

Silly season to extend into May: beware more terror laws

With election mode on an upward glide to fever pitch, the 2019 silly season looks like being dangerous to democracy through sudden, thought bubble policy, low-blow personal attacks on political opponents and, of course, ramping up “law and order” fears to frighten the community towards voting one way or the other.

Around Christmas and through January is the traditional silly season, when media outlets are even shorter than usual of actual stories.

Creative fabrications, like “Shark sighted up river at Parramatta, or Hawthorn, or Bassendean, etc” regurge their way on to Page 1s, with photos showing unconnected, dead fish.

While the media outlets are so richly and aquatically diverted, ministers will likely be plotting to take away more liberties and rights from ordinary citizens.

Within the Coalition, right-wing ministers are pushing to pass new harsh laws urgently to solidify two decades of grinding away by using the threat of terror to usurp the rule of law. The government’s record is of granting increasingly unbridled power to police, security agencies and now the armed forces so as to feed the unthinking demands of the ‘lock ‘em up and throw away the key” brigade.

Largely, the Labor oppositions have been compliant, for fear of being wedged on terror issues. Labor oppositions are likely to be particularly quiescent on new, draconian anti-terror laws in the lead-up to 2019 elections in NSW and federally.



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Season’s Greetings to all members!



Real problems run second as forces-that-be manipulate fear

In the real world, juvenile detention is up, and more dangerous to kids (particularly Indigenous kids) than ever; domestic violence shows no sign of abating; attacks on young women seem to be on the rise.

But instead of concentrating on looking after Australia’s children and women, and the mentally ill, governments appear besotted by isolated “terrorist” acts apparently generated more by brain disease than brainwashing.

Circumstances around public acts of violence by deranged people appear to follow a pattern:

- Police massive over-reaction after the event;
- ‘We knew about him – we had him on our radar’ and ‘he should not have been out on bail’;

- Police raid houses and charge relatives, friends and acquaintances, to appear to be ‘doing something’;
- The dramatic, public arrests are followed some months later by those arrested being discharged away from the glare of publicity.

There is also a repeating pattern in the lead-up to elections:

- Police decide to raid a group “that has been under surveillance for months or years...but it became suddenly urgent so we acted NOW”;
- Raid occurs in the fortnight or week before an election;
- Several people are very publicly charged, dominating the news media for a day or week.

Months or a year after the election, it emerges those arrested had – taken at the highest – the most amateurish plans, over-heated bravado, too little intelligence and the remotest of chances of pulling off any meaningful attack. And, of course, they were under close watch...so exactly why were they arrested when they were?

They were not really terribly dangerous at all but were arrested for police or spooks for tactical reasons to promote fear so as to encourage a particular election result or to support the passage of new powers of surveillance or arrest, or simply more staffing and resources.

Call us cynical, but such scenarios have become common. Look out for the repeating pattern before the NSW and the federal election. See: **‘They’ get it wrong, again** below.

Irresponsible media no excuse for irresponsible MPs

The media become immediately obsessed and unhinged when there’s even a whiff of terrorism around a sad individual making a plea to be noticed.

But media over-reaction is no reason for our politicians to do the same. In fact, the opposite is preferable.

Media pressure continually forces weak politicians to act thoughtlessly, including by fabricating harsher laws targeting the very few at the expense of the many.

Since 11 September 2001, the often-secret operatives of the security and surveillance (“The Community”, as they are known in Canberra) have been bestowed more funds, greater numbers and hugely more power under laws and seldom-examined regulations.

Unfortunately, neither appropriate accountability nor performance review processes have accompanied the government handouts to the cloistered police, security and spook operatives who are increasingly coming to control the lives of Australians.

The house of cards that is the Australian security structure is starting to fall apart. A recent article indicates how tenuous is citizen control over the “force agencies” of Australia, and how little proper supervision of them occurs: *Outgunned: Federal corruption agencies not up to the task* <http://tinyurl.com/ya26rvmp>

The article points out that the existing anti-corruption regime is failing and one spook-monitoring agency is not up to the task. Worryingly, it suggests the biggest problem is in the mega-force-department run by Minister Peter Dutton. He of course is the man constantly demanding more power for the out-of-control customs and border force and the spooks he runs.



No full inquiry into security laws and police and spook agencies

There’s hasn’t been a proper parliamentary review of the overall impact of the hasty, 100-plus spook and police laws waved through parliament since the September 2001 aircraft attack on America.

Parliamentary committees claim to look after citizens’ human rights, but liberties and rights are at the bottom of their list of concerns.

Mostly they ask how far and how high when police and security services demand more and greater powers.

That is what’s happening with the current push for being able to pry into everyone’s privacy by forcing codes out of computer manufacturers and software producers.

Over the next three to six months, we'll be living through dangerous times as extremist forces in society push for more powers before an election tipped to upset the current status quo between the Tweedle parties who swap power every half decade or so.

There is one review under way – being run by former diplomat and long-time spookmeister Dennis Richardson – but it is into how the deckchairs should be rearranged, rather than into the fundamentals.

Australia has reversed the fundamental principle of intelligence gathering

“The essential philosophy underlying the Australian agencies engaged in international intelligence was most fully articulated by Justice Hope”^{*} during a Royal Commission 40 years ago:

“All intelligence activities should be conducted in accordance with the laws of Australia.”

Instead, the laws of Australia are being fabricated to accord with Australian intelligence activities, Civil Liberties Australia believes.

* The first quoted comment is from the most recent security Royal Commission, the Flood Royal Commission of 2004, which examined the overseas intelligence agencies in light of the ‘Weapons of Mass Destruction’ fiasco which sent Australia to war needlessly.

ODD SPOT: Plane crashes: Australia becomes military state under ‘Big Brother’

When the first aircraft crashed into the side of the Twin Towers in New York on 11 September 2001, none of us thought that act would eventually give the Australian government the power to turn out the troops to shoot to kill citizens on the streets of Australia.

And the power to monitor every phone call we make and receive, and every moment of our lives through music, video and communication devices in our own homes. But that's where we are heading.

Last month, the federal parliament passed the Defence Call Out Act. Basically, select government ministers, including Peter Dutton personally, can call the troops out anywhere in Australia whenever they want on the flimsiest of excuses with the maximum powers and the minimum of ministerial accountability or soldier responsibility.

Under new cyber-spy law, everything we say or do, including in our own homes, will be open to monitoring by the Australian government. That law has not yet passed, but it is merely a matter of time under the current political duumvirate.

And down the track, the government is threatening the rights to citizenship of anyone who seriously disagrees with it - see below, ‘...**deprivation of citizenship**’.

Breaking encryption risks entombing us all in a surveillance state

The new encryption bill allows spooks and police to demand tech firms provide access to all our individual information held on almost any device or service that transmits data over the ether. Force agencies can gain access so long as it is needed for a purpose connected to the enforcement of the criminal law or a law with a pecuniary penalty.

“That could include accessing smart home speakers and cameras and continuously recording everyone in a private residence, including children. Agencies do not even have to be seeking to enforce an Australian law; foreign laws are included too,” as the legal blog *Justinian* notes. <http://tinyurl.com/ydgoh9yb>

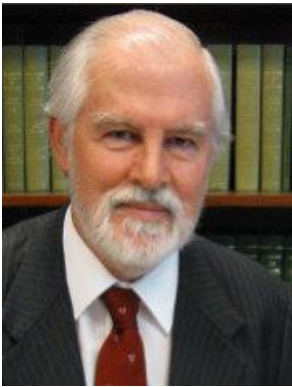
Immediately a mentally deranged young man in inner-city Melbourne killed someone with a knife, and was himself shot dead by police, Minister Dutton was out claiming that one death justified total surveillance in Australia being hurried through the Australian Parliament.

We note that one child death on a beach in Queensland, or one domestic violence death in Perth, or one mental breakdown in refugee custody on Nauru, does not provoke a similar urgent response in the same minister. In fact, not even dozens of such deaths provoke an appropriate response.

Latest threat to rights is ultra vires deprivation of citizenship

CLA member, Harvard Phd, lawyer and tax expert Terry Dwyer says it is beyond the powers (ultra vires) of the Australian government to deprive fully-fledged Australians of citizenship.

In an email to the chair of the Senate Standing Committee on Legal and Constitutional Affairs, Senator Ian Macdonald, he calls on the committee to examine very closely any bill proposing to deprive any Australian of "citizenship".



“Quick and Garran in their Annotated Constitution make it quite clear the Commonwealth Parliament has no power to pass laws depriving a subject of the Queen, born or lawfully resident in a State, of his right to be a member of the Commonwealth,” Dr Dwyer (photo) says.

“This issue has never been properly considered by the High Court and, unfortunately, close attention has not been paid to the necessarily implied right to membership of the Commonwealth discussed by Quick and Garran.

“Many Australians living today, such as myself, were not born ‘Australian citizens’ but were, and continue to be, born into Her Majesty's allegiance, whether born here or overseas.

Is the Federal Parliament seriously to assert that it has the right to deprive me, born in Sydney before 1949, of the right to be a subject of the Crown and a New South Welshman? (T)his question ... goes to the heart of loyalty, allegiance and the political legitimacy of a Federal Government.

Of course, the Crown, through its Ministers and servants, has the right, and the duty, to protect its loyal ‘subjects from the nefarious activities and murderous designs of wicked and criminal persons. But the offence of treason and punishment by banishment or confinement at Her Majesty's pleasure are ancient and established.

“Rather than ‘depriving’ wicked and vicious people of ‘citizenship’, thereby releasing them from allegiance, and then letting them loose upon the unfortunate rest of the world to wreak more harm, may I suggest they be tried for treason and banished to a penal colony on some remote place such as Macquarie Island?

“Exposing every Australian to a potentially tyrannical Commonwealth Government is a cure worse than the supposed disease – and, as one former Clerk of the Senate remarked to me, when I served a former much-loved Father of the Senate some years ago, ‘All Governments are fascists’.

“The Senate exists to defend the rights of the peoples of the States within the Federation. Surely their right to be members of the Commonwealth is the most basic right of all?,” Dr Dwyer asks.

Government finds more money to throw at white collar crooks

The Australian government is allocating an extra \$51.5m to the Commonwealth Director of Public Prosecutions and the Federal Court of Australia for increased prosecutions of criminal misconduct by banks and other financial institutions.

The government has recently also given ASIC an extra \$70m to crack down on rogue bankers and cowboy financiers to bring more civil corporate misconduct cases before the Federal Court, particularly cases coming out of the Royal Commission into Banking/etc.

As part of this funding boost, an additional \$41.6 million will be provided to the Commonwealth Director of Public Prosecutions over eight years, presumably to improve her act and the number of cases brought.

The Federal Court of Australia is getting \$9.9m over four years to fund for more resources, including two new judges on civil cases. <http://tinyurl.com/y8hqz4hy>

For all the past push by politicians campaigning for “law and order”, it seems the polities are mainly interested in law when they have been caught out as not upholding it, and concerned about their own special form of “order” when it is the lower classes, not white collar criminals, who are in the frame.

Political campaigns of the past quarter century are responsible for today's massive over-jailing of minor drug offenders, petty criminals and Aboriginal juveniles. Combined, these prisoners cost taxpayers a fortune: states and territories cannot keep pace with the demand for jails and juvenile detention centres.

The irony is that the wrong people are in jail: those who have the most deleterious effect on the most Australians – bankers, insurance wallahs, superannuation spruikers – are living luxuriously in retirement or currently continuing to take in large salaries and larger annual bonuses.

The most recent ‘law and order’ campaign, in the Victorian state election last month, failed dismally. Maybe many more citizens are starting to realise that such fear-based campaigns by politicians are empty rhetoric propped up by undeliverable promises on the one hand while the other hand is firmly in the voter's pocket.

Health records scheme to be improved

Government legislation allowing people to permanently delete their My Health Record, and ensure that police may only access a person's medical history with a court order, was due to enter the House of Representatives late last month.

To protect domestic violence victims, the law was to be altered by narrowing the definition of parental responsibility as it applies to the recording of children's health details. Currently, a violent former partner may access their child's My Health Record, even if they are not the custodial parent, potentially revealing information about the family's location.

The amendments were also to specify that the Australian Digital Health Agency cannot delegate access to patient records to other entities; that health insurers cannot access records; and that employers may not use them to discriminate against workers. <http://tinyurl.com/yby8vlmt>

While some people may be against such database schemes, there are valid reasons for others to not panic react and, in fact, to stay in the e-scheme. For people who travel a lot, for elderly people for whom record-keeping is difficult, for people with diseases or conditions where the wrong prescription drug interaction can be fatal, for parents of children with complex problems...in all these cases, there are distinct advantages in having a central health record.

Provided it is kept secure by the government, of course.

'They' get it wrong, again

The AFP's investigation of his case was "embarrassing and biased", IT worker and PhD candidate at the Uni of NSW, Mohamed Nizamdeen, said last month.

The Sri Lankan was arrested in August and held in solitary for a month in a supermax prison.

AFP and the NSW Joint Counter Terrorism Team (JCCT) police alleged a notebook found in a desk he had used at the uni contained plans to kill former PM Malcolm Turnbull and then-deputy PM Julie Bishop, and target Sydney landmarks.

When the notebook was found, Nizamdeen had not worked at that desk for more than a month. He strongly protested that the handwriting in the book was not his: his computer, mobile phone and other documents showed no terrorist tendencies.

But the AFP would not listen. They were eventually forced to back off and withdrew the charges weeks later after formal advice from a handwriting expert.

"The method in which the AFP conducted themselves was completely immature, unprofessional, irresponsible, embarrassing, and biased to say the least," he said. "I strongly believe this happened because I'm an Asian, on a student visa." <http://tinyurl.com/yc7bbnut>

Photo: Kamer's arrest provoked protests on the streets of Sri Lanka: Amnesty pic



We must hold police to account

CLA notes that 'they' – the terror police – are not the majority in Australia, and do not hold ultimate powers, despite excessive and repressive laws enacted by both major parties over the past two decades.

The AFP is never held to account for its many mistakes. Nor apparently is the JCCT, staffed from the AFP, NSW Police, the Australian Security Intelligence Organisation, and the NSW Crime Commission.

Do you recall when a police officer was last demoted for incompetence in Australia, despite numerous examples right around the country?

Why are police and spooks free to make mistakes that cost people their reputations and not infrequently their freedom, for a month or so as in this case, sometimes for years in the form of wrongful convictions.

We the people are in charge of this nation. We must hold both the politicians and the police accountable for gross errors, and not excuse their behaviour because they jump into the media to allege "terror attack".

The over-the-top arrest, no doubt with total police cooperation, if not urging, received widespread media coverage. The *Daily Telegraph*, under the screamer headline 'Posterboy for terrorism', showed an illustration of Nizamdeen's face wearing a Middle Eastern-style keffiyeh and dark sunglasses.

It is to be hoped Nizamdeen spends the next few years making that newspaper and all the irresponsible police involved appear at length, and at great cost, before defamation courts.

As usual, police have refused to apologise for their errors.

David Eastman 'free' after 30 years

David Harold Eastman, 73, is now officially free after 30 years of being a murder suspect, nearly 20 of which he spent in jail wrongfully convicted of murder.

Eastman was convicted of murdering Assistant Commissioner for the ACT of the Australian Federal Police Colin Winchester by two shots from a .22 weapon delivered close up to the back of the head as Winchester sat in his car in a driveway next to his house, about to get out, about 9.15pm on 10 January 1989.



AFP detectives fixated on Eastman (right, in 2018) as the only suspect, despite clear stylistic connections to a mafia 'hit'. Winchester (left, about 1986) had been running a double-agent, 'protected', cannabis growing subterfuge just over the ACT border in NSW, in which the mafia was intimately involved. Police had pulled the plug on the trickery, and charged participants, not long before the murder.



The AFP assembled a circumstantial case against Eastman, and beefed it up by using a Victorian forensic gunshot 'expert' whose integrity they knew to be compromised. Neither the AFP nor the ACT Office of the Director of Public Prosecutions informed Eastman's defence team of doubts around the 'expert', his methods and his stated desire to appear "for" the prosecution, rather than as an independent adviser.

The failure to make the defence aware of the doubts about the 'expert' was one of the fatal flaws in the original trial which judge Brian Ross Martin unearthed in a special inquiry into the case in 2014. Martin said the sentence should be quashed, and Eastman pardoned: no second trial should be held, he said.

However, the ACT Supreme Court, in endorsing the Martin finding, ruled a second trial could be held. It then fell to ACT DPP, Jon White, to decide whether to re-try Eastman.

White opted for a new trial in a decision which cost the ACT government about a further \$8m, on top of the \$20-25m already spent on securing the wrongful conviction against Eastman.

Now endorsed by a jury as innocent, Eastman is likely to claim double damages for the period of the past four years during which the ACT DPP acted against the advice of a judge in running a new trial.

Eastman's case for compensation was already before the court when the recent second trial began. Speculation is mounting that he may be entitled to the biggest wrongful conviction payout ever in Australia, with a figure of \$5m considered a potential starting point and \$10m not being beyond the possible.

Why did ACT DPP even mount latest Eastman trial, Bar Association asks?

As far as the ACT Bar Association is concerned, the most important remaining question is why the ACT Director of Public Prosecutions, Jon White, decided to prosecute Eastman a second time at all.

"There seems to have been little justification in pursuing a second trial in all the circumstances," Steven Whybrow, President of the ACT Bar Association, said last month.

"A judicial inquiry had raised real questions about the fragile forensic evidence and the effluxion of time had further undermined the prosecution case and the accused's capacity to challenge it.

"Mr Eastman is in his 70s and had already served 19 years in custody. The prosecution was going to cost millions of dollars and perhaps most significantly Acting Justice Brian Martin who undertook the judicial inquiry into the original conviction, specifically expressed the view that a new trial would be neither feasible or fair."

Observers believe one of the main drivers for staging the costly, wasteful trial was a bid by the ACT Office of the DPP and the Australian Federal Police to try to counter, through a wholly unlikely new conviction, the severe criticism of the behaviour and competence of both agencies by judge Martin in the 2014 inquiry.

Eastman miscarriage in summary:

One of the closest observers of the Eastman fiasco, from day one literally, was Jack Waterford, variously senior journalist, editor and retired editor in chief of *The Canberra Times*. Waterford has written two broad summaries of the case since the verdict: Waterford-Eastman One: <http://tinyurl.com/yces7esk> Waterford-Eastman Two: <http://tinyurl.com/y8ytj5vu>

ODD SPOT: David Eastman is a former dux of the prestigious Canberra Grammar School. He was so bright he began attending Sydney University from the age of 16. Eastman shares the honour of being dux of the school with another prominent Australian, former Prime Minister Gough Whitlam, who was dux three years in a row. The school turns 90 on 4 Dec 2018.

Couple finally win stunning compensation

The innocent couple wrongfully electronically stunned by police – law professor Dr Robert Cunningham and his wife Catherine Atoms – have won their final legal battle against the WA Government and will receive more than \$1.1 million in compensation.

But the payout comes 10 years after the police assault on them, and after they have spent hundreds of thousands of dollars on legal battles, some part of which they may get back as expenses. They receive no compensation for the trauma of the past 10 years inflicted by a couldn't-care-less police force, an irresponsible Justice Department and politicians on both sides who preside over the rule of law but are incapable of ready realisation of justice for their citizens.

About \$1m of the award is to Atoms, because the electronic attack has seriously affected her health and made her unable to work in the consultancy field where she was previously employed.

The WA Supreme Court last month dismissed an appeal by the state government. Having originally defended the three police officers, the government then turned on their own employees and claimed the police had to pay personally, rather than the government being responsible for the payout.

That shameful, tactical, legal nonsense has now been buried by the court.

Atoms* and Cunningham* were walking past Fremantle's Esplanade Hotel one night in November 2008 when they stopped to help a man lying in bushes nearby. Police descended on them almost immediately, and stunned the couple, before handcuffing them and charging them with obstructing a public officer.

Charges were later dismissed. An internal police investigation cleared the three officers of wrongdoing; the Corruption and Crime Commission has refused to reopen an investigation.

The couple then took civil action against the government and the three officers. District Court judge Felicity Davis found the officers – Glenn Caldwell, Peter Clark and Simon Traynor – had fabricated evidence, abused their powers and falsely imprisoned, assaulted and stunned the pair.

Atoms and Cunningham (photo: *The West Australian*, via Brian Tennant) said their quest for justice had been an expensive and gruelling ordeal. "It will remain a costly exercise and a great concern to Western Australian citizens if the state's role in justice and the rule of law is consigned only to civil procedures," Dr Cunningham said.

Attorney General John Quigley told the WA Parliament earlier this year that he would ask the State Solicitor to look at whether the three officers had committed criminal or disciplinary offences. That question was still being considered by the State Solicitor late in November, his office said.

* Atoms and Cunningham are members of Civil Liberties Australia.

Youths languish in jail due to lack of facilities

The Inspector of Custodial Services, Neil Morgan, says in his 2017-18 annual report that WA's youth jail continues to be fragile, and is a failure.

Banksia Hill Detention Centre houses girls and boys from 10 to 18, whether they are on remand or already sentenced, from all over the massive state. As of last month, there were 132 juveniles in the youth jail, with 1496 on community correction orders. The 132 represent about 8.75% of the juveniles in the justice system.

WA Greens corrective services spokeswoman Alison Xamon said it was shocking children who should have been released were being left inside the sub-standard facility because the government could not find alternative accommodation for them. "I have been deeply concerned for a long time not only about the poor services within the prison itself, but also when children are being deemed suitable for release, that they're not being released," Ms Xamon said.



She said despite the government indicating before the election it intended to undertake a range of much-needed reforms to youth justice, nothing had happened. <http://tinyurl.com/y8yy8ugr>

Alleged Claremont killer to be tried by judge alone

Judge Michael Corboy ruled last month in the WA Supreme Court that the alleged Claremont killer, Bradley Robert Edwards, will be tried by judge alone, possibly starting in May 2019.

Edwards is pleading not guilty to the murders of Sarah Spiers, Jane Rimmer and Ciara Glennon in 1996 and 1997, all of whom went missing from nightspots around the Claremont area of Perth. The 49-year-old has also denied abducting and raping a 17-year-old girl in Karrakatta Cemetery in 1995.

As well, the court has suppressed details of two additional alleged victims and several complainants.

He has already served two years in jail on remand, and it is possible it will be three years before his guilt or innocence is decided. His next court appearance will be in January 2019. <http://tinyurl.com/y9rechln>

Victorian election tilted by preference ‘whispering’

The Labor Party was returned with an increased margin in the November 2018 state election.

The Liberals, who ran strongly on “law and order” as a core tenet of their appeal for change, lost heavily.

The wisdom of law-and-order campaigns is now being questioned, because a major incident involving one stabbing death in central Melbourne, which was labelled “terrorist” by the police and media, occurred in the middle of the campaign.

As well, state and federal authorities produced a well-publicised raid that led to charges against three alleged terrorists in the early stages of what appeared from the outside to be a fairly nebulous plot to buy a single firearm and shoot people.

The most important aspect of the election appears likely to play out in 2019. Sitting Member of the Legislative Council, Fiona Patten of the Reason Party (formerly Australian Sex Party,) claimed the man known as the ‘preference whisperer’, Glenn Druery, asked for \$5000 cash up front to help her assemble a preference-swapping deal with other minor parties to get elected. Allegedly, he asked for a “success” fee of \$50,000 should she win.

When she refused, he is alleged to have said he would ensure she would “not get a position as a dog catcher”, according to Patten’s campaign manager, Robbie Swan*.

Patten has referred Druery’s alleged behaviour, claims and demands to the Victorian Electoral Commission and the police. Note: Patten and Swan are both long-term members of Civil Liberties Australia.

But the issue may not end there. Druery is apparently an employee of some sort of federal Senator Derryn Hinch, whose party apparently benefited from Druery’s advice in the recent election.

If Druery operated any part of his apparently commercial, for-profit electoral advice system from any federally-funded office and/or communication system provided by the Australian Parliament, the question of whether he is subject to control or censure by the President of the Senate arises.

The alleged preference ‘whispering’ activity raises broader questions about what commercial activities are permitted from MPs’ offices, federal and state/territory. Like s44 of the Constitution, the fallout might be much broader than the continuing employment or otherwise of one numbers man, who is apparently a close friend of ABC election guru, Antony Green.

If Green provided any advice to Druery to further Druery’s commercial business, it may put Green himself in a difficult position if he passed information for a profit-making purpose that was gained while a Commonwealth employee.

Ex-cop slain: is police culture culpable?

A man was acquitted last month on the grounds of self defence of killing former Victorian Police Special Operations Group officer Dean McGrath by bludgeoning him with his own shotgun, then wrapping the body in plastic and stuffing it in an air-conditioning duct.

McGrath joined VicPol’s SOG (known internally as “Sons Of God”) in 2001, aged 20. By 2008 he’d done 231 operations, some extremely gruesome and one involving him watch a father bash his 10-week-old daughter to death against a wall. He was subjected to physical and mental torture internally by the SOG.

A decade ago, McGrath was pensioned out on 50% impairment, receiving an ex-gratia police payout.

Cameron Houston and Chris Vedelago report in *Fairfax Media* that, after filing a WorkCover claim in 2008, a Vic Police superintendent and an inspector visited McGrath at his home.

“Increasingly paranoid, Mr McGrath covertly recorded the conversation, during which the senior officers conceded there were problems within the hyper-masculine ranks of the SOG. ‘They’ve got a jungle mentality, in all aspects they eat their own, that’s their culture,’ one officer said to Mr McGrath and his wife.”

CLA notes that there is no indication that the two senior police officers took action to change the SOG culture or bullying and mental torture of its own officers. There is no indication that Vic Police have reviewed their SOG recruitment practices as to age of entry, or mental health evaluation on entry or during service.

There is no indication that anything has changed as a result of McGrath’s near-childhood SOG beginning, internally abusive career, and tragic end. <http://tinyurl.com/yc8bzuuu>

ODD SPOT:

Sign of the political times

Electronic sign outside a church in the electorate of Wentworth in October, in the lead-up to the polling day on which independent Kerry Phelp replaced former Prime Minister Malcolm Turnbull as the local MP.

With Labor running dead in the by-election poll to make sure it finished third, so legging Phelps up into first place, it will be interesting to see what results eventuate when everyone is running on their merits in the 2019 general election.

– Ray Funnell photo



Fund targets domestic violence

The NT will spend \$300,000 in the coming 12 months to fund domestic, family, and sexual violence prevention programs for eligible organisations and individuals.

The 2018/2019 Safe, Respected and Free from Violence Prevention Fund supports local projects, including pilot programs, which employ good practice, evidence-based prevention and early intervention strategies to break the generational cycle of domestic, family, and sexual violence.

Funding will go to projects that target high-risk groups such as children and young people, Aboriginal women, women with a disability, women from cultural backgrounds, people experiencing mental health issues, elderly women and people who identify as LGBTQIA + (lesbian, gay, bisexual, transgender, queer, intersex and/or asexual). – media release, Minister for Territory Families Dale Wakefield 181115

NSW spends on trials, but more funds are needed

NSW is to spend \$148 million to try to fix an overloaded court system, which is currently running at an average waiting time of 690 days (22 months) between arrest and sentencing.

The money will upgrade regional courts to accommodate District Court cases, appoint seven new District Court judges, and employ additional Sheriffs officers and court staff. With extra judges making for faster trials, \$45m of the total will pay for more Crown Prosecutors and Witness Assistance Services officers.

There’s extra funding also for juries, security upgrades and new senior lawyers at Legal Aid NSW.

While these moves should help, CLA says, the number of trials on the books is rising at the rate of 6.5%, meaning it is a small Bandaid measure relative to a large and growing problem – Factsheet, NSW Justice, Oct 2018

Australian briefs

Human Rights Bill No 3 hits the table: Queensland's Palaszczuk Government has tabled its Human Rights Bill in parliament, the third such move in Australia. The long-promised tabling fulfils ALP policy promises. Human rights acts operate in the ACT (2004) and Victoria (2006). There's an active campaign for one in Tasmania, led by CLA Tasmania director, Richard Griggs. And the ruling Labor Party in WA is also committed to such a law.

WA plans euthanasia bill: The WA Government will table a bill in late-2019 to legalise voluntary assisted dying for patients suffering a terminal illness. A cross-party parliamentary committee recommended the move, saying the law would limit "unnecessary suffering at end of life". An expert panel will help draft the bill. Health Minister Roger Cook said there would be a conscience vote on the issue. On previous indications, the bill is likely to pass. <http://tinyurl.com/ycsvcaff>

Strip-search increase laid bare: The NSW Law Enforcement Conduct Commission (LECC) is holding an inquiry into allegations that some NSW police have abused their strip-search powers, amidst evidence showing that the number of searches has risen dramatically. Strip searches doubled from 560 in 2016 to 1100 in 2017. In the first five months of 2018, 735 strip searches were recorded. The new inquiry was sparked by a growing number of complaints, and claims Aboriginal children as young as 11 have been illegally strip-searched. <http://tinyurl.com/y8xr5388>

Dead may now have sins expunged: A new law now operating in the NT means people can apply on behalf of the dead to have historical homosexual criminal records expunged. A legal guardian may apply if someone can't do it themselves. Expunged charges or convictions won't show up on a police history check. Consensual homosexual sex was a crime in the NT until 1984. – media release, AG Natasha Fyles 181114

Facility costs \$1.5m a year per person to run: WA's detention centre for people with disabilities charged with crimes, but not convicted, is housing only two people and has housed only three in as many years, despite costing \$4.5 million a year to run...or more than \$1.5m per inmate. The \$8.5 million Bennett Brook facility in Caversham opened in 2015 for people aged 16 and over who had charges laid against them but were deemed mentally unfit to enter a plea. The facility is managed by the Department of Communities' Disability Services, and is staffed by nine government officers 24 hours a day. WA Department of Justice's 2017-18 annual report shows the cost per day of keeping an adult offender in the state's jail was on average \$299 or about \$109,000 a year. <http://tinyurl.com/ya5wom6o>



Jersey's Paul gets an extended guernsey: Queensland's Queen, Elizabeth II, has appointed the current state governor Paul de Jersey (photo) to a further two years on top of the four-plus he has already had. Those with a memory will recall it was de Jersey's stepping down after 16 years as chief judge of Qld in 2014 that allowed hell to break loose around the Qld Supreme Court when then-Premier Campbell Newman appointed ex-magistrate boss Tim Carmody as the state's biggest wig. Carmody lasted 358 bitter, feud-filled days during which Qld's Supreme Court judges 'went on strike' before order was restored; Newman lasted three years. It is an ongoing mystery why past their use-by-date bigwigs continue to be appointed, then re-appointed, to such roles as governor of a state. As de Jersey is now the longest-serving governor, he could well find himself as acting Australian governor-general soon, possibly during very contentious times for the role. <http://tinyurl.com/ydexuge4>

CCTV takes to the road to curb drunkenness: The first five mobile CCTV cameras are being deployed across the NT in a bid to crack down on crime and antisocial behaviour. Ten new mobile units costing \$1.3million are being placed in antisocial behaviour hotspots and in front of bottle shops in a bid to detect and deter secondary supply of alcohol. There will also be 75 police auxiliary liquor inspectors on the beat. Seven extra support staff will monitor the cameras. Five more cameras are due early in 2019, bringing the total mobile units in the Territory to 20, deployed at Alice Springs (6), Tennant Creek (2), Katherine (2) and the greater Darwin area (10). – media release Minister for Police, Nicole Manison 181121

Police complaint system to be overhauled: Victoria's new parliament is to seriously consider major overhaul of Victoria's police oversight system. The review follows a 15-month inquiry which produced 69 recommendations from a parliamentary committee in September 2018. It found the current system was "extraordinarily complex and confusing", based on an "intricate, overlapping, and sometimes fraying patchwork of laws, policies and processes", with 98% of complaints referred back to Victoria Police for

investigation. Victoria Police has acknowledged the need to improve the transparency and potential for conflicts of interest in police complaint investigations. <http://tinyurl.com/y9vgbvbe>

Are drugs getting an honour 'guard' into prisons? Authorities in WA now have some proof that prison officers may be behind an upsurge of drugs in the state's prisons. In 2018, 406 tests for drugs and 1067 tests for alcohol were carried out on 1173 officers, with five testing positive for drugs and nine positive for having alcohol in their systems. The figures are a leap of 250% on the previous year. Corruption and Crime Commissioner John McKechnie said that drugs and alcohol in prisons were "a major driver of corrupt activity" and that the current system is not effective in combating their prevalence." The Prison Officers' Union wants rigorous testing expanded to all public servants and contractors who work or have contact with inmates in WA's 15 correctional facilities. <http://tinyurl.com/y73ypxsr>

Members' letters:

Uncommon homage to the Jones boy

Referring to the article by Peter Fitzsimons in *Sun-Herald Opinion* (181105) '*A real leader would not keep hanging out in Jonestown*', I warmly applaud and support what Fitzsimons has to say. We seem to have an ongoing succession of lily-livered polliwogs who desperately look for the garrulous Jones's imprimatur to approve what they do. It is a great disservice to all of us that they give him a level of importance which most of us don't believe he deserves as he is allowed to feed their slavish negativity and their paucity of ideas.

We get the impression that it is Jones who actually governs the country and the Prime Minister, and the others who flutter like moths to Jones' flame, give him a far greater say than he should be allowed. Good upon you, Peter Fitzsimons for calling out this loud-mouthed rabble rouser and shame on the PM and the others who constantly give him air. – Brian Millett, CLA member, Yass NSW.

A war memorial that ignores Australia's first wars

The Australian War Memorial's implied message to Indigenous Australians is: "Your war dead do not belong in the national pantheon. Go away and find somewhere else to take them in". Brendan Nelson is rightly keen to commemorate the significant role of Indigenous soldiers in World Wars I and II but has resisted all pleas to commemorate the Frontier Wars. Until this omission is rectified, the AWM will never be the "soul of the nation", as he regularly suggests. His and his predecessors' claims about the AWM's charter not allowing such recognition is a convenient excuse. Ways can be found. It wouldn't take a great deal of the AWM's recently acquired \$500million. New Zealand's war memorial recognised the Maori Wars decades ago. – Geoff Page, CLA member, Narrabundah ACT (published originally in *The Canberra Times*).

The tap and flick test of value for money

A good way to gauge the effectiveness of remote Indigenous housing and building projects is to ask how much it cost to put a Flickmixer replacement tap in one of the houses. Contractors used to charge \$650 – it cost around \$70 for the same tap with a local putting it in. We would use Ted (a local who had been doing plumbing work for many years): what he could do for less than \$20 for labor would cost \$600 for a contractor to do. Getting value for money is not rocket science – Paul Pini, a former remote cooperative manager member of CLA, now based in Cairns Qld.

Unwatched by an independent eye

In WA, we have been fighting corruption, bullying and abuse only half right. The Corruption and Crime Commission is keeping bureaucrats, councils and corporates semi-honest. But the massive number of interactions between citizens and police go unwatched by an independent eye. Labor's policy platform says it will introduce an Independent Police Complaints Commission, IPCC. Now, rising two years into the McGowan government, and with more GST money about to come the State's way, it's time we citizens realised the benefits of a promised IPCC designed to restore the sadly long-lost trust in WA's police. In short, we must abandon the practice of police investigating themselves. For WA to grow, our police force must develop as well. There's no valid reason we should not earn the reputation as having the best police force in Australia. It is far from that right now. – Brian Tennant AM, Subiaco, and Director Margaret Howkins, Maylands, writing to The West Australian on behalf of Civil Liberties Australia.

CLA report – main activities for November 2018

The Civil Liberties Australia Board met on 11 November 2018. The President suspended the meeting at 11am to remember with a moment's silence the 100th anniversary of World War One's Armistice Day.



Eloise (Elly) McLean, an ANU Law student about to enter second year, attended her first meeting as a Board member. She had attended the previous meeting as an observer.

Photo: President Dr Kristine Klugman and Directors Jennifer Ashton and Elly McLean watch and listen as WA Director Margaret Howkins makes a point over Skype at the November 2018 Board meeting.

Tasmanian and WA directors Rajan Venkataraman and Margaret Howkins came in by Skype, and spoke to their circulated reports. NT CLA contact Caitlin Perry keeps informed of developments by contributing to and receiving minutes of meetings.

Submissions: (run by Director Rajan Venkataraman)

Busy period upcoming: Nat Intelligence Community (Tim Vines is leading);

WA Criminal Property Confiscation (Law student Sam Coten is leading).

Qld Human Rights Bill (Richard Griggs is leading).

The Queensland Attorney-General, Yvette D'ath, has written to CLA confirming they will consider implementing a new Right To Appeal law in 2019. She was very complimentary in relation to CLA submissions and to the CLA-UQ Law Students Pro Bono link on submission writing.

Membershp and Marketing: (Directors Jennifer Ashton, Mark Jarrett)

The Board noted the need to work harder to produce more new members, so as to expand membership towards 400.

Uni marketing: new initiative to follow up top scholarship winners explored by Jennifer Ashton and Elly McLean with help from Tim Vines, Richard Griggs and Margaret Howkins/Sam Coten: activity will occur in late-Feb, early March when new academic year begins. Elly McLean preparing suitable emails to go to i. some scholarship winners; ii. members of other groups such as Debating, UN Society, etc.

Sydney Criminal Lawyers: Secretary Bill Rowlings reported the firm, who frequently quote CLA in their specially-prepared, topical articles, are likely to take out five memberships for senior and junior employees.

Tasmania: Richard Griggs providing hard copies of letters to the editor of the Hobart Mercury to President Kristine Klugman for a trial of new membership targeting in that state.

SA: Andrew Andreyev (tax lawyer, with offices in Adelaide, Melbourne and Sydney also) has joined, and may help springboard increased membership from SA.

Victorian election: CLA to write letters to federal parliament's Presiding Officers on the question of commercial businesses being run from MPs' offices. (President, VP Tim Vines, CEO Bill Rowlings to work on this project).

East Timor embassy bugging case: CLA members attended a demonstration outside the ACT court building over Witness K-Bernard Collaery being charged in relation to the ET Cabinet bugging. CLA member Rob Wesley-Smith from Darwin was main speaker at the event. The case continues to be adjourned, as if the federal government is getting cold feet about it.

Database/website: Treasurer Sam Tierney and CEO Bill Rowlings are to prepare outlook for long-term membership options. Webmaster Lance Williamson will explore options for upgrading member database to suit. Increased cost is expected to be less than \$1000 a year.

Priority focus for 2019:

Secretary/CEO Bill Rowlings proposed that CLA make concentrating on regulations a major CLA activity for 2019. He explained that, under Defence Regulations, the Army officers (who enforce rules) are consulted before new Regs are drawn up, but the troops – who must live under the rules – are not. CLA believes this is anti-civil liberties in a modern defence force. Extensive discussion included highlighting it was an excellent time for such a focus, as a follow up to the failure of regulation and regulatory bodies exposed by the Banking Royal Commission.

Mark Jarrett explained the dilemma of a security consultant who abides by the 'rules' but has a competitor who doesn't; the regulator refuses to enforce the rules. The dishonest competitor's not being forced to

abide by the regulations lowers his cost of doing business, and allows him to undercut the quotes of the person who is doing the right thing.

It was agreed CLA would make 'Regulations' a major focus for 2019, under a team of Bill Rowlings, Sam Tierney, Mark Jarrett, Tim Vines, and Elly McLean. Concentration would be on 3-5 areas, including licensing and regulatory enforcement in the ACT as a trial (with possible reference to examples of the Land Development Agency, Public Trustee and Workplace OH&S, including one particular case), plus Defence Regs in the federal sphere. Any member with any specific information to contribute is invited to contact the secretary.

Notice of CLA's electronic Annual General Meeting (eAGM)

In accordance with CLA's Constitution, the 2019 'electronic annual general meeting' or eAGM of Civil Liberties Australia Inc will be held during February and March 2019. This year's eAGM involves the election of office bearers as the current two-year term expires with this eAGM. The eAGM will also consider any major notices of motion and, as required by regulation, vote on the annual reports of CLA.

Media, publicity and promotion (Vice-President Tim Vines):

National media work since the last board meeting includes:

- Assistance and Access Bill – contribution for Sydney Criminal Lawyers' article;
- The new 'papers please' law allowing police to demand ID at airports – contribution for Sydney Criminal Lawyers' piece
- Australian government decision to deny Chelsea Manning a visa to Australia – interview with *ABC Radio Canberra* and *ABC Radio National*
- Further expansion of proceeds of crimes legislation – contribution for Sydney Criminal Lawyers' piece.
- Presentation on my PhD mid-term review on the 'securitisation of infectious diseases', which looks at how Australian laws such as the *Defence Trade Controls Act* are seeking to increasingly control public health research in the name of 'national security'

Speech: CLA Vice-President Tim Vines recently delivered the Annual Marg Barry Memorial lecture for the Inner Sydney Voice organisation on 'Hate Speech & Free Speech'. To read the speech, go to: <https://www.cla.asn.au/News/wp-content/uploads/2018/11/Free-Speech-vs-Hate-Speech.pdf> PHOTO show Tim with Charmaine Jones, the Executive Officer of Inner Sydney Voice) and Joel Pringle, Chair of the Inner Sydney Voice Board. Read the speech: <https://www.cla.asn.au/News/wp-content/uploads/2018/11/Free-Speech-vs-Hate-Speech.pdf>



WA:

WA CLA Director Margaret Howkins met a diverse group at 'The People's Dinner in Yagan Sq, Perth city centre, organised by The Greens. Among issues raised with her as the CLA representative were:

People with Disability WA CEO Samantha Jenkinson, with her partner and carer Michael Geddes, discussed that euthanasia for the disabled would likely require a separate statement in legislation to make clear that disabled people are already in grave danger when they get ill. Apparently, choices are often much more limited for disabled people, and relatives step in to try to make their decisions for them.

Senator Jordon Steele-John (Greens) spoke with Margaret about issues he is passionately involved with, especially his push for a replacement of 'Newstart' with a type of wage for a generation of under-employed young. His first battle on becoming a Senator was for democratic, realistic facilities in Parliament House for disabled politicians so he could do his job properly.

ENDS CLA REPORT

INTERNATIONAL

All sorts of devices can spy on you

Tony Schmidt suddenly woke up to the fact that the machine which helps him breathe at night was spying on him.

From his bedside, the device was tracking when he was using it and sending the information to his doctor, the maker of the machine, the medical supply company that provided it, and his health insurer. Schmidt, an

information technology specialist from Texas, was shocked. “I had no idea they were sending my information across the wire.”

Schmidt, 59, has sleep apnea, a disorder that causes worrisome breaks in his breathing at night. Like millions of people, he relies on a continuous positive airway pressure, or CPAP, machine that streams warm air into his nose while he sleeps, keeping his airway open.

But this machine, like a lot of modern medical devices, is reporting on its user 24/7 back to one or several bases. <http://tinyurl.com/y9ymho6c>

Human Rights Act brings justice for the little guys

Some of the UK’s biggest justice fights of the last two decades have only been possible because of the Human Rights Act, observers say.

For example, the Snatch Land Rover case brought under the HR Act by the families of some of the 37 soldiers who died in the sub-standard vehicles (labelled “mobile coffins” by relatives) in Iraq and Afghanistan.

The Ministry of Defence fatally failed to adequately equip those soldiers, essentially sending them into the line of fire without the proper protection – but it took a case brought mainly under the Human Rights Act to force the MoD to admit it had made mistakes and issue an apology to the soldiers’ families.

Then there’s the case of John Worboys – the “black-cab rapist” – where the police failed to adequately investigate the reports made by some of his earlier victims in 2003 and 2007.

Worboys is believed to have gone on to sexually assault and rape many more women before eventually being convicted in 2009. It took a challenge by his victims under the Human Rights Act to uncover the true extent of police failures and get the justice they deserved.

Hillsborough. A single word that is synonymous with tortuously prolonged tragedy and injustice. In 1989, police directed football fans into already-overcrowded terraces via a single tunnel and, in the ensuing panic, 96 people died, many asphyxiated in the crush of bodies trying to escape.

One man at the game that afternoon lost both his teenage daughters.

Denied justice for almost three decades, it was the Human Rights Act that helped the victims secure the inquest that found the police were not only responsible for causing the tragedy but that many lied about what had happened – blaming the very victims they had fatally failed to protect.

It’s a constant source of amazement that the Human Rights Act isn’t more revered among the general public. Worse still, recent successive governments have threatened to remove it. <http://tinyurl.com/y9gaa5va>

ODD SPOT: Oz, where ‘parochial rent-seeking’ predominates?

“Australia has become a testbed for extreme copyright enforcement and the entertainment business in the twenty-first century,” Cory Doctorow writes on the Electronic Frontier Foundation website.

“For the world, Australia is a powerful cautionary tale: a low-population country where a couple of dominant media companies have been allowed to make internet policy as though the major use of the internet is as a video-on-demand service, rather than as the nervous system for the 21st century. The regulatory malpractice of 2015 begat even harsher measures, with no end in sight.

“This is a prototype for a global system. Australia may be a net copyright importer, but it is in imminent danger of becoming a net copyright censorship *exporter*, with the Australian model being held up as a proof that the entire world need subordinate its digital infrastructure to the parochial rent-seeking of a few entertainment companies.” <http://tinyurl.com/yc3ql5l3>

Vehicles muscle up as crime drops

During a period of significant decline in violent crime, the number of violent Special Weapons and Tactics (SWAT) raids has skyrocketed in the USA.

In 1980, when the violent crime rate was about 63% higher than now, there were on average three SWAT raids per day nationwide; now there are about 120 raids a day.

The vast majority of SWAT raids are undertaken merely to execute search warrants, 60% of the time for drugs. The American Civil Liberties Union says only 7% of SWAT deployments were for hostage situations or barricaded shooters, the original purpose for creating SWAT teams.

In short, each day, local police in the US are violently raiding homes about 120 times, mostly for non-violent offences. In the process, they destroy property, often kill pets, sometimes injure or kill innocent people, and generally create an unhealthy atmosphere of fear and distrust.

There are currently over 600 Mine-Resistant Ambush Protected vehicles in the hands of local law enforcement agencies (LEAs) in the US, as well as hundreds of grenade launchers and tens of thousands of high-powered assault rifles. Overall, there are about 460,000 pieces of controlled property in the hands of local law enforcement. No serious attempt at reforming police militarisation can begin until that gear is removed from their possession and its distribution is reassessed, the Cato Institute says.

“Watertown, Connecticut (popn 22,514), does not need a Mine-Resistant Ambush Protected vehicle, nor does Bloomington, Georgia (popn 2713), need four grenade launchers.”



The proliferation of heavy weaponry in the hands of small, local police departments stems from a program begun 20 years which allowed transfer of property “excess to the needs of the Department of Defense”. In 1990, the department transferred \$1.4, worth of gear; in 2013, it was \$634 million. – Peter Grabosky (CLA member) and the Cato Institute <http://tinyurl.com/y9d9ktfs>

Photo: Police for San Diego city schools received a Mine Resistant Ambush Protected Vehicle for their school patrolling. <http://tinyurl.com/ycwehpqt>

People imprisoned by ‘weapons of math destruction’

Under new policies in California, New Jersey, New York and beyond, “risk assessment” algorithms recommend to judges whether a person who’s been arrested should be released, Michelle Alexander wrote in the *New York Times* last month.

These advanced mathematical models — or “weapons of math destruction” as data scientist Cathy O’Neil calls them — appear colour blind. However, they are based on factors that are highly correlated with race and class, and also significantly influenced by pervasive bias in the criminal justice system.

“It’s tempting to believe that computers will be neutral and objective, but algorithms are nothing more than opinions embedded in mathematics,” O’Neil says.

Challenging these biased algorithms may be more difficult than challenging discrimination by the police, prosecutors and judges, says Alexander. “Many algorithms are fiercely guarded corporate secrets. Those that are transparent — you can actually read the code — lack a public audit so it’s impossible to know how much more often they fail for people of color.

“Even if you’re lucky enough to be set ‘free’ from a brick-and-mortar jail thanks to a computer algorithm, an expensive monitoring device likely will be shackled to your ankle — a GPS tracking device provided by a private company that may charge you around \$400 per month, an involuntary leasing fee.

“Your permitted zones of movement may make it difficult or impossible to get or keep a job, attend school, care for your kids or visit family members. You’re effectively sentenced to an open-air digital prison, one that may not extend beyond your house, your block or your neighbourhood.

“One false step (or one malfunction of the GPS tracking device) will bring cops to your front door, your workplace, or wherever they find you and snatch you right back to jail.” <http://tinyurl.com/yclm5pas>

ODD SPOT: Murder’s electronic echo reverberates into a courtroom

Strafford County Superior Court Presiding Judge Steven Houran has ordered Amazon to disclose not only audio files from its Echo home system but any associated data—such as what phones were paired to the smart speaker—that may be connected to the January 2017 alleged murder of Christine Sullivan and Jenna Pellegrini.

Prosecutors say the women were murdered by Timothy Verrill, who is due to stand trial in May 2019. Verrill has pleaded not guilty. The bodies of the women were found stabbed to death under a tarp, with a knife buried nearby.

“Investigators believe Sullivan was attacked in the kitchen of (the house) where the Echo was located, and prosecutors believe there is probable cause to believe there is evidence on the Echo, such as audio recordings of the attack and events that followed it,” *CBS Boston* reported. TV <http://tinyurl.com/yarrxpjf>

International briefs

EU looks set to blot its copybook: The European Union is finalising the wording of its new 'copyright directive', which is a once non-controversial regulation that became hotly contested when, at the last minute, a set of extremist copyright proposals were added and voted through. One proposal is article 11, the "link tax," which requires a negotiated, paid license for links that contain "excerpts" of news stories. The directive is extremely vague on what defines a "link" or a "news story" and implies that an "excerpt" consists of more than one single word from a news-story (many URLs contain more than a single word from the headline). <http://tinyurl.com/yb5ac6fx>

Do we have the right to mock religion? Just as Ireland abolished blasphemy as an offence, the European Court of Human Rights produced another on-the-edge ruling that says Europeans can be convicted for blaspheming against Islam. The case involved an Austrian woman who call the Prophet Mohammad a paedophile, referring to the historical fact of his marrying 6-year-old Aisha and consummating the marriage when the child was 9. The ECHR said the speech was an 'abusive attack on the Prophet of Islam which could stir up prejudice and threaten religious peace'. Fraser Myers in 'spiked' has a full analysis: <http://tinyurl.com/yaeu7bro>

Liberties legend dies: Ramona Ripston, California civil liberties champion, dies aged 91: <https://www.nytimes.com/2018/11/18/obituaries/ramona-ripston-dead.html?>

DATES:

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

10 Dec, Canberra: 5.30-8.30pm Finkel lecture theatre, 131 Garran Rd, ANU. Celebrating the UDHR 70th anniversary: Embassy of Switzerland hosts Australian premiere of Markus Imhoof's Eldorado, winner of the 2018 Amnesty Berlin film prize in Berlin nominated for the Oscars in 2019. The film explores the challenges facing refugees trying to reach Europe alongside Imhoof's own recollections of his family's response to the refugee crisis of his youth during World War II. Speakers: Stefano Vescovi, Dep Head of Mission, Embassy of Switzerland; Nai Jit Lam, Dep Reg Rep UN HC for Refugees; Kate Waterford, V-P, Amnesty Australia; Dr Kim Huynh, ANU College of Arts & Social Sciences; and Ass Prof Matthew Zagor, Director, Law Reform & Social Justice, ANU College of Law. Inquiries: marketing.law@anu.edu.au

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

18 Dec, Melbourne: The Power and Limitations of Health as a Human Right, Prof Colleen M Flood (photo), Director of the University of Ottawa Centre for Health Law, Policy and Ethics. 12.30-2pm Rm 202 Law Parkville Campus, 185 Pelham St. Further details: social-equity@unimelb.edu.au



2019:

All year, World: UN International Year of Indigenous Languages

27 Feb-1 March, Tokyo, Japan: 6th Asia Pacific regional forum biennial conference, International Bar Association: 'Unified Asia'. Details - email minjae.kim@int-bar.org

2-3 March, Canberra: Angry? Biased? Burned Out? 2019 annual conference of the National Judicial College will examine emotion and bias in the court room, including how judges engage emotionally with their work, the impact on them and how to alleviate impacts. <http://tinyurl.com/y8qufoaq>

5-7 April, Alice Springs: Language and the Law III, translators and people for whom English is not a first language. NT Supreme Court in Alice. Details, email: supremecourtlanguage.conference@nt.gov.au or phone 0447 286 342

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.

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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