

## **Aged care inquiry: need to include liberties and freedoms**

Civil Liberties Australia plans to make a detailed submission of older Australians' liberties, rights and freedoms to the Royal Commissioner into Aged Care Quality and Safety.

Members are invited to email (or post) dot points about issues they would like to raise, preferably with 'live' examples bad or good, to the secretary by Christmas 2018.

The two commissioners appointed by Prime Minister Scott Morrison – judge Joseph McGrath and Lynelle Briggs – comprise a mixed bag (see next item).

The Aged RC will produce an interim report by 31 October 2019, with the final report due by 30 April 2020.

The Royal Commission's terms of reference include:

- quality and safety including the extent of substandard care;
- how to best deliver care services to people with dementia, disabilities and the young;
- challenges/opportunities, including living at home, and aged care in rural, regional/remote Australia;
- allowing greater choice and independence, and improving engagement with families and carers;
- innovative care and investment in the aged care workforce and infrastructure; and
- any matters that the Commissioners believe are relevant.

PM Morrison's media release: <http://tinyurl.com/ybroemur> Full terms: <http://tinyurl.com/y8relcoh>

RC Aged Care: announced 181009; interim report 191031; final report 200430. PM Morrison has already floated the idea that if the commissioners required more time, it would be granted.

## **Odd couple appointed as Royal Commissioners**

The two commissioners come from WA (McGrath) and the ACT (Briggs).

Judge Joe McGrath was appointed to the Supreme Court of WA in November 2016. Earlier he had presided over a tumultuous period in the Office of the Director of Public Prosecutions in WA, where he was Director for the preceding seven years.



Issues over that period included unsavoury episodes around treatment of barrister Lloyd Rayney, who had to prove himself innocent several times over of the charge of murdering his wife, which possibly should never have been brought by the DPP. During the McGrath period, there was public acknowledgement that historically the DPP's office in WA had serious internal problems, and had been in inappropriate cahoots with senior and corrupt WA Police.



Briggs served in the Australian Public Service for about 30 years, becoming APS Commissioner from 2004 to 2009. From 2009 to 2011, she was CEO of Medicare. In neither role was she praised for great innovation or stimulating ideas: she was noted for toeing the government line, particularly on FOI issues as demonstrated in a particularly gratuitous

speech in 2008. She is a strange choice for the aged care role, despite a scattering of experience in a variety of recent board and governance roles...including with ASIO!

## **Could Australia run into problems with High Court appointments?**

Leading constitutional lawyer Prof George Williams, a CLA member, has outlined how Australia could suffer similar problems with appointment to high judicial office because we have no process to encourage non-partisan analysis of credentials and worth of candidates. Read the full story: <http://tinyurl.com/yatpwaop>

## **Don't get excited at airports...you may get carried away**

Journalist Paul Gregoire, on behalf of Sydney Criminal Lawyers, has given a detailed rundown on how much we've lost our right to privacy at airports under new AFP search powers.

His article, which includes extensive quotes from Civil Liberties Australia, can be accessed online here on the CLA website at: <https://www.cla.asn.au/> or direct to the SCL site at: <http://tinyurl.com/ydfwwezv>

## **Government destroys a former research icon**

Staff numbers at the Australian Institute of Criminology (AIC) were halved to just 18 in June 2018, with its research output also reduced. It is supposed to have 46 staff.

The government tried to merge the research institute with the Australian Criminal and Intelligence Commission (ACIC) in 2015, but faced opposition from Labor and crossbenchers. "Despite this, the agencies have in practice merged, with the machinery of government change in 2016 meaning the criminal intelligence commission has taken on corporate functions for the institute," Sally Whyte reported in *Fairfax*.

The enabling legislation has been stuck, unpassed, since September 2016. <http://tinyurl.com/yaor7u7z>

Civil Liberties Australia believes that both ACIC and the current evolution of the AIC are operating illegally because they do not have empowering legislation. It is possible that the heads of both organisations could be jailed for acting ultra vires.

CLA is not just saying that now: we said the same thing to a Senate committee in a submission dated 27 October 2016, after an earlier CLA submission that said incorporating the AIC into the ACIC would be a disaster for criminological research in Australia. So it has proven.

## **Can a machine make a legal statement to rely on?**

The Australian Tax Office and a taxpayer are locked in a High Court argument about whether an ATO-issued, machine-generated letter can be relied on as a legal document.

An auto-generated ATO letter, under the signature block of a Deputy Commissioner of Taxation, told Joe Pinterich he could clear his full debt, including interest, with the ATO by paying about \$1m to them. He borrowed that amount, and paid the right sum – in keeping with the instructions in the letter – by the deadline.

But the ATO officer with the delegated power to make a decision, Ian Celantano, told the Federal Court he had not made any decision to 'forgive' the interest charge owed by Mr Pinterich. He had no explanation for how the relevant absolving sentence in the 'automatic' letter came to be included. He said he had keyed in information into a computer-based "template bulk issue letter". This process had generated the document. He had not read the letter before it was despatched.

The Federal Court ruled 2-1 that the letter could not be relied on since there was no related "mental" decision involved in it being issued.

The decision throws all auto-generated government correspondence into doubt. When can you – or can't you – rely on the letters, bills, reminders, etc that federal, state and local governments churn out continuously?

Stay tuned: the judges of the High Court must decide between man (that is, person) and machine. <http://tinyurl.com/ydamo7gv>

Most old-style managers would suggest not proof-reading outgoing mail is the issue: you should be responsible for what you send out. If the ATO has lots of outgoing mail, it needs lots of proof-reading, so employ more people, CLA says.

## Dutton moves surreptitiously towards new national ID scheme

Home Affairs Minister Peter Dutton is masterminding a new National Identity Security Strategy for COAG.

He called a 150-minute, quickfire public consultation in Melbourne late last month, with just two week's notice, under the title of Review of National Arrangements for the Protection and Management of Identity Information.

His hand-picked consultation team is led by a former Secretary of the Commonwealth Attorney-General's Department, Roger Wilkins, and the managing director of a not-for-profit support service for victims of identity crime, Professor David Lacey.



If he holds true to form, the likely outcome will be Minister Dutton taking a mass ID scheme proposal to the Council Of Australian Governments (COAG) early in 2019. It could be a new 'Australia Card' proposal.

Read CLA's scathing critique of how Dutton is the wrong man for this job, Home Affairs is the wrong department, and a sham consultation process – which should be aborted – will lead to a pre-ordained, ideological outcome as dictated originally by Peter Dutton in his first speech to parliament 16 years ago. <https://www.cla.asn.au/>

## Human error behind 36% of cyber problems

More than a third of data breaches in Australia over the past six months came from people sending emails to the wrong person.

Some 36% of businesses reporting a data breach said it happened because of simple human error. "The most common human error was sending emails containing personal information to the wrong recipient," acting deputy commissioner of the Information Office, Andrew Solomon said last month.

Australia's mandatory data breach reporting scheme began in February 2018. All organisations covered by the Privacy Act must tell the commissioner of any breach that could cause serious harm to customers.

After two quarters' worth of data, the commission says 59% of privacy compromises have come from malicious attacks. <http://tinyurl.com/y9nr3g>

## Censor Christian Porter blacks out transparency, accountability

The Attorney-General Christian Porter ordered that a key part of a report by the Australian National Audit Office into a defence contract for combat vehicles be blacked out and hidden.

The ANAO audit had called out the contract as costing nearly twice as much with French multinational Thales as it would have done for comparable vehicle made in the USA. The sum involved was about \$1.3 billion.

Six key paragraphs of the ANAO report were blacked out at Thales' requests for commercial reasons. The ANAO report had already been cleared by the Dept of Defence from a security viewpoint, though Mr Porter claimed "security" as one of his reasons for hiding the deal.

The AG's move appears to be another in the sliding standards of accountability that governments of Australia adhere to. The ANAO is one of the critical checks and balances on corruption and mates' deals in government: ANAO reports must remain open and transparent, CLA says. <http://tinyurl.com/y85q4gma> and <http://tinyurl.com/ycdwn3ua>

## ODD SPOT: Donors slip the AWM's memory

The Australian War Memorial and its Director Brendan Nelson may have been caught out in some little fibs, or obfuscations, or strategic omissions, according to *Honest History's* Dr David Stephens. Seems they failed to mention that Northrop Grumman and Raytheon, two global defence contractors, or 'gunrunners' as they are known colloquially, were quoted in AWM annual reports as donors/supporters, but left off a list of donors given to Senate Estimates in answer to a question from then-Senator Lee Rhiannon of the Greens. *Honest History* runs the story with this photo and caption details from the photo source:

PHOTO: Aftermath of Saudi raid on a wedding being held at a community hall in the capital, Sanaa, Yemen, October 2016 ([The Hill](#)). The Saudi-led coalition uses products from BAE, Lockheed Martin and Raytheon, all donors to the Australian War Memorial. <http://tinyurl.com/ybzrgdmq>



## Despair rules as doctors thrown out

Doctors who spent the past 11 months on Nauru (pop. 11,000) have reported 78 cases of attempted suicide, suicidal thought or self-harm by refugees, including an attempted suicide by a nine-year-old.

Medecins Sans Frontieres (MSF) doctors say the mental health of refugees on Nauru has recently reached an "absolutely devastating" state after dozens of men, women and children were refused resettlement. They have nowhere to go, and are in effect the walking dead with no options, no future and no hope after living on the remote island for five years.

The MSF (Doctors Without Borders) medicos spoke out after they themselves were thrown out of Nauru by its government. Now the refugees also have virtually no mental health help. <http://tinyurl.com/y8c8xh2c>

## Govt ploughs ahead with election funding law criticised as flawed, deceitful

Labor and the Greens have severely criticised electoral funding legislation that in part over-rides state laws restricting donations and allows donors to pump more donations into political parties..

A Coalition-dominated parliamentary committee is endorsing changes to laws on foreign political donations and third-party political groups, including amendments that could undermine state and territory laws that cap donations and ban certain types of donors.

Labor MPs supported most recommendations of a second report into the Electoral Funding and Reform Bill, but say that two sections of the amended bill would allow some donors to make financial contributions and avoid stricter disclosure caps if there is a connection to federal electoral spending.

The Greens reject all the committee's proposals. They say the government-dominated report is "deceitful", and call for sweeping new restrictions on money in politics. <http://tinyurl.com/yaaulgf>

## Health fails probity test over cancer registries

A senior Health Department officer voted to select a Telstra subsidiary for a \$220m contract while owning undeclared shares in Telstra, said a report of the Joint Committee of Public Accounts and Audit last month.

Nine of 15 Health Dept officers involved in the procurement process who owned Telstra shares did not disclose that they owned them.

Seven out of the 11 Senior Executive Service (SES) officers involved in the procurement did not complete annual conflict of interest and personal interest disclosures.

Even after these clear breaches of probity and conflict of interest rules, no Health Dept staff member suffered any sanction, the Australian National Audit Office (ANAO) told the committee.

The contract, signed in 2016, was to start and run national cervical cancer and bowel cancer registries. It has been a disaster.

The registries were not delivered on time: "Health has failed to achieve the original NCSR 'Go-Live' date for either the cervical cancer register (1 May 2017) or the bowel cancer register (20 March 2017)" the report says.

The bowel cancer register is not likely to be in place before "later in 2019".

"The Committee is disappointed that the effectiveness of the NCSR procurement was substantially reduced due to 'inadequate consideration' of risk during planning and 'poor management' of probity and conflicts of interest', and that the objectives sought by the Government were not achieved in the agreed timeframe and additional costs were incurred as a result," the report issued last month says.

The committee wants Health to consider cancelling the contract and get a new supplier "in the circumstances of the such serious underperformance by Telstra Health".

The committee wants the Dept of Health on notice that it wants reports every six months "until both registers are fully operational or the contract is terminated or concludes".

It's also proposing penalties on Telstra Health.

The committee wants all government agencies reminded about their obligations to fully comply with conflict of interest reporting and annual updates of registries. Report 472 PJCPAA <http://tinyurl.com/ydhw13qb>

## Nudge-nudge, wink-wink: no more power to the PJCIS

A push to increase parliamentary oversight of intelligence agencies is being resisted by government agencies, but the senator behind the bill said it's a decision for parliament and not the bureaucracy.

Under a proposed change of procedure promoted by Centre Alliance's Senator Rex Patrick, the Parliamentary Joint Committee on Intelligence and Security could review the operations of intelligence agencies such as ASIO, the Australian Signals Directorate and the Office of National Assessments.

Currently, the committee can only review administration and expenditure issues around these bodies.

Government agencies that have come out strongly against the proposal include the Dept of Prime Minister and Cabinet, the Dept of Foreign Affairs and Trade, and the Inspector-General of Intelligence and Security.

CLA doesn't think giving more power to the unrepresentative hawks who dictate how the PJCIS spooks committee operates is a good idea...but the opposition by the bureaucracy seems to indicate it might be.

The PJCIS is peopled by members of the Coalition and Labor only – no Greens, no Independents – so it is a cosy club for those with nudge-nudge, wink-wink experience of military and security issues and is ultimately representative only of the wholly unholy, ruling, two-party status quo in the federal parliament, CLA believes. <http://tinyurl.com/yc3z8rtq>

## Pollies restrict media from coverage

New rules that tightly restrict journalists at Tasmania's Parliament have been described as heavy handed and a threat to democracy.

The media is to be prohibited from "lingering in the corridors" to talk with pollies inside the parliament, and may not film anywhere in the building without the Speaker's permission.

Media can only film or take photos in the first 10 minutes of Question Time, and cannot photograph or video MPs who are not engaged in debate, or are interjecting during speeches, and the public gallery. Images "cannot be digitally enhanced, touched up or altered in any form".

"In case of general disorder or un-parliamentary behaviour by a member/members on the floor of the House, coverage must revert to the Speaker or Chair." <http://tinyurl.com/yd2rjv7o>  
In other words, the parliament is insisting the media cover up – in fact, don't cover – misbehaviour by MPs.



Photo: The Tasmanian Legislative Council.

## Groupthink is good among the Tasmanian judiciary, top judge says

The Tasmanian chief judge has promoted the idea that groupthink among judges in his state's courts is a good thing.

Judge Alan Blow admitted there was a lower success rate of appeals in Tasmania, and said "so few" judges in Tasmania all sat on sentencing appeals as well as doing the original sentencing of offenders, the *Hobart Mercury* reported.

He said that may have led to a greater degree of consistency in sentencing. "If so, that ... should be regarded as a positive type of 'groupthink'," the judge said.

He was defending Tasmania's Court of Criminal Appeal from a former director of public prosecutions, Tim Ellis, who said that the court's structure could lead to judges protecting each other's judgments.

Ellis, now a barrister again after being sacked by the State government\* from his DPP job, made the claims during an appeal hearing in May 2018, the *Mercury* newspaper reported. He did not suggest the court had acted inappropriately but questioned a structure which does not separate sentencing judges and appeal judges. Mr Ellis said the structure could lead to judges being "prone to group think" and "protecting each others' judgments".



### FORMER DPP ASKS APPEAL COURT TO 'EXAMINE ITSELF'

FORMER director of public prosecutions Tim Ellis, SC, has criticised the structure of the state's Court of Criminal Appeal. Mr Ellis, now a Launceston barrister, appeared before the court this morning representing Andrew Neville Hodgetts, 40, of Launceston,

*Illustrations: from coverage of the issue in the Mercury, Hobart*

## Did groupthink benefit Ellis and Blow in the first SNF appeal?

Blow and Ellis (see above) are the main players, now revealed as the odd couple (or a couple at odds), in what Civil Liberties Australia believes is one of Australia's most serious recent miscarriages of justice.

The state's misogynist systems led to Sue Neill-Fraser (SNF) being jailed – wrongly, in terms of length of the original sentencing of 26 years – by now-chief judge Blow, at the behest of DPP Ellis.



### 'POSITIVE GROUPTHINK' LEADS TO CONSISTENCY, SAYS BLOW

THE Chief Justice has defended Tasmania's Court of Criminal Appeal after criticisms from a former director of public prosecutions that the court's structure could lead to judges protecting each other's judgments. Tim Ellis, SC, now a barrister, made the claims

Ellis admitted during her first appeal that he personally erred in claiming her DNA was on a rubber glove which he said was used to clean up what he claimed, without the benefit of convincing proof, was a crime scene.

The DNA on a critical – according to Ellis – "clean-up" rubber glove actually belonged to the missing man's son, not to Neill-Fraser as he told the judge and jury.

The absence of the body of SNF's husband of nearly 20 years, Bob Chappell\*, and of any proven facts that he had been murdered, failed to prevent the creative DPP surmising, a jury finding, and the credulous judge ruling that Neill-Fraser had "likely" killed her husband with a wrench, transported a deadweight body up two decks of a yacht by herself, across the coaming and over the side into a dinghy, then dumped the body in the middle of the Derwent.

The fact that police divers could not find the body was proof it had been dumped by her in the depths of the river, so the illogical judge Blow said. Perhaps

using groupthink, the appeal court agreed with this extraordinary analysis.

On such flights of fancy she was eventually committed after appeal to a reduced (but wholly excessive) 23 years in jail, with 13 years non-parole, of which she has served nine...and counting.

The Court of Appeal judge mildly chastised judge Blow by stating the man who is now chief justice did not know the state's sentencing rules. Groupthink would certainly explain how parts of her Court of Appeal findings, just like the original jury conviction and judge's statements, defy logic.

Perhaps ex-DPP Ellis would consider supporting her current Supreme court bid, under new legislation originally proposed to the Tasmania government by Civil Liberties Australia, for a second appeal hearing because she may have suffered the exact groupthink he is highlighting?

Judge Michael Joseph Brett is expected to rule in the next month or so on whether SNF's second appeal for justice to prevail can go ahead before a full court of three judges.

\* Mr Chappell's body has never been found.

## 'Forgotten' prisoner gains upcoming release

Jamie Gregory McCrossen will be free next month, after serving more than a quarter of a century in a Tasmanian jail for a crime that would normally attract a sentence of about 18 months.

McCrossen was convicted in 1991 of assault and wounding in 1990, when he was 18, for holding up an antique store with an antique pistol. When he sent death threats to his victim, he was formally declared a dangerous criminal. Had he not been so declared, he would have left jail in July 1992.

Judge Helen Wood last month overturned the dangerous criminal declaration. She said the declaration was no longer warranted to protect the public, and noted that the High Court had called indefinite detention stark and extraordinary punishment, and "the applicant's case exemplifies that description".

"He has spent 26 years in custody because of the declaration. The length of time is Dickensian," she said.

The judge pointed out that Tasmanian law does not allow for a periodic review of dangerous criminal declarations or oblige the state to justify continuing detention. Now 46, McCrossen is reportedly institutionalised and is unlikely to be able to live independently of a mental facility. CLA comments that "justice" is frequently an elusive concept under island law. <http://tinyurl.com/ybpgkryn>

## When is ID scanning a waste of time? At 0.004% result?

Government-mandated ID scanners in Queensland's nightclubs have detected just one banned drinker for every 26,000 licences checked in the program's first year.

Data obtained by the ABC revealed 12.8 million IDs have been scanned since the start of the program in July 2017. Only 488 people were found trying to go into a bar or club from which they had been banned. That's a rate of 0.004%.

Under ID-scanning laws, proprietors must scan the ID on entry of people looking for a drink inside key Queensland venues after 10pm. The scanners are compulsory in 244 venues..

The state government promised an independent review into the efficiency of the scanners in tackling alcohol fuelled-violence by mid-2018. But the review was first pushed back to October, and now the government is unable say when it will be finished.

<http://tinyurl.com/y893nk5n>

## Torres Strait child rearing practices to be enshrined in law in world first

Torres Strait Islander Queenslanders will help to develop new legislation that officially recognises traditional TSI child rearing practices.

Deputy Premier and Minister for Aboriginal and Torres Strait Islander Partnerships, Jackie Trad, said that the initiative was history-making. "Developing legislation to recognise traditional child rearing practices will be a historic step, not only for the Torres Strait but for Queensland and Australia," Ms Trad said. "This is a true step towards bridging the gap between Torres Strait Islander culture and Queensland law."

The government has begun community consultation and released a public discussion paper, '*Akuar Thoeidhay Kazi - For our children's children*'. The new law will recognise the "ancient and enduring cultural practice" of raising children in extended family environments.

The government is investing \$1 million over three years to support the community to shape new laws with the help of legal and cultural experts, including a TSI social worker Ms Ivy Trevallion, TSI and Indigenous elder Mr Charles Passi and former chief judge of the Family Court, Alastair Nicholson. – Deputy Premier media release 181012

## Abortion now legal, with hassle-free zones

Women in Queensland may choose an abortion without risking prosecution after state parliament last month passed a new law 51 to 40 on a conscience vote.

Abortion will be removed from the criminal code and made a health issue, allowing women to terminate pregnancies up to 22 weeks. Terminations after 22 weeks will be allowed with the approval of two independent doctors.

The changes also establish safe zones around clinics and medical facilities offering abortion to stop anti-abortion activists harassing staff and patients. <http://tinyurl.com/y76opn9t>

**SAFE ZONES AROUND CLINICS:** Meanwhile, Coalition governments in NSW, SA and the Commonwealth as well as Labor governments in Queensland and WA have intervened in a High Court case to defend safe zone laws. <http://tinyurl.com/ycp8bvme>

## Eastman trial racks up more expenditure

The cost of David Eastman trials and cases in the ACT over the past 25 years is estimated to be upwards of \$25 million, and rising. Nobody can say accurately how much the Eastman sagas have cost.

Eastman has pleaded not guilty to the 10 January 1989 murder by two shots to the back of the head of Colin Winchester, then assistant commissioner of police in Canberra. Eastman was jailed for life in 1995 on the charge, but released after the Supreme Court quashed the conviction in 2014 when he had served nearly 20 years in jail and the question of parole was becoming a hot topic.

In a 2014 ruling, Judge Brian Ross Martin said that a retrial of Eastman would be "neither feasible, nor fair". However, ACT Director of Public Prosecutions Jon White decided to retry Eastman.

In just the defence phase of the latest trial, which is coming to a close, the trial has heard from more than 127 live witnesses and 41 witnesses who had either died or were too unwell to attend court, and whose statements or evidence were read to the court. <http://tinyurl.com/ybklbem8>

The ACT Office of the DPP and the AFP have a vested interest in Eastman being found guilty in this latest trial, because both bodies were severely criticised by judge Martin for their behaviour in and around the original trial.



## ODD SPOT: Did a logo-motive run off the rails?

Seems there may have been a bit of a logo bunfight between the ACT Supreme Court and the ACT Attorney-General office's about when—if the court's recent refurbishment would be officially reopened. Chief Justice Helen Murrell (photo) is reported to have wanted a new, special,

distinctive logo just for the court, but

the government held firm that the court's logo would be the ACT logo. Instead of a big political opening, the first major function held in the new court premises was the official legal farewell to the retiring Director of Public Prosecutions, Jon White... who doesn't officially leave for some time after the event. Such farewell events are controlled by the judiciary, not by the government.

## DPP profits in cash and staff by confiscating assets

More prosecutors and police devoted to confiscating assets has resulted in a boomtime bonus for the ACT Office of the Director of Public Prosecutions.

The DPP quadrupled its income to nearly \$7.4m last financial year, the DPP's annual report says..It included some \$194,000 in cash, 26 cars worth about \$511,000 and 13 houses worth nearly \$6.7 million. By comparison, the previous financial year could only rake in about \$1.8m worth of property.

Also in 2017-2018, \$1.1m worth of tainted interests in property was forfeited to the territory, including \$624,000 cash, nine cars worth \$177,000 and interests in two houses totalling \$228,600.

The retiring ACT DPP, Jon White, said an increase in resources for both the AFP and the DPP had allowed prosecutors to take on more complex and larger scale confiscation proceedings. The DPP has three prosecutors and support staff dedicated to the work.

In one example cited in the report, the DPP had nearly \$389,000 of an accused drug dealer's cash forfeited to the territory even though a judge found the man not guilty of the charge of money laundering.

In 2017-18, nearly half of all trials in the Supreme Court of the ACT were for sexual offences. Children's Court matters – with 255 matters finalised – showed a 36% increase. <http://tinyurl.com/y975eyj4>

## Corruption Commission proves more needed than ever

Public allegations to WA's Corruption and Crime Commission jumped by 31% – 1388 to 1823 – last year.

Reports from the public made up 28.1% of all 4939 allegations to the CCC in 2016-17, but accounted for 36.1% of all 5051 allegations made in 2017-18.

The CCC's annual report says the rise is due to its increasing social media presence and other initiatives to encourage people to report suspected serious misconduct. Or it could be there's more serious misconduct, CLA notes.

Local government-related allegations also rose, up to 761 in 2017-18 from 550 in 2016-17. They are now about 15% of all allegations assessed by the commission. <http://tinyurl.com/dhwrbat>

## Rayney calls for new, independent inquiry into wife's murder

Barrister Lloyd Rayney wants a fresh WA Police investigation into his wife Corryn's death: he says someone has "literally gotten away with murder" and his family were the victim of an "injustice".

The usually reserved lawyer spoke out during an interview with *Channel 9's 60 Minutes* last month. He said police officers' pursuing him as the "prime and only suspect", as they said during a TV news interview, had allowed her killer to walk free.

"I think the evidence...just needs honest, hardworking, independent police. It needs different people to do the job properly," he told reporter Tara Brown. "The one thing that would go a long way is for the police, proper, right-minded, courageous police, independent of what has happened before to do their job now. That's my hope."

His wife, lawyer and Supreme Court registrar Corryn Rayney disappeared after a bootscooting class in August 2007. The 44-year-old's body was found buried in Perth's inner-city Kings Park a week later.

Mr Rayney was charged with the murder of his wife in 2010 but was acquitted of the charge two years later, and also in a further appeal process. He was awarded damages for WA Police's trashing of his reputation, but still faces a legal profession inquiry into issues about recording his wife's conversations.

Rayney has raised his and Corryn's two daughters by himself while being under enormous legal and financial pressures. One of his daughters is now a corporate lawyer in London.

In a WA Police tradition that has lasted for several decades and many murders, no lessons appear to have been learned about how the Rayney investigation went off the rails. <http://tinyurl.com/ydarrgtq>

## AG Quigley helps dumb down the awareness of justice in WA

In a follow-up to the Rayney interview, WA Attorney-General John Quigley said that, in his view, no police apology was warranted.

"I'm not aware of any circumstance that would require the police to apologise to Mr Rayney," he said. "There was a case to be answered. It was answered. I can certainly understand his concerns. But I think it's appropriate the Coroner looks at it. They are independent and can review the whole investigation."

The WA coroner has been "looking at" the case for two years, from immediately after a police cold case review ended without – surprise, surprise – finding anything fresh. The coroner's office in November 2018 is apparently "still considering the

matter and it may be some time before a decision" on an inquest is made, the *West Australian* reported.

The murder occurred in 2007. 'Justice' in WA is not only haphazard, but extraordinarily slow, CLA notes.

If the WA AG is so morally and ethically unaware that he doesn't think that WA Police defaming Rayney – which has been proven in a civil court – is worth an apology, then he doesn't

deserve to be the state's AG. He obviously hasn't read the strident criticism of many WA police by the judge in the civil case.

Perhaps Mr Quigley could also say what, in his view, is the truth of long-standing rumours that one or more key figures in his office don't believe Rayney is innocent...despite three, separate, major, legal cases demonstrating his innocence beyond doubt, reasonable or otherwise.

CLA Director Margaret Howkins responded to the Quigley stupidity with a stinging letter in *The Weekend West*. (Illustration above right).

The WA legal establishment – of which Mr Quigley is the government leader – has a lot to answer for in the Rayney case, just as the SA legal establishment has a lot to answer for in Henry Keogh case, where an innocent man spent 19 years wrongly convicted and in jail. Then there's the Eastman case in the ACT, and the Neill-Fraser case in Tasmania, Wood in NSW, and the list goes on.

## WA drags the chain on religious discrimination

Meanwhile in WA, the government has been accused of dragging its feet on discrimination in religious schools when Premier Mark McGowan referred to the Law Reform Commission an inquiry into an exemption in the Equal Opportunities Act.

The exemption permits discrimination in schools if the school adheres to the "doctrine, tenets, beliefs or teachings" of a religion. This means religious schools can discriminate against staff who are unmarried parents, living together out of wedlock or who are LGBTI.

Greens MP Alison Xamon introduced a private member's bill to abolish the religious schools exemption in June 2018. She said the McGowan Labor Government "talked the talk" on rights for LGBTI people but failed on practical law reform. "The reality is that right now in Western Australia we have a statute on the books that allows the human rights of LGBTIQ teachers to be violated," she said. "There is a bill there that is simple, straightforward and consistent with other states that can actually remove that terribly outdated discriminatory provision.

Ms Xamon said the Law Reform Commission could take two years to conduct an inquiry into changing the law. <http://tinyurl.com/y8hk7x6y>



## Police cut crime...by targeting other police

A WA senior constable, aged 46 and with 25 years in the force, has been charged with common assault for allegedly firing a stun gun into a man who was sitting in his vehicle during a random breath test stop.

The incident, in March 2017, was caught on video.

The *WA Times* reported he is the sixth WA police officer publicly charged by internal affairs in 2018.

In January, a 48-year-old police officer was charged with indecent assault in South Hedland.

In March, a Perth senior constable was charged with three counts of unlawful use of a restricted computer, and was stood down from operational duties.

In August, a police sergeant was charged with two counts of unlawful use of a computer.

In September, a 30-year-old constable was charged with unlawful use of a restricted computer. Also in September, a WA Police officer who resigned in July 2017 was charged with historic child sex abuse crimes. <http://tinyurl.com/yae58jjg>

## Territory gets corruption commission for Christmas

The NT has appointed Bruce McClintock (photo) as its ICAC Inspector. The new NT ICAC starts soon.

McClintock is a senior counsel with broad experience of commissions of inquiry and a particular interest in anti-corruption and integrity bodies, their structure and functions. He wrote and co-wrote two key reports into the NSW ICAC and the legislation under which it operates, including the 2015 report which sparked recent legislative amendments.

McClintock is also the Inspector for the NSW ICAC: he will undertake both roles concurrently.

The NT Inspector's functions include:

- evaluating and reporting on the NT ICAC's performance;
- receiving and dealing with complaints about the ICAC or its staff; and
- making recommendations to the NT ICAC or public bodies regarding practices or procedures.

The position is an independent statutory appointment, not subject to direction about how to operate. McClintock's appointment is for five years, from September 2018.

ICAC: Independent Commission Against Corruption. – media release, CM Michael Gunner 181003

## War leads the tourism boom

Australia's war-led economic recovery is continuing apace with the NT announcing 'Territory Tribute', a two-month series of events honouring war exploits to encourage military tourism.

The government is spending \$1.9m in promoting warlike activities.

The first 'Territory Tribute'; will run from 19 Feb to 25 April 2019 and will include:

- Bombing of Darwin Day Commemorations at the Cenotaph on 19 February,
- a twilight concert "Overture to Peace" conducted by John Foreman,

Civil Liberties Australia A04043

- a three-day curated International Military Writers' Festival led by journalist/author Peter Fitzsimons,
- the World's Greatest Two-up School and Last Post Ceremonies, and the culmination of
- Anzac Day dawn services in Darwin and across the NT.

## New centres to replace notorious Don Dale

Two new youth justice centres in Darwin and Alice Springs will be purpose-built and ensure the highest standards of safety and security and also focus on education, training, and rehabilitation for young people, Ministers say.

The proposed site for the Darwin Youth Justice Centre in Pinelands; the Alice Springs Youth Justice Centre site selection is still under way.

The design tender should be awarded this month. Darwin construction is due to start in the second half of 2019, with both centres completed in 2021. The centres are designed to replace the Don Dale facility, the subject of a royal commission. – media release Ministers Wakefield and Lawler 181005

## Police car chases again under scrutiny

A prominent horse trainer is planning to sue NSW Police for a police chase crash – without lights or siren – that left his wife in a continuing coma in St George Hospital.

Bert Vieira's wife Gai was 'T-boned' by a police car allegedly chasing someone using a mobile phone while driving. Police confirmed that the police car was doing 124km/h in a 70km/h zone, without flashing lights or sirens.

Gai Vieira suffered broken bones, punctured lungs and weeks afterwards was still in a coma with head trauma. The crash happened in Cronulla in early September.

"I want someone to take responsibility of what happened. The policeman wiped his face from scratches and went home. My wife didn't not come home to me," Mr Vieira said. "We just want to know what happened," his son, Trent, said. "We believe NSW should follow other (states) where there are no high-speed pursuits." <http://tinyurl.com/y7ezjq6>

## Ready for riots...and an election

Victoria Police must be expecting a rash of mass demonstrations in the lead-up to the 24 November state election: they now have a fleet of four new riot vans.

There must be an election coming up, as the state's police are gaining other extra resources – 40 new staff, non-lethal equipment, a new mobile command unit and nine SUVs.

The riot vans will deploy to out-of-control parties, protests, large public events, natural disaster relief and VIP visits. They can each carry up to eight police, plus their terror-inducing equipment - see photo.



## Australian briefs

**Police target joint operations:** WA Police annual report shows that last financial year Operation Silverdrift seized 11,781 cannabis plants, arrested 57 people, laid over 150 charges and carried out 107 search warrants. Police have also seized more than \$560,000 in cash and frozen assets and cash to the tune of \$8.4 million, mostly from members of the Vietnamese community. <http://tinyurl.com/y8dt3wsa>

**Civilib group moves electronically:** At its late-October 55th AGM at Sydney Town Hall, the NSW civil liberties group was moving to allow electronic ballots and AGM attendance, as has operated in Civil Liberties Australia for about a decade. As well, the NSW group moved to introduce a winding up clause, limit the terms of executive appointments to no more than four years in one position and require two nominators instead of just one for executive and committee positions. – notice of motion, NSWCCLAGM 181025

**ODD SPOT: Top cop cops fine:** WA Police Commissioner Chris Dawson has paid a speeding fine of \$100 from when he was driving his private car one day in September. He was recorded at 59kph in a 50kph zone. Dawson was on his way to the National Police Remembrance Day service in Joondalup. <http://tinyurl.com/y794pa9r>

**Change, awareness, Falk claims:** Significant changes to privacy regulations and heightened awareness of information handling and access issues had been the hallmarks of 2017–18, the Office of the Australian Information Commissioner annual report claims. “Over the past year we have worked as part of the Open Government Forum to develop the 2018–20 Open Government National Action Plan and implement the 2016–18 Plan,” the Commissioner (who is also Privacy Commissioner) Angelene Falk said. <http://tinyurl.com/y8dsokwu>

**Arnott to head police union:** Harry Arnott, previously vice-president, has been elected as president of the WA Police Union. He replaces George Tilbury, president for the past six years, from this month. Mick Kelly becomes senior vice-president, Brandon Shortland vice-president and Ward Adamson is the treasurer.

**Ex-prisoners get chance at more jobs:** Employers will be given greater certainty about when they can reject job applications from people with criminal records. The government says it will amend the Australian Human Rights Commission Regulations 1989 to clarify that employers can discriminate on the basis of a ‘relevant criminal record’, but they won’t be able to discriminate if the conviction is ‘irrelevant’ to the role being applied for. <http://tinyurl.com/y9hptyaw>

**State on path to drug decriminalisation:** A parliamentary committee chaired by Greens MP Alison Xamon, with representatives from the Labor, Liberal and National parties, will look at “alternate approaches to reducing illicit drug use” in WA. They will also investigate jurisdictions worldwide which have decriminalised or legalised drug use. Ms Xamon said the committee would inquire into the decriminalisation of illegal drugs in Portugal which had reduced drug deaths from 360 a year in the 1990s to just 26 in 2016 by treating drug use as a health issue and not a criminal one. <http://tinyurl.com/ya32cvu3>

**Overt, covert crackdown on grog:** The NT’s new Alcohol Policing Unit (APU) is now tackling alcohol-fuelled anti-social behaviour and crime. Comprising 12 police officers (8 in Darwin and 4 in Alice Springs), the APU is part of a 97-member initiative, which includes 75 Police Auxiliary Liquor Inspectors (in Alice Springs, Tennant Creek and Katherine), three prosecutors and seven operational support staff. The APU will operate overtly and covertly – there’ll be foot and Segway patrols, mobile caravans, CCTV, marked vans and mounted

patrols – concentrating on compliance with the Licensing Act and secondary supply, Police Minister Nicole Manison said. – media release 181023.

**Is the AFP fit for purpose?** The Australian Federal Police tipped off Home Affairs Minister Peter Dutton’s office two days before raiding his department as part of an investigation into leaks concerning au pair visas. AFP deputy commissioner Neil Gaughan told a Senate estimates hearing last month that he sent a *WhatsApp* message to Mr Dutton’s chief of staff, Craig Maclachlan. He said the minister’s office was informed ahead of the 11 October raid as a courtesy so the raid wouldn’t be a surprise. Didn’t something like that happen when Minister Michaelia Cash’s office allegedly tipped off the media in advance over a raid on the AWU union offices in Melbourne and Sydney? Why can’t the AFP keep secret raids secret – is the AFP itself fit for purpose, if it gives Ministers special treatment under the law? <http://tinyurl.com/ya88a58a> and <http://tinyurl.com/y9mgcef3>

**Anglicans vote to be party-poopers:** The Sydney Anglican Synod last month voted in a policy to prevent same-sex marriages, parties or events that might advocate “expressions of human sexuality contrary to our doctrine of marriage” on about 1000 church-owned properties, the *ABC* has reported. The policy applies to all future leases to tenants on church property, all parishes, church halls, Anglican schools, counselling services, nursing homes and Anglican corporations, and all members of the boards of those bodies will be expected to uphold a “Christian ethos” that lines up with the Anglicans’ official view of marriage and sexuality. The church claims the decision is a shield against anti-discrimination law, not a stick to beat people with different views over the head. <http://tinyurl.com/y7upbuh3>

## Member’s letter:

### Historic allegations should be held in limbo

I clearly understand the criticism by US President Donald Trump against Dr Christine Blasey Ford, who accused US Supreme Court nominee Brett Kavanaugh of sexual assault while they were in high school. When people make public statements – particularly allegations of sexual assault allegedly many years ago – they should not be disbelieved or believed. The allegations should be held in limbo. Publishing such allegations as historic sexual assault permanently scars the accused person, regardless of subsequent proof or failure to prove. When a police officer or counsellor takes statements of alleged historic sexual assault they should never say to the complainant “I believe you” but rather “I don’t disbelieve you and I’ll regard your allegations as most serious”. Saying to the complainant, or to anyone else, “I believe you” is in serious conflict with the presumption of innocence. –Brian G. Tennant AM JP, Subiaco WA

## CLA report – main activities for October 2018

**Board:** Eloise McLean has been appointed a Director of CLA. Elly is a first year law student at ANU and has already contributed significantly to CLA work, including as author and lead interviewer at an ACT Legislative Assembly committee hearing, and by attending a federal parliament committee and international dialogue meetings of the Department of Foreign Affairs and Trade. Her brief background – as on the CLA website at <https://www.cla.asn.au/News/who-we-are/> – is:

Elly is undertaking dual Law and Finance degrees. Her school, public speaking and debating captain roles and sporting, community and UN Youth work led to a Gold Duke of Edinburgh Award, the THAC ADF Teamwork and Leadership Award, and Victorian S-W Young Citizen of the Year. With dux proxima of



her high school in Hamilton and a premier's award for a perfect score in VCE English, she won the Phillipa Weeks Law and George Alexander Foundation scholarships to ANU. She has been on the Law Social Justice sub-committee and played WAFL for the university. Elly's passion is youth engagement in politics and justice, and her continuing Chinese studies are aimed at working in diplomacy and trade, including adoption law.

#### Networking meetings:

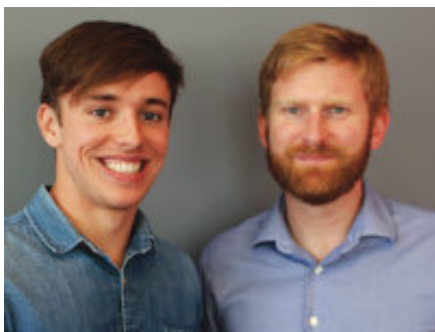
Thomas Mautner: CLA member, current issues and wartime research;

Lesley Vick and Ken Davidson: CLA members (Lesley is President of Dying With Dignity, Victoria);

Margaret Howkins: CLA WA Director, Skype session on national movements;

Aaron Bronitt: CLA member, law student ANU, with Tim Vines VP CLA re possible activities at ANU;

Photo: New CLA member Aaron Bronitt (left) met CLA Vice-President and National Media Spokesperson Tim Vines last month to discuss opportunities to practise public speaking and media interviews.



Richard Griggs, CLA Tasmanian Director, Skype session re current activities and opportunities to build membership;

Paul Wilson, criminologist and CLA member, and wife Robyn Lincoln re their new book publication on prisons in Queensland; Email corro with new CLA member Andrew Andreyev, Adelaide, re tax and other legal reform;

Keith McEwan: CLA member re submission to Royal Commission on Aged Care

#### Media/etc:

- Marg Barry Memorial Lecture to Inner Sydney Voice. Tim Vines: Hate Speech & Free Speech
- Sydney Criminal Lawyers: New Airport ID Police Laws (see item above)

#### Submissions:

To the Review Panel of the Identity Information "consultation" by Minister Dutton and Home Affairs Department: See item above, plus submission is available at: <https://www.cla.asn.au/>

New Board Director Elly McLean (standing, right) led the CLA delegation to a recent hearing by the ACT Legislative Assembly committee into a submission on a proposed new Sexual Consent law. Seated are MLAs Bec Cody (Labor) and committee chair Elizabeth Lee (Liberal), with CLA President Dr Kristine Klugman standing in the background. 180928.



#### Submissions being prepared on:

- Gathering members' views for CLA submission to the Royal Commission into Aged Care Quality and Safety
- National Intelligence Community
- Proceeds of Crime (WA)

#### Results of submissions:

CLA made a submission to the Aged Care Quality inquiry, which has just reported. The report allows us to analyse, to a very limited extent, whether our submissions 'make a difference'.

See: <https://www.cla.asn.au/News/analysing-clas-impact-aged-care-quality-inquiry-no-1/>

#### Uplifting psychologist speaks

CLA's WA Director Margaret Howkins (photo right, at left) and member Rika Asaoka last month attended a breakfast talk in Kings Park by Aboriginal, psychologist and WA 2018 Australian of



year, Dr Tracy Westerman (at right). In 1998 Dr Westerman founded Indigenous Psychological Services' to address high rates of mental illness among Aboriginal people in the absence of government funding. She is now internationally recognised, has trained more than 22,000 clinicians in culturally-appropriate psychology approaches and delivered her suicide intervention programs into remote Aboriginal communities throughout Australia. "In real life, she's an astonishing person," Director Howkins said, "the energy of a tornado, all positive and absolutely optimistically contagious. Her talk felt skin-tingling and uplifting".

#### INTERNATIONAL

#### Beware NZ, where you don't have control of your own password

Anyone who won't disclose their passwords – local or visitor – if searched on entering NZ could now face prosecution and a fine of more than \$4500.

A Customs spokesperson said NZ was the first to impose such penalties. Border officials, he said, believe the new fine is an "appropriate remedy" aimed at balancing individuals' privacy and national security.

Customs officers in most countries may search mobile phones, notepads and notebooks just like they do luggage. They can seize digital devices for more detailed examination if officials reasonably believe they show criminal activity.

The new NZ law forces people to open their devices for inspection, either by entering a password or using biometric data like thumbprints or facial scans. Failure to do so could cost time in jail and \$4500...even if you have nothing to hide. <http://tinyurl.com/ybjzerg>

Since the Al Quaida attack of 11 September 2001, the US has also been searching travellers' electronics at the border. In 2015, Customs and Border Protection searched the electronic devices of 8503 airline passengers. In 2016 it escalated to 19,033 searches. And in 2017 they searched the phones and laptops of 30,200 travellers.

In January 2018, US Customs sent out new guidance about phone and laptop searches at the border: they can search anyone's electronic devices "with or without suspicion", passengers are "obligated" to turn over their devices as well as passcodes for examination. If you refuse, agents can seize the device. That is all considered a "basic search." No suspicion needed. <http://tinyurl.com/y7a5d4d7> (NB: commercial site)

### **ODD SPOT: Straights get equal rites**

Heterosexual couples in England and Wales are to have the right to enter civil partnerships, Prime Minister Theresa May has announced, to end discrimination against opposite-sex couples.

A British Supreme Court ruling had found that it discriminatory to restrict civil partnerships to gay couples. Justices at the UK's highest court unanimously found in favour of Rebecca Steinfeld and Charles Keidan and declared that their human rights had been breached. <http://tinyurl.com/y9ldohpe>

### **The icing on a cake does not have to be gay**

A Belfast bakery run by evangelical Christians was not obliged to make a cake carrying the message "support gay marriage", the UK's Supreme Court has ruled, overturning a near-\$1000 damages award.

The UK's highest court upheld Ashers appeal, after the bakery refused to produce the cake in 2014 for Gareth Lee, who supports the campaign to legalise same-sex marriage in Northern Ireland.

The judgment reverses earlier decisions in Belfast county court and a court of appeal ruling that the company discriminated against Lee, who is gay, on the grounds of sexual orientation.

Five Supreme Court judges – Lady Hale, Lord Mance, Lord Kerr, Lord Hodge and Lady Black – found the bakery did not refuse to fulfil Lee's order because of his sexual orientation and therefore there was no discrimination on those grounds.

Freedom of expression, as guaranteed by article 10 of the European convention on human rights, includes the right "not to express an opinion which one does not hold", Hale said. "This court has held that nobody should be forced to have or express a political opinion in which he does not believe," she said.

"The bakers could not refuse to supply their goods to Mr Lee because he was a gay man or supported gay marriage, but that is quite different from obliging them to supply a cake iced with a message with which they profoundly disagreed." The US Supreme Court reached a similar conclusion in another bakery case in June 2018. <http://tinyurl.com/ya63tpxz>

### **By your genome will you be known**

Researchers say that once three million Americans have uploaded their genomes to public genealogy websites, nearly everyone in the US will be identifiable by their DNA alone and just a few additional clues, like where they live and how old they are.

One million Americans have already published their genetic details, and dozens more do so every day.

A new study argues that more than half of Americans could be identified now by name if all you had to start with was a sample of their DNA and the basic facts of home and age. Researchers say it wouldn't be simple, and it wouldn't be cheap. But the fact that it has become doable will force everyone to rethink the meaning of privacy in the DNA age, experts said.

Two factors are leading to this loss of anonymity: the rise of direct-to-consumer genetic testing, and the spread of open databases.

Companies like Ancestry.com and 23andMe can sequence anyone's DNA for about \$140. You just take a sample of your

saliva and drop it in the mail. People can also upload their full genome to publicly searchable genealogy databases like GEDmatch – high-powered computers can quickly search for stretches of matching DNA sequences to help create a family tree. <http://tinyurl.com/ydy89rx>

### **Israeli judge rules boycott by the Lorde damaged artistic welfare**

An Israeli court has ordered two NZ women to pay damages for harming the "artistic welfare" of three Israeli teenagers after the NZ pop star Lorde cancelled a planned June 2018 performance in Tel Aviv.

Justine Sachs and Nadia Abu-Shanab of New Zealand wrote an open letter which sparked a pro-Palestinian social media campaign for Lorde to cancel the concert, which she ultimately did.

Judge Mirit Fohrer ruled that the NZ pair must pay damages of about \$16,500 for writing the letter to Israeli teenagers Shoshana Steinbach, Ayelet Wertz and Ahuva Frogel. The Israeli teenagers claimed their "artistic welfare" was damaged because of the cancellation and that they suffered "damage to their good name as Israelis and Jews". The ruling comprises the first effective use of a 2011 Israeli law allowing civil lawsuits against anyone who encourages a boycott of Israel.

The claimants are unlikely to collect the cash because the judgement is not automatically enforceable under NZ law, and the chance of the women being compelled to pay damages was unlikely as they were not in Israel when they wrote the open letter and did not participate in the court process in any way.

Sachs, who is Jewish, and Abu-Shanab, who is Palestinian, said the legal case was a stunt aimed at intimidating Israel's critics. <http://tinyurl.com/y9oy8rf7>

### **Deaths surge dramatically**

Civilian deaths in Yemen have surged dramatically since June after the Saudi-led coalition began an offensive to take Hodeidah port from Houthi rebels.

According to the figures, collected by the Armed Location and Event Data monitoring group (Acled), civilian deaths in the Yemeni conflict have increased by 164% in the four months since the Hodeidah offensive started, claiming the lives of about 166 people a month.

The group's analysis suggested the northern area of Hodeidah had become the most violent front line in the four-year conflict. In recent months, about one-third of the total conflict-related fatalities had been recorded in the governorate, reflecting the bitterness of the struggle for the key port and its surrounding environs. <http://tinyurl.com/y8ygycu7>



*Photo: Another child dead. Yemen Press.*

## Legal aid under threat, says top UK judge

The UK government is dismantling the UK's "precious system of legal aid", placing access to justice under threat, a senior supreme court judge has said in a forthright speech in Chicago.

Lord Wilson, who has sat on the UK's highest court since 2011, also said "insularity" was one of the main features of human rights practice in the US, and implied that the Trump administration's withdrawal from the UN human rights council set "a useful precedent for repressive leaders around the world".

The judge, who specialised in family law before joining the Supreme Court, described the UK's own Human Rights Act as "brilliant", although he admitted that a few recent judgments delivered by the European Court of Human Rights in Strasbourg "stick in the throat".

Wilson's comments continue an unacknowledged tradition of supreme court justices delivering their most outspoken views at law conferences overseas. Delivered to the law school at Northwestern University in Chicago, Wilson's speech, titled *Our Human Rights: A Joint Effort?*, addressed some of the most sensitive issues where law and politics intersect. <http://tinyurl.com/yafhsm2d>

## 5.4m refugees lose funding base

The UN Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) provides life-saving humanitarian aid for 5.4m Palestine refugees now in their eighth decade of statelessness and conflict.

About a third of Palestine refugees still live in 58 recognised camps. UNRWA operates 702 schools and 144 health centres, some of which are affected by the ongoing humanitarian disasters in Syria and the Gaza Strip. It has dramatically reduced the prevalence of infectious diseases, mortality, and illiteracy.

Its social services include rebuilding infrastructure and homes that have been destroyed by conflict and providing cash assistance and micro-finance loans for Palestinians whose rights are curtailed and who are denied the right of return to their homeland.

The Trump Administration has confirmed that the USA, previously the organisation's largest donor, will no longer fund UNRWA. <http://tinyurl.com/yb8t9ve5>

## UK police admit to decades of spying on leftwing groups

UK police deployed 24 undercover officers to infiltrate a small leftwing political party over a 37-year period, as part of spying on 124 groups since 1968.

The police spies infiltrated the Socialist Workers Party almost continuously between 1970 and 2007, often with more than one undercover officer embedded within the party. Four of them deceived women into sexual relationships while using their fake identities. One spy met one of his wives during his deployment and had a child with her.

The scale of the infiltration of the SWP – far larger than any other political organisation – is revealed in a database compiled following investigations by the *Guardian* and the Undercover Research Group, a network of activists that scrutinises police espionage. <http://tinyurl.com/y9e5rr45>

## International briefs

**Fitted for murder:** Karen Navarra, 67, was discovered in her house with fatal lacerations to her head and neck. The Fitbit fitness tracker she was wearing showed her heart rate had spiked significantly around 3:20pm on 8 Sept when her

stepfather, 90-year-old Anthony Aiello, was there. Then it recorded her heart rate slowing rapidly, and stopping at 3:28pm, about five minutes before he left the house, police said. Mr Aiello has been charged with murder. <http://tinyurl.com/y8rbj998>

**Muslim women train for mosques:** Britain's leading Muslim organisation is training women for leadership positions in mosques and community bodies. Twenty are on the six-month intensive program run by the Muslim Council of Britain. They are receiving one-to-one mentoring, visiting "best-practice mosques" and getting media and public speaking training. <http://tinyurl.com/y8y73s66>

**Rape statistics that surprise:** According to the UK Crown Prosecution Service, false allegations of rape are "serious but rare". Research by the Ministry of Justice in 2012 estimated that around 3% of the 1149 cases they analysed might be malicious. <http://tinyurl.com/yacor7z5> and <http://tinyurl.com/ybd69jbm>

**Facebook is thirsty for your health data:** Facebook already has a treasure trove of data on anyone who uses the site, including stuff users do on the web outside of it. But it wants even more. CNBC reported that Facebook's head of health research Dr Freddy Abnoui – the Facebook executive behind the company's cancelled plan to share anonymised health insights with medical providers such as hospitals – still thinks that combining the kind of information Facebook has on its users with medical records could be a health care boon. At a recent conference Abnoui told attendees that researchers have limited access to data beyond demographic trends, and that "social and behavioural variables" could provide valuable insights into patient care, CNBC wrote. <http://tinyurl.com/y93muzjm>

**More money, but no performance review:** Senior UK judges may get an annual pay rise of about \$110,000 under a proposal which has other public sector workers seething. A government-commissioned review has reportedly recommended that high court judges should receive a 32% salary hike due to claims of low morale within the judiciary. Their pay would jump from \$335,000 a year to about \$445,000 – an increase of more than \$2000 a week – if the findings of the Senior Salaries Review Body are accepted. Meanwhile, after seven years of a 1% annual pay rise, other UK workers are receiving rises of 2 to 3.5%. UK judges get major criminal case decisions wrong about 7% of the time, so perhaps any pay rise should await a performance improvement. <http://tinyurl.com/y93z2lzk>

## DATES:

**2-3 Nov, Canberra:** Annual ANU Public Law weekend, with top academic and judicial speakers, including the High Court's Judge 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, Michael Cooney, Paul Daley, Emily Gallagher, Tjanara Goreng Goreng, Carolyn Holbrook, Benjamin T. Jones, David Stephens, Clare Wright. Info: <http://tinyurl.com/yd2bzfb5>

**9-10 Nov, Gold Coast:** 9th Nat. Conf. Aust. Labour Law Assn, Sofitel Broadbeach. Info: <http://tinyurl.com/yavrbezc>

**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?' 12-2pm, 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 Hilkmeyer, 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, Intl Conf Centre. Susan Kiefel, CJ of Australia, will speak on 'Change and the Legal Profession' at the opening breakfast. 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.

**22 Nov, Sydney:** John Marsden Memorial Lecture 2018: 'Sacrificing civil liberties to counter-terrorism: where will it end?' Prof George Williams will discuss, liberty, free speech, democracy and are more draconian laws under way, 6-8.15pm, Masonic Centre, City. NSWCCCL event – details: <http://tinyurl.com/ygcx4p2x> Note: John Marsden was a Patron of Civil Liberties Australia after being a reforming President of the NSWCCCL; Prof Williams is a CLA member.

**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>

**14 Dec, Sydney:** 2018 Human Rights Awards, Australian Human Rights Commission, 12-3pm Westin Hotel, Details: <http://tinyurl.com/yakghz82>

**2019:**

**All year, world:** UN International Year of Indigenous Languages

**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)

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