, a Turkic-language Muslim minority.

"In Western democracies, police and intelligence agencies are using the same surveillance tools to solve and deter crimes and prevent terrorism. The results are effective, yet deeply worrying. – spotted RW, from *The Economist* 31 May 2018 <https://tinyurl.com/y8pf5m9f>

Police take diametrically opposed stances

One US police department has stopped using Amazon facial recognition technology to protect civil liberties.

The city police department of Orlando Florida, in the US far south-east, has allowed a contract to expire for technology that can identify faces and other objects in images.

However, Washington County in Oregon – in the nation's far north-west – is still using the same technology. <http://tinyurl.com/yaqqxy9b>

ODD SPOT: Indian court cases grind glacially

In India, it is common for court cases to last years or even decades – the longest civil case began in 1878 and has yet to be settled <https://tinyurl.com/yanxsudr> – because of a serious shortage of judges. Upwards of 1.6 million criminal cases have been pending for more than 10 years. Around half the 18.9 million cases going through India's district courts have been ongoing for more than two years. <http://tinyurl.com/y7bhtg4f>

You're fired! ...too much Trumping

The cartoonist for the Pittsburgh Post-Gazette, Rob Rogers, was fired last month.

The reason? He drew too many anti-President Trump cartoons. Rogers had been the editorial cartoonist for the newspaper for 25 years.



The situation is a classic example of the rich and powerful (the Post-Gazette owners and senior management) who are Trump and Republican supporters using their privileged position to over-ride the leanings of the people: Pittsburgh – steel city – is overwhelmingly Democrat-oriented and votes that way.

Rogers' sacking is a microcosm of how Trump stays in power on the shoulders of Rupert Murdoch's Fox network.

CLA invites readers to think about whether there are any parallels in Australia: how would we react if a cartoonist was sacked here in a similar way?

Illustration: Rogers' own cartoon comment on his sacking.

100 people a day demonstrate America's 2nd Amendment right to die

The Centers for Disease Control and Prevention in the USA says 36,252 Americans died because of gun violence in 2015—11.3 deaths per 100 000 people—an average of about 100 gun deaths every day.

"No other developed country has anything close", said David Hemenway, a professor of health policy at the Harvard TH Chan School of Public Health and director of the Harvard Injury Control Research Center.

People living in the USA are 25 times more likely to die in a gun homicide than if they lived in another wealthy country, according to a 2016 study he co-authored that was cited in the RAND Corporation's *Gun Policy in America* report released earlier this year.

The risk of gun violence is so pervasive that "even the mass shootings that occur so regularly, and that capture so much attention, account for just one half of 1% of all US gun fatalities annually", the RAND report said. It also found that there is far less research on gun violence compared with other causes of death that claim a similar number of lives. <http://tinyurl.com/y96uxuw8>

US Supreme Court wimps it in major cases: jailed child remains in prison to 2048

The US Supreme Court has refused to even hear an appeal from Brendan Dassey, the then 16-year-old whose interrogation was featured in a Netflix documentary series, *'Making a Murderer'*.

The main case featured in the *'Murderer'* series involved Steven Avery, who was convicted on spurious evidence of killing a 25-year-old photographer Teresa Halbach.

The series also showed Avery's nephew, Dassey, who has significant mental limitations, being manipulated by police using the Reid interviewing technique.

They wrung a confession from him to rape and murder, with no parent and no lawyer present over. Based almost solely on the confession, he was convicted and sentenced to life in prison, where he remains until at least 2048.

The Reid technique is used by detectives in Australia.

Dassey's lawyers – and scores of other US prosecutors – had urged the US Supreme Court to use the case, *Dassey v. Dittmann*, No. 17-1172, as an opportunity to instruct lower courts about how to evaluate confessions obtained from juveniles and people with mental deficits.

The Supreme Court late last month turned down the request without comment, leaving juvenile confessions justice in limbo in the USA.

One US study showed 42% of exonerated juveniles had confessed falsely, by comparison with an adult figure of 8%. Dassey case details: <http://tinyurl.com/y9vs4veu>

In other instances, the court also failed to make a decision. It referred appeals over gay rights to order flowers from a shop, and political districts gerrymandering, back to the lower courts for reconsideration.

Following its earlier very narrow decision on the case of the baker who refused to make a cake for a gay couple, the court has now twice wimped out of deciding the key issue, whether a business can discriminate against gays and lesbians based on rights protected by the US first amendment to the US Constitution. <http://tinyurl.com/ybr994ym>

In another case, President Trump's right to ban people from Muslim countries entering the USA was upheld by the idiosyncratic Supreme Court.

Paper's out, e-voting is in for national elections

Brazil's Supreme Court last month suspended the use of all paper ballots in this year's October elections.

Only electronic ballot boxes will be used, and there will be no voter-verified paper trail to check the accuracy of results, Dan Goodin wrote in ArtsTechnica online journal.

By an 8-2 majority, judges agreed with government arguments that the paper trails posed a risk to ballot secrecy. They suspended a requirement that 5% of Brazil's ballot boxes this year use paper. That requirement, by Brazil's Supreme Electoral Court, already represented a major weakening of an election reform bill passed in 2015.

Brazil first introduced some Direct Recording Electronic voting machines in 1996, in response to regular reports of fraud committed using paper ballots. By 2000, elections were fully electronic. Since then, Brazilian voters have received no paper trail that can be used to audit tallies.

The 2015 reform law required, among other things, the use of paper ballots. Brazil's Supreme Electoral Court had planned to begin phasing in that requirement starting with elections scheduled for October. The Supreme Court decision suspends that deadline.

ODD SPOT: Strong v weak

"A strong man makes a weak country. Strong countries are made strong by independent and effective institutions and officials. Weak states often violate the rights of their people." – Koul Panha, Cambodian seeking asylum in Thailand, and executive director of the Committee for Free and Fair Elections in Cambodia. (SB) <http://tinyurl.com/y9ggolgq>

Vietnamese girls sold as brides in China

Official statistics from Vietnam's Department of General Police show that, between 2011 and 2017, there were 2700 reported cases of human trafficking, involving nearly 6000 victims mainly from poor families in rural areas with little access to education or economic opportunities.

The official figures are widely thought to be dwarfed by the number of unreported cases. Police say selling children as brides is rife in provinces near the border with China and is on the rise.

In China, where men outnumber women by 34 million – more than the entire population of Malaysia – websites offer foreign brides to fill the gap. The service comes at a price, usually somewhere around the 10,000 yuan (\$2000) mark. <http://tinyurl.com/y7pw6346>

The gender imbalance is believed to be due to China's recently abandoned one child policy.

International briefs

Truckies complaints mirrored the world over: From China comes claims that truck drivers called a national strike recently but actually protested a day earlier, a now-common tactic, whereupon the called strike never eventuated. Apparently, the 30m (correct) drivers of the nation's 15m trucks, who mostly rent vehicles, are being screwed by low rates, excessive government demands and 'taxes' imposed by highway rent thieves, some working for government as administrators or police. SB <http://tinyurl.com/yau54l76>

Silencing criticism by law: Israel is planning a new law bill which prohibits "the photographing and documenting" of Israeli Defense Forces troops "with the intention of undermining the spirit" of the army. Offenders would go to jail for five years, and 10 if judged to have harmed state security. Israel's liberal newspaper, Haaretz, said in an editorial that the proposal was "dangerous". Its aim, the paper said, was "to silence criticism of the army and in particular to prevent human rights organisations from documenting the Israeli army's actions in the [occupied] territories". <https://tinyurl.com/yb3oogrq>

BigCorp rips off the punters: The UN Conference on Trade and Development has published new research showing increased market power of global corporations is driving global income inequality. It notes that "in 2009–2015, the surplus profits of the top 1% of publicly listed firms in a new UNCTAD firm-level database represented 55% of recorded operating profits," and recommends a review of existing regulation and trade agreements to develop "measures to curb abusive business practices." That's another reason Australia should not endorse the TPP-11 trade deal. – Dr Pat Ranald, AFTINET, media release 180614

Shhh...don't mention ISDS: There was not a word about ISDS in the EU-Australia free trade agreement (FTA) talks in Canberra last month...because European courts have rules that Investor State Dispute Settlement undermines democratic regulation. ISDS is so unpopular that the EU fears that its

inclusion may lead to rejection of trade agreements by EU national parliaments, AFTINET convener Dr Patricia Randal said. ISDS gives increased legal rights to foreign investors to bypass national courts and sue governments for millions of dollars in unfair international tribunals over changes in national law or policy, even if the changes are in the public interest. There are now over 850 known cases, with increasing numbers against health, environment and even indigenous land rights law and policy. – AFTINET media release 180618

DATES:

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>

11 July, Brisbane: System Failure: Over-representation of Aboriginal and Torres Strait Islander Women in Prison. Speakers Jacqui Payne, Antoinette Braybrook, Nete-Rie Mabo. Wesley House, 140 Ann St. 5.30-6.30pm. Details: <https://tinyurl.com/yda6em3v>

12 July, London: CLA member Felicity Gerry QC speaks at the Criminal Cases Review Commission stakeholder forum event on 'Joint Enterprise Appeals – have the Courts of England & Wales lost sight of justice?' University College London.

12-13 July, Thailand: International Conference on Business & Human Rights: Holding Governments Accountable in Asia at Asia Centre, Bangkok. Details: <http://tinyurl.com/yd3h2z6k>

18-20 July, 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/>

26 July, Perth: Belonging and Displacement: experiences of people seeking asylum in Australia. Panel presented by the Limina annual conference and the UWA Institute of Advanced Studies. 6-7pm, Fox Lecture Theatre, Arts Building, UWA. <https://tinyurl.com/yax5jeob>

26-27 July, Sydney: International consultation on big data–open data, with the UN Special Rapporteur on the Right to Privacy, Joe Cannataci, Details: <http://tinyurl.com/y6vm5oud>
Info/book: ecoom02@sec.research.um.edu.mt



1 Aug, Launceston: Tamar Valley Peace Festival: The Future of Feminism and Diversity: A Conversation with Sara Mansour (photo) – lawyer, poet and feminist Mansour with UTAS Institute for the Study of Social Change Deputy Director, Dr Meredith Nash. Annexe Theatre, School of Creative Arts UTAS, Inveresk Campus, Launceston.

Details: <https://tinyurl.com/ybbbwk4a>

15 Aug, Darwin: Vincent Lingiari memorial lecture, by Josie Crawshaw. a Gurindji woman, a long-time Indigenous rights campaigner and current co-chair of the Uluru Statement Working Group. She will speak on the fundamental and vital elements for change contained in the 2017 Uluru Statement of the Heart. <https://tinyurl.com/yb4m9x9c>

7 Sept, Adelaide: A Bird and a Fish in Love: a View on a Reconciled Nation, Andrea Mason (right), Moot Court, Ligertwood 333 lecture theatre, Adelaide Law School, 12.30-2pm. <http://tinyurl.com/y8hpp3j2>



2-3 Nov, Canberra: Annual ANU Public Law weekend, with top academic and judicial speakers, including the High Court's Justice Stephen Gageler. Details: <http://tinyurl.com/y8kcaon2>



12-13 Nov, Canberra: 'Happy anniversary? Reflecting on marriage equality after one year', at ANU. Speakers include Rosemary Auchmuty U Reading, England; Tiernan Brady, marriage equality campaigner (Australia and Ireland); Quinn Eades, La Trobe U; Anja Hilkmeyer, UTAS (photo), Carol Johnson, U Adelaide. Details: Email:

marylou.rasmussen@anu.edu.au

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

November: US President Trump is likely to visit Australia. He has confirmed a visit to PNG.

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 Website: <http://ichre2018.com.au>

2019:

July: International Bar conference, Singapore

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

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