

## Comment on the recent national political turmoil:

‘*The duty of a patriot is to protect his country from its government.*’

– Thomas Paine, English-born American political activist, philosopher, political theorist and revolutionary, who was one of the founding fathers of the United States.

**Under new management:** Australia is under new management. It will take some time to analyse what the new line-up means for liberties, rights and freedoms across our nation. What is certain though is that civil liberties would have suffered severely if Peter Dutton had been elected to lead the Coalition. See **ODD SPOT** below for the diatribe against civil liberties in his first speech to the federal parliament.

## Senate denies 650,000 Australians equal voting rights

The Senate has voted down legislation that would allow the NT and the ACT to legislate their own laws on euthanasia.

The 405,000 people of the ACT and the 245,000 people of the NT do not have the same rights to legislate as do the 520,000 people of Tasmania...or about 24m citizens in total of the other Australian states.

Senator David Leyonhjelm’s bill lost by just two votes last month – 36 to 34 – after two days of passionate debate. The legislation would have repealed a 1997 ban on the territories passing euthanasia laws. Amazingly, one ACT Senator, Zed Seselja (Lib), voted against giving his own electors equal rights!

CLA President Dr Kristine Klugman featured nationally in ABC and other coverage, including in *The Australian*, in the lead-up to the debate. She advocated firstly that Territorians should have voting rights equal to citizens of the states, and that secondly all parliaments should reflect the wishes of the Australian people, who approve of euthanasia legislation about 80%-20%, or 4-to-1.

<https://tinyurl.com/ya3k4exo> and <https://tinyurl.com/ydh94l65>



The screenshot shows the ABC News website interface. At the top, it says 'ABC NEWS' with a location dropdown set to 'Yarralumla, ACT'. Below the navigation bar, the article title is 'Territories can legislate abortion and medicinal cannabis, but not euthanasia. Here's why' by Jake Evans, updated about 3 hours ago. The main image shows Kristine Klugman smiling and holding two black dogs. Below the image, there is a caption: 'PHOTO: Kristine Klugman wants the ban on territories deciding their own euthanasia laws gone. [ABC News: Jake Evans]'. There are also two 'RELATED STORY' links: 'Let our people decide: ACT, NT tell federal politicians to butt out of euthanasia debate' and 'ACT Chief Minister urges federal MPs to...'

## Is the govt surreptitiously drafting ‘ambit’ legislation?

In a submission on a proposed draconian new law to call out the armed forces on to the streets of Australia, Civil Liberties Australia accuses the government of a drafting “ambit law”.

This bill appears to continue a disturbing trend of “ambit drafting”, CLA says.

“Civil Liberties Australia defines the term as crafting the departmental (or ministerial adviser) briefing document to the parliament drafts-people in a such a way that they are obliged to make the exposure draft of a new law as broad, far-reaching and draconian as possible.

“When wound back by public outcry, the end-point bill will still be harsher and tougher and more infringing on rights and liberties than it would have been if it had been reasonably drafted in the first place.

“Like unions who claim 18% wage rises when they know the likely outcome is 2-3%, ambit legislation drafting seeks to up the final ante after revision and final agreement by committees and the parliament. Like police forces who constantly claim they are understaffed, ambit drafting is a method of ensuring what should be minimums approach maximums – any new law should restrict the rights and liberties of Australians as little as reasonably possible.

“CLA believes ambit drafting has become common practice for the federal parliament with terrorism and related bills,” the submission says.

– from CLA’s submission to a committee on the Defence Amendment (Call Out of the Australian Defence Force) Bill 2018. See: <https://www.cla.asn.au/News/canberra-be-on-the-defensive/>

## **NATIONAL INTELLIGENCE and SECURITY: special report**

### **ABF seizes e-devices, takes them for secret analysis**

A dual British-Australian citizen had his electronic devices seized, and believes his laptop password was cracked and digital files inspected and copied by Australian Border Force officers.

Nathan Hague is a software developer detained apparently at random at Sydney airport last month for 90 minutes while black-shirted ABF officers took his phone and password-protected laptop into a back room. Hague said the officers refused to tell him what would be done with his devices, why they were being inspected or whether his digital data was being copied and stored, *The Guardian* reported.

“I don’t have anything to hide, but I value my privacy,” Hague said. “So I asked them, if you’re OK to do the bomb inspection in front of me, you’re OK to go through my bags in front of me, why do you have to take my devices out of my sight? What are you going to do with them?”

Hague said he asked the officers whether his files would be copied, and if so, what they would be using the files for. He said the officers refused to answer, or explain what the ABF’s data retention policy was, or detail how long the files would be kept.

The ABF acknowledged that Hague’s devices were examined, but declined to comment on whether the files had been copied. “Officers may question travellers and examine goods if they suspect the person may be of interest for immigration, customs, biosecurity, health, law-enforcement or national security reasons,” said a spokesperson for the ABF.



Photo: Supplied to *Lifehacker* for a recruitment advertorial (<https://tinyurl.com/y8ysyw8t>) presumably by Australian Border Force, the photo shows an ABF officer at Melbourne Airport. His name is Stasi.

Greens Senator Jordon Steele-John said overreach on data collection is “happening all the time.”

“Australia’s privacy laws are now so drastically out of step with the rest of the world – especially the EU – that they will cause conflicts and infringe on the rights of citizens from other jurisdictions, especially when you add in the new proposed powers under the Assistance and Access bill,” Steele-John said.

Under proposed new legislation, the ABF would gain more and deeper search powers.

The penalties for people refusing to provide access to the ABF people to evidence held in a device – for example, refusing to share their password to unlock a notebook or tablet computer – would be up to five years’ jail, or 10 for “serious” offences. <http://tinyurl.com/ybaory9p>

### **How big is the spook business in Australia?**

“(The) independent review of Australia’s intelligence services...was released in June (2017) and included a number of recommendations that recognised – noting that 7000 people and 10 agencies are involved, and more than \$2 billion of taxpayers’ money is being spent on intelligence – that more coordination was required in the intel domain.

“Whilst I strongly support our intelligence services, we must also recognise that the power that comes with such organisations must be appropriately balanced with enhanced accountability.”

– first speech, Senator Rex Patrick (SA, Centre Alliance), 4 Dec 2017

### **Member input please: ‘National Intelligence Community’ legal framework review**

Civil Liberties Australia has until 1 December to make a meaningful input into the “comprehensive review of the legal framework governing the National Intelligence Community”, the NIC review for short.

**We’re asking CLA members to contribute their thoughts and opinions as soon as possible.**

The extent of the task can be gleaned from the item above, but that item by no means covers how intrusive Australia's security, policing and intelligence tentacles are.

For example, every Australian embassy and high commission carries cohorts of ASIS, AFP and Defence intelligence operatives.

Inside Australia, or even overseas, computer, medical and other scientists can't do academic research without being under surveillance by a "Controls Act" which forces them to self-censor their international communications for fear of their funding being removed, research shut down, or themselves banned.

The supremo tasked by the government to do the reviewing is the ultimate spook bureaucrat, shaped and tinged by decades of high-powered security positions, Dennis Richardson (see item below). The odds that he might produce a truly balanced review are negligible because of historic biases he brings to the task.

CLA believes the review should be properly reflective of the views of overwhelming number of Australians who don't want their ever-diminishing privacy vaporised. A review that recommends ever more centralised "intelligence" banks, personal and institutional data swapping and artificial intelligence trolling of information and images which citizens must provide mandatorily to government will produce that outcome.

As a trite example of the thinking behind this review, you will note that "National Intelligence Community" is given capital letters by the review's promoters. It should be lower case: What security, military and police insiders in Canberra call "The Community" is already too big, too secret, too controlling...and therefore too dangerous to civil society.

## Hand-picked for preferred outcome(s)

Why should a well-known civil liberties or human rights activist not head a national intelligence review? They are more likely to bring a much better sense of balance to the public task than a security insider.

The answer the Attorney-General would be likely to give for appointing ex-spook supremo Dennis Richardson is that he is a "safe pair of hands", predisposed by jobs and experience to produce an outcome more favourable to "The Community" than to the community, and almost certainly US-friendly.

His background indicates clearly where he is coming from: Richardson in 2003 received an AO for "service to the community in a range of public policy areas including foreign policy, immigration and security".



Richardson, who is "statutorily senile" (that is, he is older than the mandatory retiring age for High Court judges) has been director-general of ASIO from 1996 to 2005, secretary of the Department of Foreign Affairs and Trade from 2010-2012, Defence Department head from 2012 to 2017 and Australia's ambassador to the USA.

He retired on 12 May 2017, two days before his 70th birthday.

Then in November the same year, Richardson (photo left, ABCpic) became director of a specially security-cleared company, Vault Systems, supplying "cloud"-linked security services to Australian entities.

The company is likely to be a supplier of services to some departments and agencies that Richardson will be reviewing, and Vault Academy has also begun offering training to 3000 government IT workers a year.

There has been no public pronouncement on Richardson's ongoing directorship with Vault, but the corporate role would seem ethically untenable alongside the NIC review. <https://tinyurl.com/yd37unfg>

The review will cover Australia's direct domestic and international spooks ASIO and ASIS, Australian Signals Directorate, the Defence Signals Directorate, Defence Imagery and Geospatial Organisation and the Office of National Assessments.

But it is also to cover the "legal framework" relating to intelligence gathering in Australia. That extends its reach into just about every department and agency of government, because all of them have – or could have – roles and/or responsibilities of an "intelligence" nature.

For example, the Dept of Finance controls banking regulations, and banks are required to report on people transferring large sums overseas. The Dept of Health runs research grants, which means intelligence on medical academics' exchanges and communications are caught up under the "Controls Act".

Even the Bureau of Meteorology has an "intelligence" function in advising weather conditions to Australian Border Force and naval vessels pursuing drug smugglers and refugee vessels.

And the reported ASIS bugging of the Timor Leste cabinet deliberations in 2004, allegedly to advantage the Department of Trade (and/or private company Woodside Petroleum) has demonstrated how pernicious the ramifications of intelligence gathering can be.

Whistleblower ‘Witness K’ and his lawyer Bernard Collaery face criminal charges 14 years later. Witness K has been under virtual house arrest in Canberra for five years – his passport remains confiscated by the AFP, and he cannot leave Australia. <https://tinyurl.com/y7gnp39o>

“‘Intelligence’ is like a cancer, it never stops growing,” CLA President Dr Kristine Klugman said. “It is characterised by increasingly repressive laws, massively boosted surveillance and wholesale reductions in personal privacy.”

The Richardson NIC review is unlikely to cut out any part of it: in fact, it is more likely to feed the beast.

Note: The NIC review was not a further power grab by security and law enforcement agencies and was not an erosion of civil liberties, AG Christian Porter claimed when announcing it. If you believe that, Civil Liberties Australia has a harbour bridge you might like to buy.

## Input you can provide, please

If you would like to suggest one or more dot points, and some short text to expand on them, under any or all of these categories, please do. CLA member input would help greatly on this submission.

The CLA submission to the NIC will be framed under these headings:

- Philosophy
- Principles
- Monitoring and ‘surveillance’ of NIC
- Public reporting/complaint handling/whistleblowing
  - staff complaint handling/whistleblowing
  - media freedom to report
- Mechanics
- Departments/Agencies/‘outfits’
  - now and proposed
- Size/people/time limits
- Scope/Powers
- Regular/rolling public review, including sample testing, IT analysis, and research/surveys

Send your comments by email to: [secretary@cla.asn.au](mailto:secretary@cla.asn.au) or post a letter to CLA Box 7438 FISHER ACT 2611 if email is not your thing.

## What is Richardson seeking?

The reviewer, Dennis Richardson, wants:

- views on the philosophy and principles underpinning existing legislation;
- suggestions for modernising the “legislative framework”;
- to be told whether Australia should draw on examples from the UK or elsewhere (if so, which examples); and
- any other ideas.

**Ends**

**NATIONAL INTELLIGENCE and SECURITY: special report**

**ENDS**

## **ODD SPOT: From Peter Dutton’s first speech to federal parliament**

“The silent majority, the forgotten people – or the aspirational voter of our generation, as some like to term them – are fed up with bodies like the Civil Liberties Council and the Refugee Action Collective, and certainly the dictatorship of the trade union movement.

“Australians are fed up with the Civil Liberties Council – otherwise known as the criminal lawyers media operative – who appear obsessed with the rights of criminals yet do not utter a word of understanding or compassion for the victims of crime. Their motives are questionable and their hypocrisy breathtaking.

“That is not to say that right of speech should not be observed at every turn: quite the opposite. What it does mean is that there is a right for all people to be heard. The mood of the silent majority is fast rising to one of anger, because at present there is a basic right that is being impinged upon.

“It is incumbent upon us to represent the views of the majority and not to be held captive by groups who grab headlines in tabloids on the basis of anything but substance. I am a strong advocate of the rights of the individual and I am certainly an advocate of minimalist intervention by government in our lives.

“However, as part of this process we must set ourselves on a course of information sharing between law enforcement agencies and other government departments, with this end in mind: when does the right of privacy for the individual start to impinge on the common good of society?”

– excerpts from the first speech given on 13 Feb 2002 by the Member for Dickson (Qld), Peter Dutton. <https://tinyurl.com/lu8byc3> Even back in 2002, Dutton was an interpreter for his slippery definition of “majority”...those whose views coincide with his.

In his own version of breathtaking hypocrisy for someone who believes he should represent the views of the majority, Dutton voted ‘No’ at every opportunity to thwart laws to enable same-sex marriage. A plebiscite proved 62% of those who took part, a clear majority, were in favour of the legislation – as opinion poll after opinion poll had predicted for years.

## TPP about to boil over

The Trans Pacific Partnership is coming to the boil, now TPP-11 instead of the original TPP-12 which included the USA.

Come September, the Australian Parliament will probably vote on approving TPP-11 after “scrutiny” by the Treaties Committee, which is government-dominated and which is not permitted to change even one word of the draft deal, and by a special TPP committee which is not dominated by government MPs.

No matter who reviews the TPP deal, it still gives far too much power to corporations, transfers wealth surreptitiously from cities to regional areas, limits the liberties of citizens and their representatives and allows big business to ride roughshod over the top courts of each signatory nation, include our High Court.

The 11 signatories are Australia, Brunei Darussalam, Canada, Chile, Japan, Malaysia, Mexico, Peru, New Zealand, Singapore and Vietnam. – details from AFTINET <http://tinyurl.com/mzls7zz>

In its report handed down last month, the Treaties Committee reported generally to “reiterate its recommendation from *Report 165* that the Australian Government implement independent modelling of proposed trade agreements through an independent and recognised body, preferably the Productivity Commission”. Hear, hear, CLA says.

## MLA’s false ‘criminal’ spray costs taxpayers \$280,000

An on-radio false claim by a Territory opposition politician is costing ACT taxpayers \$280,000 in legal fees.



That’s apparently the combined legal bill of former CFMEU boss Dean Hall (photo, left: ABC) which is involved in the settling of a defamation by Jeremy Hanson (right) dating from 2016. All Hall wanted was an apology, he said. He accepted an apology from the radio station.

The case was due back in the ACT Supreme Court next month, where a full trial was expected to cost \$1m.

Liberal MLA and former opposition leader Hanson has now – two years later – been forced into a written apology. He would also be liable to pay Hall’s legal costs, as well as his own.

But Liberal leader Hanson was granted indemnity by ACT Labor government then Attorney-General, Simon Corbell at the start of the schemozzle, because he was “on official business” as an MLA when on radio.

Hall, who gets no compensation payment, says he has been “totally vindicated”. “It was only ever about an apology,” he said. “Unfortunately, it turned into a farcical process and took far too long and cost a hell of a lot of money for the ratepayers of the ACT. I apologise for that, but the reality is I needed my name to be cleared and this was the only process I could do it through.”

Hanson’s now-retracted comment falsely claimed Mr Hall had a criminal past. <https://tinyurl.com/y8usln4p>

## Magistrate delivers heavy blow to DPP’s car confiscation claim

A Director of Public Prosecutions has tried to seize a teenager’s car because he had underage sex in it.

The DPP claimed the car’s connection to the crime was grounds for seizing it under laws for the confiscation of criminal assets associated with crime. The Canberra youth, 17, had received oral sex from his underage girlfriend in the car.

ACT magistrate Beth Campbell last month rejected the DPP’s arguments, which she said were in part based on speculation and not evidence, and found in the teenager’s favour. She ordered the DPP to pay his costs and described the particular law as “somewhat draconian”.

Speaking after the ruling, the teenager's lawyer, Michael Kukulies-Smith, said the laws were designed to target career criminals, not people guilty of one offence.

Civil Liberties Australia has long railed against DPP's who try to use draconian laws designed specifically to target criminal 'Mr Bigs' for minor cases that have nothing to do with organised crime. See our submission to the recently-concluded inquiry into amendments to proceeds of crime law: <https://tinyurl.com/y96248d9>

CLA President Dr Klugman's letter on this issue was published in the *Canberra Times*: <https://tinyurl.com/ycfqp5cc> 'Seizing assets not on '.

## **'Justice' system finds in favour of prosecutor over wrongfully-convicted man**

A wrongfully-convicted man, Gordon Wood, has lost his case for compensation from NSW: Justice Elizabeth Fullerton ruled he was not maliciously prosecuted for the murder of his girlfriend Caroline Byrne. Wood must pay the costs of the state of NSW, even though he served more than three years of a 13-year sentence after being convicted of killing his 24-year-old girlfriend, Caroline Byrne, at The Gap in 1995.

The 55-year-old former chauffeur of stockbroker Rene Rivkin sued for malicious prosecution after the NSW Court of Appeal overturned his conviction in 2012. The three appeal judges castigated prosecutor Mark Tedeschi and associate professor Rod Cross of Sydney University, who claimed Ms Byrne must have been thrown off the cliff following a series of self-made calculations.



Justice Fullerton (photo) last month harshly criticised the prosecution case against Wood, especially the role of the then most senior NSW prosecutor Mark Tedeschi. She found Mr Tedeschi had "an absence of reasonable and probable cause" in initiating the criminal proceedings against Mr Wood.

She said Mr Tedeschi had shown a persisting lack of insight in connection with the flawed approach he took to the prosecution of the plaintiff: his lack of insight into those flaws produced gross unfairness to the plaintiff at his trial.

Justice Fullerton said Mr Tedeschi had a "continuing inability or unwillingness to reflect upon the errors that have been revealed in his approach ... [or] to accept and acknowledge even now that he breached his obligations"...but she cleared Mr Tedeschi of acting maliciously as a prosecutor.

Mr Wood claimed the investigation into the model's death was biased and flawed. "It was always intended to find my client was guilty of murder, not to get the actual truth," barrister Bruce McClintock told a hearing. Mr Wood in a witness statement said the ongoing battle to clear his name continued to take its toll and he hadn't worked since his 2006 arrest. He described his years in prison as a "living death" during which he was assaulted by a guard and king hit by a notorious killer.

"Jail must be unbearably difficult even if one is guilty, but as an innocent man it was unimaginable," he said. <https://tinyurl.com/yc3uzy83> and <https://tinyurl.com/y8sacqz5>

## **Folbigg gets another day in 'court'**

Attorney-General for NSW, Mark Speakman, last month announced a judicial inquiry into the convictions of Australia's worst female serial killer, Kathleen Folbigg.

A jury convicted Folbigg in 2003 of murdering her three young children by smothering them, and the manslaughter of another. But in 2013, forensic pathologist Prof Stephen Cordner re-examined medical evidence and said there were no signs of smothering in any of the deaths.

Former chief judge of the District Court, Reginald Blanch, will run the inquiry. Folbigg will remain in jail during it. She was sentenced to 40 years jail but that was reduced to 30 on appeal, with a non-parole period of 25 years.

"I have formed the view that an inquiry into Ms Folbigg's convictions is necessary to ensure public confidence in the administration of justice," Mr Speakman said.

NSW does not have the 'right to appeal' legislation pioneered in SA in 2013 and mirrored in Tasmania in 2015 (under which Sue Neill-Fraser is currently appealing her conviction for murder). WA, Victoria and Queensland are considering adopting the law, which allows for one judge to decide whether a full appeal should be allowed, rather than a politically-decided inquiry being a prerequisite as in this case.

If the Blanch inquiry finds reasonable doubt about Folbigg's guilt, a full bench of the Court of Criminal Appeal will consider her case. <https://tinyurl.com/y94aa57u>

## Govt seeks treaty supremo

The NT government is seeking an Aboriginal person to be the NT's first Treaty Commissioner.

The role could develop into a national spokesman for First Nations people, CLA believes.

The NT treaty will aim to "reset out relationship with Aboriginal Territorians" while empowering them to decide their land, sea and people to create jobs for their people. – media release, Chief Minister Michael Gunner 4 Aug 2018. Applications for the position closed on 31 August.

The Treaty Commissioner will determine:

- What a NT treaty will seek to achieve;
- Whether there should be one or multiple treaties;
- The best model for an NT treaty;
- What outcomes are possible under a treaty for Aboriginal people;
- What the best process is for negotiating a treaty; and
- The potential contents of any treaty in the NT.

## Hear! Hear! At last some good news for Aboriginal kids

Occasionally, there is good news.

A public private partnership is about to tackle chronic hearing problems in NT children: 90% of NT Aboriginal children under three have ear disease and most will experience hearing loss that will affect early brain development and can ultimately lead to entrenched disadvantage.

The money is coming from

- NT Government \$2.4m;
- the private Balnaves Foundation \$2.5m; and
- Federal government \$3m

Hearing for Learning is a five-year initiative based on research by scientists at Menzies School of Health Research. Prompt diagnosis and optimal treatment in the first 1000 days of a child's life can treat the disease, and vastly improve learning.

The initiative is expected to reach 5000 children with a focus on children under three. Co-leader is one of Australia's first Indigenous surgeons, ear, nose and throat specialist Dr Kelvin Kong (photo). They will start with four remote sites with ultimate roll-out in up to 20 communities employing up to 40 community-based workers who will be locally trained and supported. – media release, NT government 180814.



## Booze Police on patrol: hold that liquor!

The first squad of the NT's Booze Police – Auxiliary Liquor Inspectors – are now on active duties in Alice Springs after completing 13 weeks of training.

Squad 55 is the first cohort of 97-member strong unit within NT Police (75 liquor inspectors, 12 police officers specifically targeting secondary supply, seven operational staff and three prosecutors) who will patrol bottle shops in Alice Springs, Tennant Creek and Katherine. They can:

- intervene and stop sales at liquor takeaways;
- question people buying or planning to buy alcohol to clarify their ID, address and their intentions;
- seize and destroy booze;
- stop people entering or remaining on licensed premises;
- order a licensee not to sell to a person for the day;
- dress like police officers, and
- arrest and detain people .

Squad 56 training starts this month. – media release, Police Minister Nicole Manison 180820

## Priests must 'fess and tell

The South Australian government's mandatory reporting laws, with priests legally obliged to report any confessions of child abuse, start on 1 October 2018.

If found to have not reported, a priest faces a \$10,000 fine.

A similar law forcing priests to break the seal of confession to report child abuse will operate in the ACT from 31 March 2019. That law is not in breach of the ACT's human right laws, ACT Human Rights Commissioner Helen Watchirs says.

ACT priests will have to report allegations, offences or convictions related to children to the ACT Ombudsman within 30 days of becoming aware, even if the information was gleaned in the confessional.

<http://tinyurl.com/y95n7hk2>

## **Lawyer claims ICAC is a star chamber**

Hearings by South Australia's Independent Commissioner Against Corruption (ICAC) are "star chamber" affairs amounting to "trial by ambush", a leading barrister has told a parliamentary committee.

Michael Abbott QC represented both Labor MP and former minister Tom Koutsantonis in the Gillman inquiry, and former Labor minister Leesa Vlahos in the Oakden inquiry. Both former ministers were spared official findings of misconduct or maladministration during the inquiries, but both drew significant criticism from Mr Lander.

Mr Abbott appeared before State Parliament's Crime and Public Integrity Policy Committee last month. It is examining the state government's proposed amendments to ICAC legislation. The changes would give ICAC Commissioner Bruce Lander powers to hold public hearings while investigating cases of suspected misconduct or maladministration.

But Mr Abbott said public hearings had the power to destroy an individual's reputation even more than private hearings — and Mr Lander's almost "unfettered" powers warranted urgent review. <http://tinyurl.com/y7mwocax>

## **Committee recommends new euthanasia law**

A parliamentary committee has recommended the introduction of new laws to permit euthanasia and assisted suicide in Western Australia.

Morley MP Amber-Jade Sanderson tabled a 600-page report of the WA Parliament's cross-party committee on the controversial issue last month. The report proposes allowing people dying from a condition causing "grievous and irremediable suffering" to self-administer a "lethal medication".

The proposed law would also permit a doctor to administer the lethal medication if the patient could not.

Ms Sanderson said about 10% of suicides in WA were by people with terminal or debilitating illness.

"The committee concludes that the current lawful options available to people experiencing grievous and irremediable suffering at end of life are inadequate, and can be exceptionally difficult for the dying person and for their family and friends," she said.

"Unnecessary suffering at end of life, and broad community agreement regarding individual autonomy, form the basis for the committee's recommendation that the Western Australian Government draft and introduce a Bill for Voluntary Assisted Dying. <http://tinyurl.com/y8mdpozt>

## **Jails boss refutes Amnesty claims**

WA's Corrective Services Minister, Fran Logan, has called on Amnesty International Australia to apologise for a "concerted and false campaign" following the release of a report into allegations they made.

Mr Logan referred to a social media campaign aimed at drawing attention to allegations of mistreatment of offenders at the state's only juvenile detention facility as "disgraceful".

The government-commissioned report, by Inspector of Custodial Services Neil Morgan, found no evidence to support the majority of the human rights organisation's complaints, but it did find two youths at the centre of the allegations of ill treatment had "probably" been held in conditions that amounted to solitary confinement under international law for a brief period.

"The gross claims of torture, prolonged solitary confinement, more than 100 incidents of self-harm, cells the size of dog kennels and strip searches have been found by the independent inspector to be definitively false," Mr Logan said. <http://tinyurl.com/ya9en8sf>

## **Copwatch will 'shoot' police safely and legally**

A new campaign aims to encourage citizens to record interactions with police on their mobile phones to hold them to account.



Human rights lawyer George Newhouse showed a "Copwatch" workshop in Perth last month how to safely and legally record interactions with police for use as evidence in court. He illustrated his talk with phone vision taken by two children apparently showing a police car knocking down a man in the Perth suburb of Thornlie in May 2018.

The Copwatch campaign is going national, inspired by a movement set up after riots in Kalgoorlie sparked by the death of Elijah Doughty, 14, in Kalgoorlie in 2016. A man ran Doughty down while trying to recover a stolen motorbike: the man was found not guilty of manslaughter but sentenced to three years jail for dangerous driving causing death. <http://tinyurl.com/yac4m53j>

Professor Newhouse said many Indigenous elders in the Kalgoorlie community wanted their people to get empowered, not angry, hence the workshop on how to film police safely. Copwatch encourages citizen journalists to consult a lawyer or elder before posting vision to social media. <http://tinyurl.com/y8qdsb6f>

## Top judge bows out

The WA Supreme Court officially farewelled its top judge, Wayne Martin, last month after 12 years in the job. During his address at the farewell ceremony, he said:

"...justice has a vital social dimension which goes well beyond the law and the courts. Many of the people in our courts, especially those in our criminal courts charged with crime, have themselves been victims of injustice and disadvantage.

"I've tried to use the opportunity of the public platforms I've been given to emphasise that justice has a much broader dimension than just what occurs in our courts, and requires constructive responses to disadvantage as a result of things like mental illness, cognitive disability, childhood trauma and/or sexual abuse, substance misuse and dependence, homelessness and the cultural and social dislocation sometimes associated with aboriginality.

"Effective responses to disadvantages of this kind are not things that can be achieved by a court order. Although, in some circumstances, courts can act as facilitators.

"A significant part of my purpose has been to try to draw public attention to the obvious connection between disadvantage in these areas and criminal behaviour and to encourage greater focus of attention upon the need to address the causes of crime and not just its consequences."

Peter Quinlan is the new WA head judge.

## Parole Board seeks to lie in hiding from its 'untruthfulness'

In a recent appeal by a prisoner the Parole Board of Queensland tried to argue that describing someone as a liar was not the same as saying that what the person said was untruthful.

It shows how far "legal" bodies will descend into nonsense in a bid to defend the indefensible...to the detriment usually of the defenceless.

Fortunately, in this case the judge would have none of the PB's specious arguments. The prisoner won this round (but his 'war' against the Parole Board continues). The judge found:



[17] The applicant submits the (Qld Parole) Board, in this decision, expressed strong credit findings against him, which findings were the basis of its conclusion on his application. In written submissions on his behalf it is said the Board "has found the applicant is a liar".

The Board submits that this overstates the findings made by the Board, drawing a distinction between describing someone as a "liar" and finding that what they have said is not truthful. That seems to me to be a distinction without a difference: as defined in the Oxford English Dictionary (online), for example, a "liar" is an untruthful person.

It is apparent on the face of the Board's reasons given on 16 February 2018 that adverse credit findings were made by the Board against the applicant. – *Renwick v Parole Board Queensland* [2018] QSC 169 Justice Helen Bowskill (photo)

## Proposed guidelines cut liberties, restrict rights: govt backflips

The Tasmanian Government has "dramatically backflipped", according to the *Mercury* newspaper, on its proposed new social media policy for public servants, following a tide of criticism.

Director Tasmania for Civil Liberties Australia, Richard Griggs, slammed the proposed policy, as did the Community and Public Sector Union's Tom Lynch.

After the criticism, Premier Will Hodgman backed down, giving a guarantee the draft Social Media Guidelines and FAQs, produced by the Tasmanian State Service Management Office, would be extensively reworded.

Mr Griggs reminded people that public servants have the same rights to engage in the political process as other members of the community, albeit with a special responsibility to not prejudice their ability do their jobs. "We know for a fact that presently many public servants are either unaware of their rights or too scared to engage in the political process," he said.

The liberties-denying paper illustrates clearly why Tasmanians need a law to protect their rights.

The CPSU, which represents most of the state's 29,000 public servants, said the first guidelines were "complete over-reach". The government's draft document was a threat to free speech that would deny workers their democratic rights, Mr Lynch said.

The guidelines were produced after the sacking of a Cricket Tasmania staffer, Angela Williamson, over her comments critical of government abortion policy. She was sacked.

The original warned public servants about "associating" with "groups or individuals", "criticising" politicians, and claim that "liking or sharing" is akin to creating a post. The guidelines also say how to use the "angry face icon". "Picking fights on the internet" is not consistent with the Tasmanian public sector code of conduct, they say. <https://tinyurl.com/y72yf4qk> and <http://tinyurl.com/y74rqolu>

## Sue Neill-Fraser supporters protest as Risdon jail time reaches into 10th year

Supporters of Sue Neill-Fraser rallied again outside Parliament House in Hobart on 18 August 2018 to acknowledge the tragedy of her jailing as she entered the 10th year in Risdon Prison.

(Rosemary Phelps' photo right).

SNF was convicted of killing her husband Bob Chappell on their 17m yacht moored off Sandy Bay. She is serving a 23-year sentence, 13 before parole is possible. No body has ever been found, nor has a murder weapon. The



claimed 'crime' scene was notably deficient of the missing man's blood. CLA believes she is innocent.

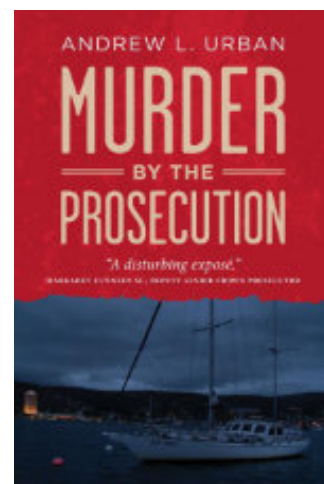
Yesterday (31 August 2018) was due to be the last day of her hearing before a single judge, Michael Brett, who is being asked to give her permission to take another appeal before a full bench of three judges because there is fresh and compelling evidence that she is innocent. The appeal bid is happening under new 'Right to Appeal' law which Civil Liberties Australia was instrumental in introducing to Tasmania.

## Australian briefs

**MPs try to restore Territory rights:** Two Labor MPs have moved to overturn restrictions on the ACT and Northern Territory passing their own laws after the Senate voted against the principle early last month.

Andrew Leigh from the ACT and Luke Gosling from the NT – who have opposing views on euthanasia – have co-sponsored a bill to restore the right of territories to legislate on euthanasia. "The result in the Senate entrenches a system that treats Australians who live in territories as second class citizens ... this is a bill to correct the wrong, to openly correct a system that openly discriminates against Territorians," Mr Gosling told the House of Representatives. – *AAP and NT News* <https://tinyurl.com/yasanl96>

**Murder by the Prosecution**, released in August 2018, by Andrew L. Urban (Wilkinson Publishing, RRP \$29.99). Andrew reports on Hobart grandmother, Sue Neill-Fraser, convicted of murder ... without evidence. Other cases reveal errors as systemic: police investigations marred by tunnel vision, lawyers flouting the rule of law chasing convictions, courts admitting inadmissible (and false) forensic evidence, the Crown withholding exculpatory evidence and prosecutors making up murder scenarios. <http://tinyurl.com/y7rpzb4n>



**Bill of Rights:** Geoffrey Robertson QC has defended Salman Rushdie, he's represented Julian Assange, and now he's pushing for an Australian Bill of Rights: article by Paul Gregoire. <http://thebigsmoke.com.au/2018/08/01/australia-needs-a-bill-of-rights-assanges-lawyer-speaks-out/>

## Members letters:

**New line in excuses drops in:** A fighter jet's fuel tank was dropped from the Darwin sky shortly after take-off during exercises. A CLA member lives under the flight path and, apart from suggesting the loose fuel tank brings to mind possible droppable mufflers to reduce noise, he wonders why Defence goes instantly into defence mode? "No comment – these are Defence matters, or under investigation", or some other nonsense. At least they are not "on water" matters...but, are we seeing the start of "blue sky" excuses, or eventually "on land" excuses? – Rob Wesley-Smith, Howard Springs NT

**Write speech in bronze for future dreaming:** Richard Flanagan's speech – <http://tinyurl.com/y9vgu6uh> – at the Garma Festival last month should be reproduced in bronze on a monument in Canberra, along with the Uluru Statement from the Heart. Copies of both should be a mandatory presence in every school in the country, that every child/student be aware of the content and value of what is expressed. If merit were any guide, Richard Flanagan should immediately replace either the Prime Minister or the Governor-General, or both. He demonstrates all the excellence, humanity, and complexities of true leadership that appear to be spectacularly lacking in both of the above. His foreword to Behrouz Boochani's book, "No Friend but the Mountains" is similarly exquisite and unflinching. More power to his arm. – Elizabeth Chandler, Napoleon Reef NSW

**Calling out continuing erosion of our civil liberties:** Why has there been almost no public discussion of the Turnbull government's move to expand the Australian Defence Force call-out power? The Attorney-General wants to extend the ADF call-out powers to...you guessed it, Minister Dutton. He will not be able to call out tanks at any time by himself. He would need two ministers to go along with him.

It is yet another over-reaction to the tragic Lindt Cafe siege. With all due respect to the members of the ADF, would the SAS, or the Commandos, have done any better? One only has to look across the Pacific Pond to see the results of sending in troops: such as the killing of four Kent State University students by the US National Guard. Why on earth were soldiers sent on to a university campus with live ammunition?

Of course, the government and the usual suspects will proclaim that "our boys" would always behave impeccably. Frankly, there are good grounds for trainloads of scepticism about the motives of this government. Remember the attempts to knobble the race discrimination legislation and to stonewall the banking royal commission? We scoff at the gullibility of the Trump cultists but are we any more aware of the seemingly endless erosion of our civil liberties in the holy cause of "anti-terrorism national security"? – Rod Olsen, Flynn ACT

## CLA report – main activities for August 2018

Civil Liberties Australia held a Board meeting on 19 August 2018, which included an observer, CLA student member doing Law at ANU, Elly McLean.

**Submissions:** Submissions Director Rajan Venkataraman noted the busy period of submissions recently, but diversity of authors helped spread the workload.

- (i) 13 subs in past three months would probably lead to a total for the year of 30-35, at or exceeding the desired upper limit. Making too many submissions detracts from other important work, eg media.
- (ii) Legal Framework of the National Intelligence Community: New, major submission in preparation, deadline 1 Dec 2018. Combination of philosophy, principles, laws and regulations: agreed that core CLA team would work on a submission, with all Directors (and members, via CLArion) asked to contribute dot points. Suggested drawing on examples from the EU, UK and USA. The Board was reminded that Senator Jordon Steele-John had proposed a relevant Bill recently.

**Tasmanian report:** Directors Richard Griggs and Rajan Venkataraman reported, among other aspects...

- (i) Good meeting with AG and Minister for Justice/Corrections, Elise Archer, noted.
- (ii) Excellent result with proposed PS commentary guidelines being scrapped for further review after harsh criticism by CLA and others. Submission to the similar APS process to be circulated. Agreed to utilise public knowledge of US 1st Amendment in local discussions of speech rights. Observed that the High Court ruling on free speech can become a "hollow right" – CLA will prepare a paper on that point.

**WA report:** Among other aspects, Director Margaret Howkins commented on:

- (i) Independent Police Complaints Commission petitions tabled, but MPs becoming reluctant to follow up on their earlier commitments.
- (ii) 'Market stall' CLA promo to be strongly pursued in future, starting with Edith Cowan Uni.
- (iii) Student member (and potential youth spokesperson) Sam Coten is pursuing bid to repeal s73 legislation in WA re discrimination issues.

**Treasurer's report:** Treasurer Sam Tierney congratulated President on follow-ups to encourage ongoing memberships, and apologised for busy period over the past three months (due to his conducting cases involving more than 70 Indonesian refugee boat crew wrongly detained because they were under age). He proposed the Board consider longer-term (2-5 year) memberships (agreed) and will provide a paper to next Board for implementation options. CLA's financial position is sound.

**Media Director report:** (Facebook report also by Rajan Venkataraman). VP Tim Vines reported:

- (i) positive contacts had been made with 'The Project' (Ch 10); Defence Trade Controls Act (DTCA) provisions again under consideration – keeping watch
- (ii) Sydney Criminal Lawyers and journalist Paul Gregoire proving to be useful allies for airing important issues, such as expanding unexplained wealth laws – <http://tinyurl.com/y74ny76r>
- (iii) CLA will deliver a speech to Inner Sydney Voice in late October
- (iv) President's active media appearances re Territory rights/euthanasia during August noted
- (v) 'Criminals required to explain wealth in national crackdown', Fairfax Online: <https://tinyurl.com/y8eax7r9>

**Forums:** DFAT forum attended by CLA representatives President Dr Kristine Klugman, Director Jennifer Ashton, student member Elly McLean. Report noted. President congratulated EMcL on the quality of her submission on behalf of CLA. Photo right shows Ashton, Klugman and McLean outside DFAT headquarters in Canberra.



ENDS BOARD

#### Meetings:

- Senator Lisa Singh, on submissions to inquiry into National Intelligence Framework, the Defence Powers bill, and Model Litigants principles (Senator Leyonhjelm's private members bill). Discussed CLA support for Sen Singh's main current issues of improving Australia's new Modern Slavery legislation, and the Obesity inquiry she is chairing. Also discussed: the Issue of the less than optional operation of parliamentary committees, domestic ban of Australia importing rhino horns from Africa, aid to the Asia Pacific, and recent elections in Cambodia.
- CLA member Kevin Korb re Defence Trade Controls Act, and utilising data smarter, with President, CEO and Vice President Tim Vines.

#### Other:

**Sue Neill-Fraser** appeal hearing due 31 August 2018. Judge then likely to decide whether she is granted an appeal before three judges of what CLA believes was her wrongful conviction in 2010 for murdering her husband. On 20 August 2018, she began her 10th year in prison in a 'reduced' 23-year sentence, with 13 years non-parole. Now Tasmanian Chief Justice Alan Blow originally sentenced her to 26 years.

CLA-written **Freedom song** being recorded by The Bard, ACT choirs have been approached.

**SA chapter** of 'Civil Liberties in Australia' history finalised and posted on CLA web site.

Tasmanian Director Richard Griggs spoke on **Smart City, Liberties and Rights** at Hobart Town Hall on 180822. Photo: Peter Carr, Director City Innovation and Technology, City of Hobart; Dr Joel Scanlan, lecturer School of Technology, Environments and Design College of Sciences and Engineering, UTAS; Dr Gary McDarby, neuroscientist and technologist (back to camera); and Richard Griggs at right.

– City of Hobart photo



## INTERNATIONAL

### **Kiwis build prison to cater for mentally ill also**

New Zealand violent and disturbed inmates are getting a new prison, Auckland East, to start to replace the notorious 50-year old Paremoremo prison, which was modelled on US “supermax” prisons like Alcatraz. Prisoners will walk on real grass, take sun baths and practise yoga in their cells in NZ’s first “humane” prison for maximum security offenders.

The \$275m prison on the outskirts of Auckland will be the only specialist facility for maximum- and high-security male prisoners in the country. It will be a de facto mental health unit as the number of mentally ill men in jail continues rising.

Māori people comprise more than 50% of all prisoners in NZ, despite representing only 15% of the overall population. Some 90% of prisoners have a life-long diagnosis of mental illness or addiction. <https://tinyurl.com/y8vzem4z>

### **Former president speaks for the world on human rights**

Michelle Bachelet (photo), a prominent women's rights advocate and the first woman to serve as Chile's president, is to become the world's top human rights official.

UN Secretary-General Antonio Guterres last month announced she would replace Zeid Raad al-Hussein, a Jordanian prince and long-time diplomat who was outspokenly critical of abuses by governments in many countries, including the USA, during his four years as the UN High Commissioner for Human Rights.

Bachelet, 66, was imprisoned and tortured during Chile's right-wing dictatorship and years later became a pediatrician and politician. She served Chile as health minister and defence minister, then as president from 2006 to 2010 and again from 2014 until early 2018.

Between her presidencies, Bachelet was an under secretary-general of the UN and the first executive director of UN Women, an organisation that promotes gender equality.

In 2017 she was behind a new law which overturned a ban on all abortions, brought in by General Pinochet, working with Catholic Church support. When the Constitutional Court upheld the legislation, the Trump administration withdrew from the UN Human Rights Council in June 2018, partly over the frequent criticism of Israel and other actions that the USA described as two-faced.

Hussein's office criticised the US Administration for separating children from parents as a deterrent to unauthorised immigrants. The USA's UN ambassador, Nikki Haley, said the UN office was ignorant and hypocritical. <https://tinyurl.com/ybsxfjz> and <http://www.passblue.com/> (and photo credit).



### **UN experts call out President Trump over media bashing**

Two UN human rights specialists have called out US President Donald Trump for repeated attacks on the media, saying they are strategic, undermine confidence in reporting and raise doubts about verifiable facts. President Trump has said repeatedly that the media is the “enemy of the American people”, “very dishonest” or “fake news,” and accused them of “distorting democracy” or spreading “conspiracy theories and blind hatred”.

His continuing hate-the-media campaign has motivated the UN Special Rapporteur on Freedom of Expression, David Kaye, and Special Rapporteur for the Inter-American Commission on Human Rights, Edison Lanza, to strongly urge that the president, his administration and supporters end the attacks.

“These attacks run counter to the country’s obligations to respect press freedom and international human rights law. We are especially concerned that these attacks increase the risk of journalists being targeted with violence,” the pair said.

“Over the course of his presidency, Mr. Trump and others within his administration, have sought to undermine reporting that had uncovered waste, fraud, abuse, potential illegal conduct, and disinformation.

“Each time the President calls the media ‘the enemy of the people’ or fails to allow questions from reporters from disfavoured outlets, he suggests nefarious motivations or animus. But he has failed to show even once that specific reporting has been driven by any untoward motivations.” <https://tinyurl.com/yc3stqre>

## UK to review its new Modern Slavery Act

The UK Home Office will hold an independent review of modern slavery laws after its own research revealed that the crime costs the UK up to \$7.5 billion a year.

The report estimates that each instance of the crime costs around \$600,000, including support, lost earnings and law enforcement.

Modern slavery, including labour exploitation, sexual exploitation and domestic servitude, involves an estimated 10,000 to 13,000 people in Britain each year.

The UK Modern Slavery Act 2015 is the model for the bill currently under consideration in Australia, but it is obvious both the UK law and the Australian bill need strengthening. <https://tinyurl.com/y8jzzf32>

## Govt forced into emergency takeover of private jail

The British government bore a share of the blame for the state of Birmingham prison, the Prisons Minister Rory Stewart said last month, after the Ministry of Justice made an emergency takeover of the jail run by private jail operator, G4S.

A report by the chief inspector of prisons, Peter Clarke, found drug abuse and violence was rife, prisoners lived in squalid conditions and staff were afraid, sometimes locking themselves away from inmates.

“This is partly the responsibility of me, as prisons minister, of the government, and of G4S, which is why we have taken this unprecedented step of stepping in, taking control of the prison,” Stewart told BBC Radio 4’s Today program. <https://tinyurl.com/ycxjvxnm>

## ODD SPOT: Stunning police save dandelions from vicious 87-year-old woman

A police chief from the state of Georgia USA said an officer was justified in using an electronic device to stun an 87-year-old woman after she failed to obey commands to drop a knife. Relatives said Martha Al-Bishara does not speak English and was merely out cutting dandelions with a kitchen knife near her home in Chatsworth, about 85 miles north of Atlanta, last month. Police held her at gunpoint before bringing her to the ground with a jolt from the electrified prongs of a stun gun. She was charged with criminal trespass and obstructing an officer. <https://tinyurl.com/yadqw67d>

## Prisoners to move to the USA to save money

Puerto Rico’s federal financial board is planning to move 3200 prisoners from island prisons to a private jail in Arizona USA to save \$540m over four years.

A third of PR’s prisoners are to be uprooted and taken away from their families. The board says transferring will be voluntary. But advocates describe it as a disaster waiting to happen.

“This is government sponsored human trafficking. You are transferring people basically against their will,” said William Ramirez, executive director of the PR American Civil Liberties Union.

“Even if you say it’s consensual, the reality is that you can’t provide consent freely if you’re a ward of the state, because you’re not free. And secondly, you’re not given the information you need to actually give consent. And finally, it’s all being done for profit.”

Hurricane Maria devastated the Caribbean island, which is US territory, in September 2017, forcing the unusual government move.

In 2016 an independent review by the Obama administration’s justice department found that private prisons used by the federal government were drastically more unsafe and more punitive than those operated by government – identifying poorer medical care and the overuse of solitary confinement as two key markers.

The report prompted President Obama to order the end of federal government’s use of private prisons, a decision that was almost immediately reversed by the Trump administration. <https://tinyurl.com/yadyvbnz>

## Cops take second jobs as pay slips behind

Almost 10,000 British cops have taken on second jobs in the past year, according to a pay and morale survey, amid warnings officers’ pay fell 18% in real terms.

The Police Federation of England and Wales (PFEW), which conducted the survey of 27,000 police officers, said the results made for “grim reading”.

The survey showed that about 7.8% of officers had taken second jobs this year, equivalent to about 9,500 officers, compared with 6.3% last year, or about 7,700.

There were 122,404 officers as at 31 March, according to the Home Office. (For comparison, there are about 75,000 police in Australia).

Police officers can take on additional employment outside their working hours with approval from their force. Almost 10,000 police officers have taken on second jobs in the past year, according to a pay and morale survey, amid warnings officers' pay fell 18% in real terms.

Last month, the government announced that police officers would be awarded a pay rise of 2% in 2018-19 – but the PFEW labelled the increase “derisory” and said pay had been cut 18% in real terms since 2009-10. <https://tinyurl.com/yc3yyalr>

## Saudi to put female rights campaigner to death?

Saudi Arabia is seeking the death penalty for five human rights activists, including a female.

Israa al-Ghomgham, a Shia activist arrested with her husband in 2015, will be tried in the country's terrorism tribunal in late October.

Reports say Shia citizens face systematic discrimination in the majority-Sunni nation, including obstacles to seeking work and education, and restrictions on religious practice..

“Any execution is appalling, but seeking the death penalty for activists like Israa al-Ghomgham, who are not even accused of violent behaviour, is monstrous,” said Sarah Leah Whitson, Middle East director at Human Rights Watch.

Al-Ghomgham has been held in jail, without access to legal support, since she was detained in a night raid on her home in December 2015. Saudi Arabia has now decided to seek the death penalty for her, her husband Moussa al-Hashem and four others. They face charges including “participating in protests”, “chanting slogans hostile to the regime,” “attempting to inflame public opinion,” and “filming protests and publishing on social media”, Human Rights Watch said. <https://tinyurl.com/yazd8qam>

## ODD SPOT: Mayor says Murdoch created Trump

NY mayor Bill de Blasio (photo) said last month that Rupert Murdoch was directly responsible for the presidency of Donald Trump. De Blasio said: “If you could remove News Corp from the last 25 years of American history, we would be in an entirely different place”. In his view, without a malign influence of Murdoch's media empire and its conservative Trump-supporting *Fox News* “we would be a more unified country. We would not be suffering a lot of the negativity and divisiveness we're going through right now. I can't ignore that.” <https://tinyurl.com/yad5onvy> C.f. recent Chris Uhlmann critique of the “insurgency” in Australia's parliamentary shenanigans.



## International briefs

**Catholics now against the death penalty:** The Catholic church's catechism – formal teaching – now declares capital punishment to be “an attack on the inviolability and dignity of the person”, Pope Francis announced last month. Until now, Catholics have believed that the death penalty administered by a legitimate authority after a fair trial was an “appropriate response to the gravity of certain crimes and an acceptable, albeit extreme, means of safeguarding the common good”, the Vatican announced. There was an increasing awareness that the dignity of the person was not lost even after “the commission of very serious crimes”, the statement said. More effective systems of detention could ensure the protection of citizens without depriving “the guilty of the possibility of redemption”. <https://tinyurl.com/y9e39n5k>

**Judges withdraw from life-death decisions:** UK judges will no longer need to be consulted when doctors and relatives of patients in a vegetative or minimally conscious state agree life-support treatment should end. The ruling by the UK Supreme Court last month could affect the care of thousands of people every year who are kept alive in nursing homes and hospitals by medical interventions. Until now, families have had to submit themselves to lengthy and expensive proceedings at the court of protection, which considers the cases of those unable to represent themselves. Delivering judgment, Lady Black said the Court of Protection would still be open to hearing cases if there was not solid agreement among medicos and family members. <https://tinyurl.com/yc4amfaa>

**Can the law be scientifically analysed?** “Law is a social institution of enormous antiquity and importance, and I can see no reason why it should not be amenable to scientific study. Economics is the most advanced of the social sciences, and the legal system contains many parallels to and overlaps with the systems that economists have studied successfully.” – (1989) ‘Foreword’ in *Essays in Law and Economics*:

Corporations, Accident Prevention and Compensation for Losses, Michael Faure, Richard A. Posner & Roger van den Bergh eds.

**Where hope dies:** The prisoners left at Guantanamo Bay can be held for another 100 years, the Trump Administration says, without benefit of trial, appeal or even a set sentence. <http://tinyurl.com/yct2cqwg> and <http://tinyurl.com/yasomt15>

## **DATES:**

**4 Sept, Adelaide:** 1-2pm, 'Human rights are not a foreign language', President Australian Human Rights Commission, Prof Rosalind Croucher. U. Adelaide Law School Moot Court, Ligertwood Bldg, Details: <https://tinyurl.com/yajctdvp>

**6 Sept, Hobart:** 5.30pm, Fullers Bookshop, 131 Collins St: Former Premier Lara Giddings launches Andrew Urban's 'Murder by the Prosecution', which recounts tales of criminal cases gone wrong, according to Urban, including Tasmania's classic tale of Sue Neill-Fraser, now more than nine years in jail for a "crime" about half the population of Tasmania, and most mainland lawyers, think she probably didn't commit...if indeed a crime occurred. <http://tinyurl.com/ydd5cda9>

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

**11 Sept Perth:** Is Democracy Dying? Thoughts on the Present Crisis of Representative Democracy and the Importance of Hope in Dark Times. Lecture by John Keane, Prof Politics Sydney Uni, 6-7.30pm, Austin Theatre, Arts Bldg UWA. Info: <https://tinyurl.com/yc9l2hc2>

**17 Sept, Darwin:** Free speech and the law on campus: do we need a charter of rights just for universities? Former High Court Chief Justice Robert French. 5-7pm, Nitmiluk Lounge, Level 4, Parliament House, Darwin. Register at [cduevents@cdu.edu.au](mailto:cduevents@cdu.edu.au) by 10 Sept.

**19 Sept, Sydney:** Organ Trafficking in China & Plastinated Body Exhibits: Dr David Matas, with Prof Maria Fiatarone Singh and Madeleine Bridgett. Wesley Conference Centre, 220 Pitt St, 6-8pm. Details/register: <http://tinyurl.com/yxmnqny>

**20 Sept, Melbourne:** RMIT's 2018 Higinbotham Lecture: Why Australia needs a Charter of Human Rights, by Executive Director Human Rights Law Centre, Hugh de Kretser. 336 Swanston St Melbourne, 5.30-8pm. Info: <https://tinyurl.com/ycvs49da>

**20 Sept, Canberra:** The Duality of Water: Conflict or Co-operation, Judge Melissa Perry, Federal Court, 6-7.15pm, Cjina in the World, Fellow Lane, ANU. Annual Kirby international law lecture. <http://tinyurl.com/y9w6oorh>

**25 Sept, Perth:** New book promotion: Gillian Triggs, former Australian Human Rights Commission president, on her book 'Speaking Up'. 6.15-7.30pm, University Club, UWA. \$15 to attend. <https://tinyurl.com/yctj4cjc>

**25-26 Sept, Perth:** National Indigenous Legal Conference 2018 – 'Sovereign Laws, Peoples and Voices', School of Indigenous Studies with UWA Law School, Notre Dame Law School and the Aboriginal Legal Service of WA. At UWA on Whadjuk Noongar land. Speakers include ex-High Court CJ Robert French, Prof Megan Davis, Prof Irene Watson (photo), Prof Dennis Eggington, Jeremiah Riley, David Saylor. <https://tinyurl.com/y9phvbjr>

**1 Oct, World:** International Older Persons Day <https://tinyurl.com/6eq6p5l>

**2-5 Oct, Brisbane:** National Family Law conference, Law Council of Australia. Details: <http://tinyurl.com/yc8t4z93>

**3-7 Oct, Byron Bay NSW:** 16th International Criminal Law Congress, at Elements of Byron Bay. Speakers include CJ Susan Kiefel, Qld CJ Catherine Holmes, Don Watson and Prof Megan Davis. Details: <https://tinyurl.com/y7jyqq3>

**November:** US President Trump expected to visit Australia. It is believed he has confirmed a visit to PNG during November (as has Chinese President Xi Jinping).



**2-3 Nov, Canberra:** Annual ANU Public Law weekend, with top academic and judicial speakers, including the High Court's Justice Stephen Gageler, Prof Gabrielle Appleby, and Prof John McMillan (photo). "In 2018, special emphasis on celebrating administrative law at the ANU, particularly the stellar careers of Emeritus Professors Robin Creyke AO and John McMillan AO". Details: <http://tinyurl.com/y8kcaon2>

**8 Nov, Canberra:** 'Presenting, choosing, measuring, changing history': an Honest History symposium, Law Lecture Theatre, ANU, Canberra: Frank Bongiorno, Michael Brissenden, Pamela Burton, Michael Cooney, Shaun Crowe, Paul Daley (launching book: 'On Patriotism'), Emily Gallagher, Tjanara Goreng Goreng, Carolyn Holbrook, Benjamin T. Jones, Ann McGrath, David Stephens, Sue Wareham, Clare Wright. Info: <http://tinyurl.com/yd2bzfb5>

**10 Nov, World:** International Day of Human Rights; 7th anniversary of CLA's planting of the Australian National Liberty Tree at the National Arboretum, Canberra.

**11 Nov, Melbourne:** Corporate Reporting & Governance: 'Is current corporate reporting model fit for modern society?' 12t-2pm, KPMG offices, 147 Collins St. Deakin Law School's Centre for Corporate Reporting Governance presents



Michael Bray, Deakin's KPMG Fellow in Integrated Reporting, and Gill North, Professional Research Fellow, Deakin Law School. <https://tinyurl.com/ydhe9ecs>

**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 Hilkemeijer, UTAS (photo), Carol Johnson, U Adelaide. Details: Email: [marylou.rasmussen@anu.edu.au](mailto:marylou.rasmussen@anu.edu.au)



**13-16 Nov, Canberra:** Asia Pacific Coroners conference 'Three cats in a freezer and other tales!' Info: <http://tinyurl.com/y8aro9kh>

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

**20 Nov, Brisbane:** Investigative Journalism in the Era of Fake News, Marian Wilkinson, Bruce Woolley. 6-8pm, Customs House, 399 Queen St, <https://tinyurl.com/y89as2xz> NOTE: This is not a free event.

**SPECIAL: 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>

**28 Nov, Darwin:** NT Human Rights lecture series: A Giraffe, the Bush and Human Rights: Deb Martin, Life Education. RSVP to Suzy on 08 8914 2300 for catering, or contact: [nthumanrightsawards@nt.gov.au](mailto:nthumanrightsawards@nt.gov.au)

**10 Dec, World:** International Human Rights Day <https://tinyurl.com/y79ssoyz>

**2019:**

**July:** International Bar conference, Singapore

**2022:**

**10 May, Adelaide:** 50th anniversary of the death by drowning of law lecturer Dr George Ian Ogilvie Duncan, thrown into Torrens River by a group believed to be police officers. Led to SA enacting the first homosexual law reform act.

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

ENDS    ENDS    ENDS

#### **ELECTIONS:**

Victoria:            24 November 2018  
NSW:                23 March 2019  
Federal:            likely around May 2019  
NT:                 22 August 2020  
ACT:                17 October 2020  
Queensland:       31 October 2020  
WA:                 13 March 2021  
Sth Australia:     19 March 2022  
Tasmania:           in or before 2022 for MHAs; 15 MLCs elected for six years via an electorate rotation system, returning two or three members once a year in May.

#### **Other nations:**

New Caledonia: 4 Nov 2018 independence referendum  
US: 'mid-term': 6 Nov 2018      435 seats House of Reps, 35 of 100 Seante seats, 39 governors state/territories  
Indonesia:        17 April 2019  
India:              April-May 2019  
Canada:            Before 21 October 2019  
NZ:                 Late 2020  
Singapore:        By 15 January 2021  
UK:                 Scheduled 5 May 2022  
PNG:                June 2022  
Malaysia:          probably 2023