

What should CLA prioritise in 2018?

In preparing for major areas of interest in 2018, Civil Liberties Australia is seeking input from members and friends on what areas of concern we prioritise.

Our preliminary thoughts are to elevate concerns for the rights of people in aged care and nursing homes, and the rights to free speech and association for athletes and sports people.

These will be added to our other mainstream activities: monitoring and commenting on legislation before parliaments throughout Australia (including the Right To Appeal amendment), keeping a close eye on the behaviour of police and the misbehaviour of forensic science laboratories, drawing attention to the urgent need for a national review of the legal/justice system, and a Bill of Rights for Tasmania.

In other areas – refugees, euthanasia and juvenile Indigenous detention are good examples – we actively back up other groups who have those issues as their core focus.

Concern for rights in aged care arose from an odd source: a CLA member is about to enter a facility, but cannot take her cat with her. Cutting long correspondence short, it turns out residents of the facility have the right to vote on such issues...but nobody has told them.

As well as financial, medical and end-of-life issues, we think this lack of awareness of, and education about, the rights of aged people is a major and growing concern.

Athletes and sportspeople are frequently 'abused' by sophisticated managers, marketers and code managers who dangle what seems to be large sums of money in front of their eyes. But there's no warnings about the shortness of the earning period, the potential damage to body and soul, and the forced giving up of personal liberties and rights around issues of freedom of speech and of association.



– Photo by Miyoko Ihara of her grandmother Misao, with cat Fukumaru in 2012: <http://tinyurl.com/ybgtwlfb>

Even coaches of major code clubs are finding themselves paying \$20,000 and more fines because they gave their honest opinion to an interviewer. Is it legal to fine them, and players? Do their contracts supersede their rights?

Maybe yes, maybe no. Certainly, the question about rights in sports might have different answers if asked in some states by comparison with the same question in Victoria and the ACT, where Human Rights Acts underpin society and commerce.

What do you think? We'd like your opinion on these matters, and on other issues that are non-mainstream, but may need closer attention.

PS: We are also keeping a watchful eye on state and territory trustee organisations and their behaviour.

– President Dr Kristine Klugman

Time for a new Constitutional Convention

As the federal parliament melts from imbroglia into farce over the number of MPs who lied on their personal background declarations when standing for office, no-one has yet raised concerns that the citizenship issue is merely a bellwether for other emerging constitutional issues.

As raised in last month's *CLArion*, CLA believes it is now time to examine all clauses of the Australian Constitution, and to update the 19th century document so it has greater relevance in the 21st century.

For example, nowhere in the Constitution is "the Executive" mentioned. Yet it is "the Executive" – alone – that decides whether Australia will go to war, or when we will send troops overseas to warlike situations, or

when troops can be let loose on the streets of the nation, either to assist in a disaster...or to contain dissent.

No-one can define what, or who, comprises 'the Executive': it is a pliable amalgam of three or four or more, totally at the whim of the prime minister.

As we said last month, it's time for a new constitutional convention to 'rebirth the nation'. MPs should be looking forward, and anticipating an old, exhausted Constitution has the potential to put other cornerstone aspects of national life in jeopardy.

Territorians should be free to make life choices

The Australian Parliament must now remove restrictions on the ACT and NT parliaments which make about 500,000 Australians second-class citizens, the President of Civil Liberties Australia said last month.

Now that Victoria is set to bring in a euthanasia law, from 2019, there is no reason every other Australian jurisdiction should not be able to pass its own law about dying with dignity, Dr Kristine Klugman said.

"All Australians should have equal rights, but Territorians are currently second-class citizens."

A federal law of 1997 specifically stopped the ACT, the NT and Norfolk Island from passing laws about euthanasia.

When the NT Parliament passed the Rights of the Terminally Ill Act 1995 (NT) to legalise euthanasia in the NT, the federal parliament within a few weeks passed a law to over-ride the NT's democratic decision.

Right-wing conservative Kevin Andrews (Lib, Menzies Vic) succeeded in getting his federal private member's bill – the Euthanasia Laws Act 1997 (Cth) – passed to restrict what laws the territories had the power to enact. It was a sleight of hand trick: federal parliament has no power to limit what states can enact under their constitutions, but even today the federal parliament retains bullying rights over Australia's territories.

"While no state had a euthanasia law, it could be argued that the territories were not disadvantaged", Dr Klugman said. "But now Victoria has one, and the federal parliament must legislate urgently for territories to be restored to their full rights, so that they can make decisions for themselves on the end-of-life question."

Surveys over the past 30 years have consistently shown greater than 70% support for "dying with dignity" laws nationally. In both the NT and the ACT, the support is believed to be some 10% higher.

Chief Minister of the NT, Michael Gunner, has written to Prime Minister Malcolm Turnbull, urging him to reinstate the right of Territorians to legislate on euthanasia. The ACT's CM Andrew Barr is planning to do the same.

The 'territory rights' issue is firmly back on the table after moves by other states (NSW and Victoria) to bring in laws allowing voluntary euthanasia. The NT bid for a law change now is based as much on its wish to control fracking – the search for localised oil – as on euthanasia. <http://tinyurl.com/y7nfv2k5>

In Victoria, the new law will specify that people opting to end their lives must be over 18, of sound mind, have lived in Victoria for at least 12 months and be suffering in a way that "cannot be relieved in a manner the person deems tolerable". The legislation includes 68 "safeguards", including new criminal offences to protect vulnerable people from abuse and coercion and a special board to review all cases. <http://tinyurl.com/ycemrd78>

CLA congratulates the Reason Party's Victorian MCL Fiona Patten and Victorian Dying With Dignity

President, Lesley Vick (and thousands of other people) on their years of campaigning to achieve freedom of choice for the elderly on an issue that is usually top-of-mind for older people, who comprise about 15% of the Australian population.

Other states are expected to move to pass a similar law, even though NSW failed to pass a euthanasia bill by just one vote last month.

Tasmania will almost certainly consider a private member's bill after the 2018 state election, expected in March but which must be held by the end of May. (Illustration shows *Hobart Mercury* 171123).

Federal Greens leader Senator Richard Di Natale, a medical doctor, has confirmed he will move a private member's bill in the Senate in 2018.



Dying with dignity

Greens to pursue euthanasia laws

GREENS Leader Cassy O'Connor has vowed to reintroduce dying with dignity legislation if she is re-elected to Parliament at next year's State election.

Sue Neill-Fraser ‘trial’ doesn’t stage very well...

In Tasmania, Sue Neill-Fraser (SNF) is appealing her conviction for the Australia Day 2009 killing of her husband, Bob Chappell, on their jointly-owned cruising yacht *Four Winds* moored in Sandy Bay, Hobart. Chappell disappeared while staying alone on the yacht overnight. No body has been found.

SNF has always said she is as puzzled as anyone else that he is gone. But Tasmanian police cobbled together a case against her, based on a tunnel vision* view of ‘facts’ and stretched circumstantial evidence that interpreted every act of hers as evil, and every act of anyone else as benign. **Tunnel vision: where police adopt a belief, usually of one person’s guilt, and don’t properly investigate alternative possibilities. It includes confirmation bias, where police only look for ‘facts’ that support their self-selected theory.*

The benign view included of how the DNA of a 15-year-old street kid Megan Vass happened to be found, in a largish sample, on the deck of a yacht she swore she had never been near.

In an original trial on selective evidence presented by TasPol and a court performance by DPP Tim Ellis and judge (now chief justice) Alan Blow that some lawyers believe is unlikely to be written up in legal journals as exemplary for positive reasons, a jury that was obviously ill- (and not fully) informed about her possible guilt or innocence came down with a conviction late on a Friday evening, when the weekend beckoned. Judge Blow exercised his discretion – legally in error as an appeal showed – to sentence SNF to 26 years in jail, with 18 years non-parole period.

An appeal court found error in the trial, including that DPP Ellis claimed SNF’s DNA was on a clean-up glove used in the crime scene when in fact it was the DNA of Chappell’s son, Tim, but not “significant” error enough to order a new trial. The three appeal judges also found Judge Blow was ignorant of Tasmania’s sentencing laws, and reduced her sentence to 23 years, with 13 years non-parole (meaning late in 2022).

The High Court refused to review the case argued in the appeal court, in a decision that took two eminent judges minutes to decide: CLA is not saying the High Court’s decision was rushed...but ‘long considered’ it wasn’t. Patent illogicalities in the appeal findings were apparently overlooked.

Eventually, SNF got a chance at another appeal (thanks to work instigated by Civil Liberties Australia) based on a new appeal-right law mirrored in Tasmania from South Australia, where it was championed by Dr Bob Moles and others.

Then arose the almost inexplicable situation where a judge who sat on SNF’s original appeal was to preside (including on evidence and claims that the judge had already heard) whether a second appeal could go ahead on ‘fresh’ and ‘compelling’ evidence.

After 12 months of argy-bargy, that judge decided to step aside (an act which many legal observers thought might have happened 12 months prior).

Sue Neill-Fraser is wheeled into a second-chance appeal hearing in December 2016. – ABC pic

Then in early 2017, the SNF appeal and legal support team filed their documents and a list of witnesses and witness statements. One would think those statements would be tested, and those witnesses cross-examined, in the Supreme Court consideration of a possible appeal that had been under way for about 18 months.

NOT in Tasmania.

Suddenly, Tasmanian Police decided to charge a number of people – potential pro-SNF witnesses whose written statements had been tendered by the SNF legal team to the DPP-Police duumvirate – with perverting the course of justice over what was in the statements and how they had been gathered.

So, instead of testing the veracity of pro-SNF witnesses and their signed statements in an ongoing hearing before the Supreme Court, they are now to be tested in a Tasmanian magistrate’s court at the behest of Tasmanian police, separate from and probably before the next Supreme Court hearing.



This move is, of itself, a dangerous divergence from normal policing and justice practice. So far as we are aware, it is unprecedented in British-based judicial systems worldwide. Why this situation has been allowed to occur by the Tasmanian justice system is yet another mystery in a case fecund with question marks. Meanwhile, the final stages of SNF's appeal hearing in the Supreme Court has been postponed to 7-9 February 2018.

In Civil Liberties Australia's opinion – and the opinion of many Tasmanians, possibly half the total – an innocent woman is in her 9th year of wrongful imprisonment, mourning still a husband lost.

...but the SNF play sizzles, and is ready 'for mainland Broadway'

In Tasmania between 24 Oct and 4 Nov, the Tasmanian Theatre Co staged an *Inconvenient Woman: Tasmania v Susan Neill-Fraser*.

First nighters and those who packed the wharfside Pop Up Theatre No. 9 – by transport in a rubber dinghy, just a litre of outboard fuel distance from where Bob Chappell went missing – over the two-week season roundly applauded the play written by Brian Peddie.



It explored the very human vagaries provoked by a missing person, a convicted felon in the family and subsequent interactions as well as the tortuous and terrifying ways in which police, prosecution and court processes can develop a 'mind' of their own, and a unfathomable trajectory.

The play's development was fully funded by generous philanthropic lawyer Mark Blumer (photo) and his lawyer/partner wife Noor (both CLA members) after an idea originally put forward in CLA discussions. The great success of the play is to the Blumers' eternal credit and to that of the playwright, producers and cast.

With its "off-Broadway" (or 'try-out') staging season in Hobart now concluded very satisfactorily, the SNF play is ready for on-Broadway/mainland production. Not many would say the same for the Tasmanian 'justice' system.

A miscarriages of justice symposium in Adelaide last month considered the Sue Neill-Fraser case as a prime and ongoing example of wrongful convictions in Australia.

Age of reason going in two directions at once

Doctors and Aboriginal legal groups are leading a push to convince all state and territory governments to raise the age of criminal responsibility from 10 to 14.

On average about 600 children under 14 serve sentences in youth detention each year – more than 70% are Indigenous children (about 3% of people in Australia are Indigenous).

The NT's Royal Commission into the Protection and Detention of Children recommended raising criminal responsibility to 12 and said children under 14 should only be jailed for serious and violent crimes.

If implemented, the move will be far-reaching. Currently, minimum age is 10 years in all states and territories.

Of particular relevance to the commission is the adverse affect of a low minimum age of criminal responsibility on Indigenous children. Most children under the age of 14 who come before Australian youth courts are Indigenous. In 2015-16, 67% of children detained under the age of 14 were Indigenous. This concentration is even higher among those aged 12 or younger.

Nationally, 73% of children placed in detention and 74% of children placed on community-based supervision in 2015-16 were Indigenous.

If the minimum age of criminal responsibility was raised, authorities could respond to children's needs without criminalising them, which has negative impacts that can last a lifetime.

Paediatrician Dr Mick Creati, a senior fellow at the Royal Australasian College of Physicians, said it was a change that should be implemented Australia-wide. "We fully support the call from the commission to raise the age of criminal responsibility," Dr Creati said. A paediatrician who specialises in adolescent health, he said children under the age of 14 had minimal impulse control. <http://tinyurl.com/ybp2tpnk> and <http://tinyurl.com/ydedzoz3>

Meanwhile, as a Royal Commission and child medical experts are calling for a raising of the age at which children can be held, the AFP and the federal government wants to lower the age for locking up kids on potential terrorism behaviour allegations to 10 years.

Trade agreements may face vetting, review

The Labor Party has promised all future free trade agreements to be vetted by the Productivity Commission and re-examined every 10 years if it wins power federally.

The concept of regularly reviewing, evaluating and learning from all Australian treaties – not just trade agreements – was first raised by Civil Liberties Australia a decade ago. Currently, we learn neither from our successes, or failures, in terms of human rights and extraditions.

CLA has also been highly critical of the Trans-Pacific Partnership (TPP) trade agreement, because it would trade national sovereignty and the Australian rule of law for ad hoc tribunal decisions made without reference to long-standing superior court precedent by people not necessarily legally qualified.

Labor trade spokesman Jason Clare said last month that the public was sceptical about recent China, Korea and Japan trade agreements in part because they hadn't been subject to an independent arms-length assessment outlining what they would mean for jobs and incomes.

The Productivity Commission has said that recent agreements grant legal rights to foreign investors not available to Australians, expose the government to potentially large unfunded liabilities and impose extra costs on businesses attempting to comply with them. A review of the US-Australia agreement conducted by the ANU 10 years after ratification found it had not boosted trade at all. <http://tinyurl.com/y7ajfkp7>

Emasculated TPP is a dog by a longer name

Canada's last-minute no-show last month to an 'in-principle' signing ceremony alongside an APEC summit in Vietnam has thrown the former TPP trade agreement into greater doubt.

Now, at Canada's request, the deal has been renamed the 'Progressive Comprehensive Trans-Pacific Partnership', PCTPP. But Canadian PM Justin Trudeau said he still had concerns over labor and intellectual property rights, environmental protection, gender and cultural issues and the automobile trade.

The proposed deal still contains special rights for foreign investors to sue governments and would prevent future Australian governments from re-regulating essential services, as well as resulting in more vulnerable temporary migrant workers, according to Dr Pat Randal of union-based lobby group AFTINET.

The original 12-nation trade agreement "died" when President Donald Trump, on taking office, removed the USA from the agreement. Australia and Japan want to resuscitate a near-identical agreement which would be signed and ratified this month (Dec 2017), with provision for the USA to join later.

– AFTINET Update Nov 2017 and <http://tinyurl.com/ya9z7rze>

Four-nation trial tries to solve problem of intimate images appearing online

Australia is participating in a four-nation global pilot with Facebook to help prevent intimate images being posted and shared across Facebook, Messenger, Facebook Groups and Instagram.

People can report their concerns that an intimate image may be shared online to the Office of the eSafety Commissioner who will notify Facebook to prevent any instances of the image being uploaded after the notification has been actioned.

The US, UK and Canada are also participating. More info: www.esafety.gov.au/image-based-abuse

Will Uber be taken for a \$1.7m ride next year?

Privacy advocates fear that hacking of the Uber car share business's data that revealed the details of 57m people in its files could affect hundreds of thousands of Australians, both customers and drivers.

People's names, email addresses and mobile phone numbers were stolen.

Not only did Uber conceal the breach, but it paid the hackers off to keep them quiet and disguised the payment as a reward, the *NYT* reported last month.

So far, no details of the extent of the Australian impact have emerged. But in future, Uber could be forced to disclose the full details of breaches of data from its locally-based operations, according to the Australian Privacy Commissioner, Tim Pilgrim.

The Notifiable Data Breaches Scheme, starting in February 2018, means companies based in Australia will have to notify any individuals likely to be at risk of serious harm due to a data breach. Not doing so could lead to heavy penalties under the Privacy Act,

Fines of up to \$1.7m are possible for companies acting negligently. <http://tinyurl.com/y9j5hc54>

‘Fair Go’ long gone for student and migrant workers

A survey released last month shows wage-theft and exploitation is out of control in Australia, and that migrant workers and international students are targeted by predatory employers in the ‘Land of a Fair Go’.

- 30% of migrant workers and international students are paid \$12 per hour or less, and half are paid \$15 or less. The minimum wage in Australia is \$22.86 per hour for casuals.
- Underpayment is widespread across every industry and every region in Australia, and is especially severe in the food services sector, such as restaurants, cafes and take-away shops.
- International students are preyed upon by unscrupulous employers, with student workers from Asian-speaking backgrounds forced to accept the lowest wages, \$12 an hour or less.
- Employers exploit international students and migrant workers by not providing payslips, or paying cash-in-hand, and in the worst cases confiscating their passports.
- Women migrant workers were paid less than men for doing the same work.

The survey took in responses from 4322 temporary migrants across 107 nationalities of every region in the world, working in a range of jobs in all states and territories. Laurie Berg and Bassina Farbenblum released the report *Wage Theft in Australia: Findings of the National Temporary Migrant Work Survey*.

– from Jane Timbrell and <http://tinyurl.com/y9rc6tos>

NT terrorism police to target kids in Christmas night raids

The NT’s Police Commissioner is planning to send a unit of camouflaged, specialised police with military-grade assault weapons to patrol Darwin and Alice Springs at night, targeting kids particularly.

The Territory Response Group (TRG) is part of Australia’s national counter-terrorism taskforce.

Commissioner Reece Kershaw (photo) said deploying the TRG was necessary to allay community concerns during the Christmas period, when crime was known to spike...but he had no specific evidence on which to base the draconian move.

He said youth offenders were responsible for around 50% of property break-ins, and the TRG would have equipment, such as night vision goggles, to monitor people "acting suspiciously".

Civil Liberties Australia has long – for more than 15 years – warned of the escalation of ‘terrorism policing’ outside the bounds of terrorism and on to the streets of the nation. This is a clear example of how police will abuse power whenever they have the opportunity.

“The NT appears to be leading the way in treating young Indigenous people as terrorists rather than as children,” CLA CEO Bill Rowlings said. <http://tinyurl.com/y7h8pfvw>



Territory looks to lead Australia on electoral reform

Comments are open for another two months on an *Electoral Reform Discussion Paper* for the NT, released last month. It covers six potential reform areas:

- the voting system
- using modern technologies to vote (electronic voting)
- enrolment
- election canvassing (including the 100 metre barrier)
- electoral boundaries, and
- appointment of statutory officials

Chief Minister Michael Gunner said a focus of the paper is how to increase voter participation and how to make it easier and more convenient for people to cast their ballot, in particular Territorians living remotely. He said campaign finance and donations would be covered in the Political Donations Inquiry, led by Justice Mansfield, and any recommendations following from that report would be dealt with separately from the electoral reform process.

Download the consultation paper and/or fill out a survey at www.haveyoursay.nt.gov.au/electoralreform

Same sex, de facto couples get more equal rights

The NT government has introduced amendments to the Adoption of Children Act to allow same sex and de facto couples to legally adopt children in the territory for the first time.

Until now, the NT has been the only jurisdiction in Australia not allowing such people the right to adopt children. Currently, only adults who are a married man and woman, or in a traditional Aboriginal marriage, may legally adopt children.

The new provisions are expected to operate from early 2018. – media release, Minister for Territory Families, Dale Wakefield 171121.

Miscarriages event gives standing ovation to acquitted 19-year prisoner Keogh



Photo left shows film producer/director Eve Ash, the man who received a standing ovation Henry Keogh, Sue Neill-Fraser's daughter Sarah Bowles and longtime SNF campaigner/lawyer Barbara Etter. (See Neill-Fraser article, above).

Below right: Bob Moles and partner Bibi Sangha – organisers of the conference – address attendees from the front of the lecture theatre.

– report and photos by author/journalist and WA's Button/Beamish wrongful conviction liberator, Estelle Blackburn, a CLA member.

A wrongful convictions symposium in Adelaide last month gave a a standing ovation to Henry Keogh, the man cleared of a murder conviction in 2015 after spending 19-plus years in jail in South Australia.

Keynote address was given by Malcolm McCusker, who has reverted to being probably WA's leading barrister after spending 2011-2014 as Governor of WA. He spoke on The Obstacles to Correcting Wrongful Convictions and the Need for Reform.

Keogh outlined The Human Cost of wrongful convictions, providing first-hand reality of what was involved in nearly 20 years in prison caused by State errors. He spoke movingly of the impact on him and the children whose growing up he missed.

He has so far received no compensation for – at minimum, gross – mistakes and incompetencies in SA forensics, policing, justice system and parliament. Dr Helen Fraser introduced the relatively newly-highlighted issue of how transcriptions of indistinct, covert police surveillance tapes can easily produce serious errors...and it's the police who do the transcriptions, by order of a court!

Prof David Hamer of Sydney University proposed a new National Exonerations Register, to mirror the one in the USA, while Prof Gary Edmond of UNSW spoke about the Limits of Cross-Examination in relation to forensic science evidence.

Other speakers included the convenors, Dr Bob Moles and Associate Professor Bibi Sangha, former 30-year police officer Dr Mark Reynolds, director of the Griffith Uni innocence project Lynne Weathered, Dr Michelle Ruyters of a similar RMIT project, Channel 7 Adelaide director of news Graham Archer*, and 'Shadow of Doubt' (the Sue Neill-Fraser doco) writer-director-producer Eve Ash, who spoke on The Psychology of Wrongful Convictions. Ash, a CLA member, is a vocational psychologist.



The symposium follows a similar gathering in Adelaide in 2014. Both were sponsored by Flinders Uni's Centre for Crime Policy and Research, and the College of the Humanities, Arts and Social Sciences. Such miscarriage of justice conferences appear to have found a rhythm at three-yearly intervals. Perhaps another state or territory uni might like to offer to host another event, either in 2020 or even in 2019?

* Archer's book, *'Unmaking a Murder'* – the story of the Henry Keogh case – has recently been published.

Re-elected govt would target revenge porn

Revenge porn and sexting images without consent will become criminal offences in Queensland under a re-elected Labor government.

At time of writing, the Qld poll result was not clear, but Labor was leading and likely to form government. Premier Anastacia Palaszczuk said, while on the campaign trail before last month's election, that the new laws would apply to sending or threatening to send, intimate material without consent,

Other Australian states – NSW, Vic, WA, SA and the ACT – already have specific revenge porn laws, and there is also a federal law of using a carriage service to menace, harass or cause offence. <http://tinyurl.com/y94wpg3e>

Secret police watch list targets ATSI people

Queanbeyan police – a stone's throw literally from Australia's capital, Canberra, and minutes from Parliament House – are targeting the homes of people, mostly Indigenous, on a secret NSW police watchlist.

Without cause, NSW Police actively seek out their targets and harass them on the street.

NSW Police sources said the border town police are routinely door-knocking people, many juveniles, on the state's Suspect Targeting Management Plan (STMP).

A specialist "proactive" unit – the Target Action Group – consisting of a handful of police is also driving around Queanbeyan for hours trying to find people on the plan.

NSW Police Commissioner Mick Fuller told NSW parliament last month that, of 1800 on the STMP statewide, 1017 – or about 56% – are Aboriginal people or Torres Strait Islanders.

The same procedure is being used by other police forces, critics say. <http://tinyurl.com/y9v2q3dj>

Police let down youth in trouble, particularly Aborigines

WA police and other authorities are failing young people in trouble by sending most to court, rather than issue a caution or refer the youth to a suitable justice program, an auditor-general's report has found.

The report found less than half of young people are diverted and, even among those that are, only a small proportion "are linked with services to help them better manage issues that influence their offending".

Young Aboriginal people who committed offences were less likely to be offered diversion. Just 35% of offences committed by Indigenous youth were referred to diversion on average, compared with 45% for non-Indigenous youth, Auditor-general Colin Murphy found. <http://tinyurl.com/ybmpx2ud>

Another PathWest DNA bungle finally corrected

WA's Supreme Court finally quashed Alan Staines's conviction for a 2004 burglary last month, ruling there had been a miscarriage of justice caused by an inexcusable bungle in PathWest, the state's forensic body. Staines admitted the crime 13 years ago when told by his lawyer there was damning DNA evidence against him. He was given a year's suspended sentence.

The DNA, from blood found at a crime scene, had been analysed by PathWest, who said it belonged to Mr Staines.

But there were two Alan Staines, and PathWest matched the DNA sample to the wrong one.

PathWest picked up the mistake in April 2016 – probably when reviewing other bad practices they have admitted to – and police were notified. It then took WA Police another year to notify Staines.

Justice Stephen Hall said the police delay was "concerning". State Prosecutor Robert Wilson said he had not received an explanation for the delay, but he said he would be writing to police to try to find out what happened, Joanna Menagh reported.

Staines will be awarded costs to cover his legal fees from the initial case and the appeal. He said he would be seeking compensation from the WA government for the impact the ordeal has had on his life. <http://tinyurl.com/yckjzha7>

Forensics systems again under question in Wark case

Justice Lindy Jenkins will hand down a decision in January 2018 on a case where PathWest allegedly discovered a chunk of evidence 14 years after a person disappeared who has never been found.

In September 2013, PathWest forensic scientist Tracy Horner allegedly saw what no one had spotted in the 14 years and 38 days since Hayley Dodd disappeared — a pendant earring about 3cm long by 1.5cm wide with a bright blue 'stone' centrally — in the fabric of a car seat cover.

Horner was examining evidence in the cold case as it came up for a coronial inquest due in January 2014.

The seat cover was taken from a borrowed utility Francis Wark drove on the relevant day near Badgingarra, 200km north of Perth, where Dodd, 17, had been hitchhiking. He owned a property locally.

The area must have been WA's hotspot for serious crime: two pedophiles and convicted murderer Robin David Macartney also lived

nearby (private forensic experts doubt the rightfulness of the conviction of the now-dead 'murderer' Macartney, alleging major error by PathWest in analysing DNA test results).

At the time of the 2013 review, Wark was serving 12 years in Queensland for sexually and physically assaulting a woman. She said Wark had taken an earring from her, as a trophy.

Police extradited Wark to Perth in late 2015, charging him with Dodd's murder. Wark pleaded not guilty.

In his closing submission in the Supreme Court of WA last month, Wark's lawyer Darryl Ryan said the alleged events between Dodd and Wark "never happened," and his client's version of events had remained virtually identical, since he had first been interviewed a decade and a half ago.

Ryan questioned the storage and handling of the crucial car seat cover, from when it was first seized in 1999 to the day 14 years later at PathWest when the earring was discovered.

Ryan suggested the earring may have been "planted" by police, saying the "shambolic" system for handling stored pieces of evidence at PathWest meant there was no way of knowing who, if anyone, had accessed them.

Judge Jenkins, who sat without jury, is considering her decision. She said because of the large amount of evidence, and the requirement for her to provide written reasons, it would take some time before she could deliver her verdict. She would give her decision by 15 Jan. <http://tinyurl.com/ya3uwy3o>

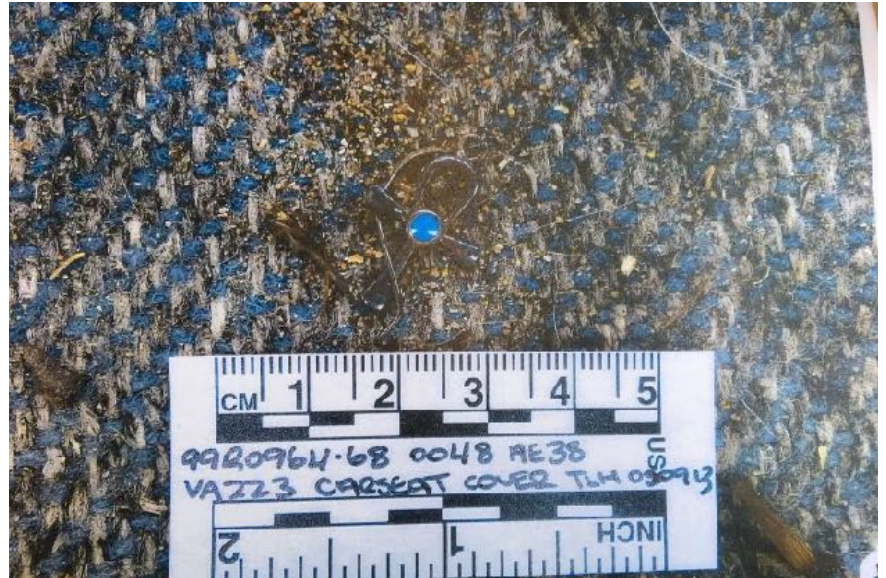
WA judge calls for proper rehabilitation and services in jails

A WA judge said last month that the state's prison system had "completely collapsed".

District Court Judge Philip McCann called on the WA government to forge ahead with its plan of rehabilitation jails, Tim Clarke reported on the *PerthNow* newsite.

During a sentencing hearing, Judge McCann said there was a desperate need for "radical, holistic, one-on-one rehabilitation in the long-term" for offenders such as mother-of-three Kimberley Thorne, who was before him after stealing a bottle of vodka from a liquor store.

"The bottom line is the correctional estate ... has completely collapsed in this state. The modicum of help Ms Thorne has received in jail will not be available to her on release and this is a shame," Judge McCann said. Thorne was sentenced to 10 months jail, Tim Clake reported in *PerthNow*.



Describing WA as the worst state in the world for meth-driven offending, the judge said if drug-induced offenders were deemed to have a serious disease, “everything would be done that could be possibly done for” them. Instead, he said, indigenous offenders in particular were being left with no help having “experienced generations of trauma”, and no prospect of reform of the justice system.

“It is quite clear Ms Thorne will never, ever have this kind of rehabilitation made available to her under existing policy settings,” Judge McCann said . “The time has come where we should have residential rehabilitation facilities that are deemed to be prisons but run like rehabilitation facilities with the barest minimum of the panoply of the prison estate.”

In May 2018, the 80-bed Wandoo Reintegration Facility, which is run by Serco, will go back into public hands after a \$9.6m investment to turn it into a drug and alcohol rehabilitation jail. <http://tinyurl.com/y9xnw7jn>

Murdoch breakthrough: rabid approach not working

In a breakthrough for Murdoch publications, the head of news at the *NT News* Jill Poulsen last month wrote a sensible and accurate analysis of the problems with ‘tough on crime’ campaigns by politicians and media. She is to be congratulated...with a fervent hope that her confreres follow the astute lead. Here is how the article began:

Don Dale proves “tough on crime” doesn’t work

Jill Poulsen, News Corp Australia November 17, 2017 11:00PM

THE Royal Commission into the Protection and Detention of Children in the Northern Territory has handed down its findings and they’re nothing short of shameful.

It makes for some pretty depressing reading, but one of the major takeaways for me was that “tough on crime” doesn’t work.

It’s a nice slogan to trot out around election time, but the fact of the matter is, with arguably one of the most brutal youth detention systems in the western world, the Northern Territory still enjoys one of the highest crime rates.

For years we’ve bemoaned young offenders simply receiving “a slap on the wrist” from judges before being sent on their merry way, blaming the perceived lack of punishment for reoffending.

But we tried it the other way and even a spit hood, shackles and capsicum spray to the face hasn’t fixed the issues. We need therapeutic solutions that don’t include draconian measures because they simply do not work. ...”

Prison conditions ‘degrading, inhumane’, says inspector

Conditions at Broome Regional Prison were "degrading and inhumane" and "would not be acceptable in Perth", Inspector of Custodial Services, Neil Morgan found in a report compiled in March 2017.

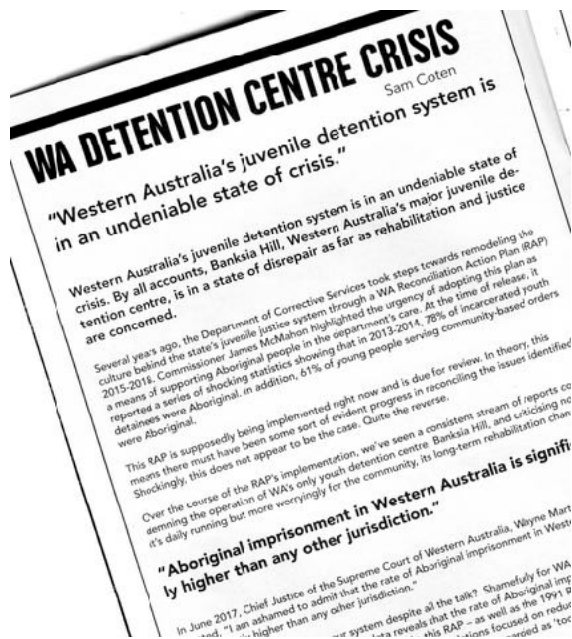
He said the prison was "old, decrepit and crowded" and "not fit for purpose as a modern prison", and living conditions in the men's maximum-security unit were “the worst in the state”.

"Prisoners were confined to the hot, dark, dirty, crowded, cramped unit for 24 hours a day," Mr Morgan said. "They had no personal space, very little mental or visual stimulation and minimal access to physical activity. The conditions in the maximum-security unit were inhumane and degrading.”

Photo of a Broome a cell.

The report said more than 35 men frequently occupied a unit built for 28, forcing people to sleep on mattresses on the floor. Female inmates were isolated and marginalised, he said.





The prison was to be closed in 2015, but was kept open by the previous Barnett government. The McGowan government has committed \$2.7m to upgrade the facility but Mr Morgan has warned more needs to be done. "This is only a stop-gap measure," the report said. <http://tinyurl.com/lydx7u7w>

Meanwhile, CLA member Sam Coten has written for Murdoch Uni's journal, *Metior*, on the crisis in juvenile detention in WA.

The problems in the juvenile system may be even worse than those in adult prisons.

Coten describes WA's major juvenile detention centre, Banksia Hill, as being "in a state of disrepair as far as rehabilitation and justice are concerned". Recent reports indicate that Aboriginal juveniles have comprised more than 75% of the detainees, and that 61% of young people on community-based orders were Aboriginal.

These figures are monstrously above the representation of Aborigines in the WA population, which is less than 4%.

Coten is a Law student at Murdoch.

Australian briefs

Top lawyer wanted – new 'ICAC' to start in 2018: The NT government is searching for a top lawyer to head the Territory's new Independent Commission Against Corruption. The NT's ICAC supremo will get a five-year term, based on legislation on its way through parliament, with a probably start date of 1 July 2018. Expressions of interest by 11 December to email: ICAC.recruitment@nt.gov.au A second ICAC Bill aiming to modernise and strengthen punishments for corruption is expected to pass the NT Parliament in February. – media releases AG Nov 2017

Poppy capsule stealing jumps: Capsules stolen from Tasmanian poppy farms has jumped more than 23-fold in one year, according to the annual report of the Poppy Advisory and Control Board. More than 12,200 poppy capsules were stolen in 2016/17 compared with just over 500 the year before and just over 300 the year before that. The PACB said that during the 2016-17 growing season, across 17,000ha of farms, there were 28 poppy interferences, with 12,239 capsules stolen. The report said that eight people had been charged to date during the financial year and 7265 capsules had been recovered. <http://tinyurl.com/y9o98wbz>

Rising prison costs call excessive 'law and order' crackdowns into question: Increasing numbers of prisoners and the high cost of remote jails in WA are likely to blow out the government's budget, observers say. Adult prisoners jumped by 10.9% in 2016/17, while costs rose by \$108 million. The Labor government blames the rising numbers on draconian 'law-and-order' legislation brought in by the previous Liberal government but, since Labor came to power in March 2017 virtually no draconian laws have been wound back, and mandatory detention for a wide range of offences cuts down on cheaper sentencing options for magistrates and judges. <http://tinyurl.com/ydyy3on6>

Drop in to see the jail: Fannie Bay Gaol in Darwin will get a major facelift under a \$700 000 conservation grant. The heritage site opened in September 1883 and closed almost 100 years later in 1979. The jail sees about 18,000 visitors a year: the gallows remain on public view, and visitors can push the lever that operated the trap. Restoration work will run over 14 weeks from January to June 2018, to allow the jail to remain open. – media release Minister for Tourism and Culture, Lauren Moss, 171110.

Australians want euthanasia option: A large majority of Australians, 87% (up 18% from May 1996) are in favour of 'letting patients die when they are hopelessly ill and experiencing un-relievable suffering with no chance of recovery' compared to 10% (down 7%) who say doctors should 'try to keep patients alive' and 3% (down 11%) who are undecided. In addition a large majority of Australians, 85% (up 11% from May 1996) are in favour of allowing a doctor to 'give a lethal dose when a patient is hopelessly ill with no chance

of recovery and asks for a lethal dose' compared to 15% (down 3%) who say a doctor should 'not be allowed to give a lethal dose'. – Roy Morgan Snap SMS Survey conducted night of 2 Nov 2017 with 1386 Australians aged 18-plus. <http://tinyurl.com/y7wosd9m>

Sex abuse victims can sue: WA child sex abuse victims will be able to take legal action against the institutions where they were abused. The WA government is removing the statute of limitations for child sex abuse victims, as well as giving complainants the option to pursue institutions where abuse was committed even if they have changed names or jurisdictions. Attorney-General John Quigley said the new legislation would set a national benchmark in dealing with sex abuse legal issues. <http://tinyurl.com/yb8g9p2x>

NT to provide broader shield for journos: The NT government is planning new laws to strengthen protections for journalists. The bill creates a test that bases journalist privilege on the nature of the confidential information, and whether it is being handled fairly and appropriately. Journalists can uphold that promise of confidentiality, unless a court finds that the interests of justice and the public interest outweigh protecting an informant's identity. The bill will go before the parliament's new Economic Policy Scrutiny Committee during the first sittings of 2018. – media release, AG Natasha Fyles 171123.

Letter to the CLArion editor. from a member:

The brutal & unprovoked Police assault on Rickey Caton & Adam Antram surely warranted the officers concerned being charged with a serious assault & placed on paid suspension until the matter was resolved – '*NSW police settle with assault victims in dinosaur incident, offending officers promoted*', Canberra Times, 27 November 2017 <http://tinyurl.com/yakuj2bb>

That the Police would then lay false charges against the men & also conspire to deprive them of their lawful employment by deliberately lying to their employers about their behaviour, is an even uglier criminal abuse of the worst kind & demonstrates that both officers are devoid of character & certainly entirely unworthy of public trust & confidence.

That the legal costs of both officers have been borne by the taxpayer, while they are promoted, is a gross affront & surely demonstrates why the community is increasingly sceptical about the behaviour of those entrusted with the responsibility of protecting the public & their rights. That the only Police Officer who acted honestly & truthfully in the matter no longer has a career in the Police Service must be a matter of enduring shame for all serving Police.

That this broken, rotten, dysfunctional & corrupt system has produced the above outcomes is indefensible, as are those responsible for allowing it to remain in place.

– John Richardson, CLA member, Wallagoot NSW

Activities of members:

Journalist, author and CLA member Estelle Blackburn OAM has been interviewed for an ABC podcast series, called 'Wrongful', on the Button and Beamish wrongful convictions cases, among others in WA. One of the series goes to air on Christmas Day: <http://www.abc.net.au/news/2017-11-14/eric-edgar-cooke-serial-killer-voice-heard-53-years-later/9122724> Estelle is also working on a book around the Minister Fairbairn air disaster in Canberra in August 1940: some believe the civilian Fairbairn may have been at the controls when the Lockheed Hudson crashed in clear air and good weather. The RAAF base at Canberra was renamed Fairbairn Airbase in Fairbairn's honour in 1953.

CLA report – main activities for November 2017

Board meeting.

At the meeting in early November, discussion centred on strategic and long-term planning.

A document entitled *What We Do* (drafted by the President) was accepted with amendments. Long-term strategic planning was discussed in detail to prepare the Business Plan 2018 - 2019, and proposed changes to be considered by Directors, and confirmed in 2018.

To address urgent issues with membership-web-database, a subcommittee was formed to meet regularly until technical problems are solved.

It was agreed in principle to hold a board meeting once every two years with all members physically present...when funds allow, as they currently do. The March 2018 meeting will be the first such, with

Directors travelling from Tasmania and WA to Canberra to attend. For the other seven Board meetings every two years, non-ACT Directors will continue to “come in” by Skype.

On future submissions by CLA to parliaments, the Board decided to adopt/adapt a Bid-NoBid decision tree as a way of prioritising which issues to tackle .

Reports from Tasmania covered Sue Neill-Fraser’s current situation (see item above, in news), the Bill of Rights campaign and associated planning. The Board was pre-warned about a change of tactics by opponents of Same-Sex Marriage to try to introduce pro-religious discrimination.

From WA, the report highlighted how the local Independent Police Complaints Commission was proceeding, among other issues. WA Director Margaret Howkins is helping to assemble information for a possible National Library of Australia oral history recording about the life of Margaret (Meg) Coten, 94, one of CLA’s oldest members, and the grandmother of Sam Coten (see article above, on ‘*Prison conditions...*’).

Meg Coten, one of CLA’s oldest members. Photo: Margaret Howkins.

Treasurer’s report: Handover to Sam Tierney nearly completed, with former Treasurer Phil Schubert to hold another briefing session.

In terms of media, the Board decided to concentrate on boosting CLA’s Facebook activity in 2018.

Podcasts: ABC podcasts grant availability was highlighted, and the President reported on excellent joint interview (‘podcast’) done with 2XX on human rights in Australia/ACT, with V-P Tim Vines and Treasurer Sam Tierney operating seamlessly as a ‘double act’. Vines, who is also national media spokesperson, reported on the available of podcasts via ANU’s *Woroni* links.

FAQs: the CLA FAQs response process will be analysed and streamline in 2018.

Marketing issues/ideas: Marketing portofolio Director Mark Jarratt was congratulated on his excellent paper submitted to the Board, with his plan warmly received: some initiatives need to await development of database/etc, but work will start on templates and testimonials. Items to provide a small ‘thank you’ for members/memberships such as a fridge magnet, bookmarks, and the like, are being investigated. In 2018.an extra effort will be made for radio/TV appearances, plus greater emphasis on appearing on panel debates (eg UTAS, ANU) and other opportunities.

T-shirts: a CLA ‘Injustice’ slogan T-shirt is in preparation.

DFAT forums: Director Jennifer Ashton reported on the recent Iranian dialogue, advising that China had pulled out of the two-way dialogue process, and that Iran, Vietnam and Laos only remain.

President reported a ‘review’ by a CLA member Ruth Graham of the just-launched play, *An Inconvenient Woman* (SNF) on the Sue Neill Fraser case in Hobart and funded by Mark Blumer after idea by CEO four years ago.

Submission:

To the ACT Attorney-General, on the the Crimes (PolicePowers and Firearms Offence) Amendment Bill 2017, under which ACT Policing (an arm of the AFP) can ignore normal warrant conditions and barge into and take over people’s homes, on their own say-so. The proposed law supposedly targets “ONLY bikies and organised crime” but CLA predicts it will be used willy-nilly by police within a decade.

Policy:

CLA has developed a new policy on Genetics/DNA issues. It was drawn up by VP Tim Vines. The policy is on the CLA website.

President Kristine Klugman advised of Wrongful Convictions workshop in Adelaide on 24-25 Nov 2017: Estelle Blackburn will represent CLA and table CEO Bill Rowlings ‘Wrongful Convictions at 7%’ table, as well as CLA’s Better Justice program outline.

The planned CLA social gathering on 26 November was cancelled due to the ill health of the president and CEO.



Other November activities:

Representations by letters to the Canberra Masonic Village and (after receiving no reply) to the relevant ACT Legislative Assembly members re a ban on aged residents keeping pets: on-going.

Meetings with CLA members Jennifer Ashton re T shirt production, Keith Mc Ewan re history, ANU law and possible intern student Lescinska Fernandez, new CLA member Samuel Hansen re possible role in 2018, and member Bill Stefaniak on legal/parliamentary issues. As well, the CEO is meeting with former Director/Webmaster Lance Williamson re web and database developments.

The President and CEO attended political parties' end-of-year drinks, Parliament House.

Photo: CLA President Dr Kristine Klugman last month with Administrative Appeals Tribunal part-time member, and former ACT Liberal politician, Bill Stefaniak, a CLA member for more than a decade.



Media:

CLA appeared in *The Saturday Paper* late in October for coverage, in our *CLArion* newsletter, of the Criminal Code Amendment (Impersonating a Commonwealth Body) Bill 2017. That's the one where the government says it's obvious there is not Department of Silly Walks, or a Commonwealth Hot Dog Authority. There is, or should be, a Ministry for MPs who impersonate MPs...by not having met the citizenship requirements.

Follow us on Facebook

CLA's Facebook page is a good source of news and analysis on emerging issues relevant to civil liberties and human rights. We provide links to submissions made by CLA to parliamentary and other inquiries, articles written by CLA members, relevant events happening around the country and news items from Australia and around the world.

It is also a good way for members to express their views on a wide range of subjects and engage in a conversation. Please check it out and recommend it to any friends with an interest in civil liberties:

<https://www.facebook.com/CivilLibertiesAus/>

INTERNATIONAL

US court shows how un-free comment is in Australia

A US federal judge in California last month ruled in favour of the Electronic Frontier Foundation which had been sued by an Australian company over its "Stupid Patent of the Month" blog posts.

As a result, EFF is not required to remove a recent post simply because an Australian patent entity (often called "trolls") doesn't like it.

The case stems from April 2017 when EFF countersued an Australian company that it previously dubbed as a "classic patent troll" in a June 2016 blog post entitled: "Stupid Patent of the Month: Storage Cabinets on a Computer."

The EFF's April 2017 lawsuit asked an American court to declare the Australian ruling unenforceable in the US because the Australian ruling runs afoul of free speech protections granted under the US Constitution (namely, that opinions are protected).

In 2016, the Oz company, Global Equity Management (SA) Pty. Ltd. (GEMSA), managed to get an Australian court to order EFF to remove its post — but EFF did not comply.

In January 2017, Pasha Mehr, an attorney representing GEMSA, further demanded that the article be removed and that EFF pay nearly \$1m. EFF still left the post up and then sued regarding the Australian court's injunction.

The EFF's Stupid Patent of the Month campaign began way back in August of 2014 with a post on a patent for "a doctor's computer-secretary." The series has since highlighted patents covering everything from "out of office e-mail" to a patient monitoring system depicted in Deep Space Nine.

In the recent ruling granting default judgment in favor of EFF, US District Judge Jon Tigar found that EFF's rhetoric declaring GEMSA's patent to be "stupid" is an opinion protected by US Constitution. <http://tinyurl.com/yb8um5ah>

Fraulein may become freelein

Germany must allow a third gender category option for people identifying as neither male or female or who were born with ambiguous sexual traits, the country's constitutional court ruled last month.

Binary gender designations violated the right to privacy, the court said.

In 2013, Germany became the first European country to allow parents to register newborns as neither female nor male, if the child was born with characteristics of both sexes, but the new decision, by the Federal Constitutional Court, goes further. It gives parliament until the end of 2018 to either allow the introduction of a third gender category or dispense with gender altogether in public documents.

According to the NY Times, nine countries — Australia, Bangladesh, Germany, India, Malta, Nepal, New Zealand, Pakistan and Canada – recognise more than two genders on passports and national ID cards. Thailand recognizes a third gender in its Constitution but has not yet made that an option on government documents.

A UN study estimated the intersex population at 0.5 to 1.7% of the global population. <http://tinyurl.com/y7umyxjo>

ODD SPOT:

In USA, guns kill more than war does

"...more Americans have died from gun violence, including suicides, since 1970 (about 1.4m) than in all the wars in American history going back to the (1775) Revolutionary War (about 1.3m). And it's not just gang-members: In a typical year, more pre-schoolers are shot dead in America (about 75) than police officers are." – Nicholas Kristof, writing in the *New York Times* 171106 <http://tinyurl.com/yaqv4hlq>



'Whistleblower' pill will tell a tale on you

The accelerating rate of Big Brother in medicine came to the fore in America last month.

For the first time the US Food and Drug Administration approved a digital pill. It is a medication embedded with a sensor that can tell doctors whether, and when, patients take their medicine.

The approval marks a significant advance in the growing field of digital devices designed to monitor medicine-taking and the expensive problem that millions of patients do not take drugs as prescribed.

Patients who agree to take the digital medication, a version of the antipsychotic Abilify, can sign consent forms allowing their doctors and up to four other people, including family members, to receive electronic data showing the date and time pills are ingested.

A smartphone app will let the patient block recipients whenever they change their mind. Although voluntary, the technology is still likely to prompt questions about privacy and whether patients might feel pressure to take medication in a form their doctors can monitor. <http://tinyurl.com/ybn9pqgh>

ODD SPOT: Air Force 0, Marines 1...with Pentagon as umpire

In a bizarre legal skirmish, a US Marine one-star general was released last month from 'house arrest' detention at Guantanamo Bay by the Pentagon just two days after an Air Force colonel sentenced him to be confined to his trailer for three weeks for contempt of court.

Brig Gen John Baker was sentenced to 21 days' confinement for allowing three defence lawyers to resign: they wanted out after allegations arose that the US government was secretly listening to their conversations with the terrorism suspect alleged to have planned the 12 Oct 2000 attack on the destroyer Cole that killed 17 sailors. Baker oversees the legal defence teams for prisoners charged with war crimes at the US base in Cuba.

Air Force Col. Vance Spath, the war court's military judge, didn't like Baker's decision, believing it had effectively destroyed his (Spath's) control over the court where he was presiding.

Spath held Baker in contempt after he refused to rescind an order he issued excusing the three civilian defence attorneys over concerns about intrusions on privileged attorney-client communications.

The ugly inter-judicial dispute was about to enter the civilian courts – Baker was applying for a habeas corpus freedom ruling – when the Pentagon stepped in. <http://tinyurl.com/ybsy6hw8> and <http://tinyurl.com/ybjyknn6>

Vast numbers of children disappear in India

According to the India's Ministry of Women and Child Development, 242,938 children disappeared between 2012 and 2017.

But according to TrackChild, a government database, nearly that many children – 237,040 – went missing between 2012 and 2014 alone.

Activists for children's rights, who say that under-registration – as well as under-reporting – of missing children is a chronic problem, estimate that the real numbers are much higher. According to Bhuwan Ribhu, a lawyer with Bachpan Bachao Andolan (Save the Childhood), an anti-trafficking organisation, the figure may reach 500,000 a year.

While there are numerous reasons for the disappearances, acute poverty appears to be the root cause. Many of the children become slaves and/or sex slaves. <http://tinyurl.com/ycz4lhvx>

International briefs

Gun death rate rises: Gun deaths in the USA rose in 2016 to about 12 per 100,000 people, the Centers for Disease Control and Prevention said in a report last month, up from a rate of about 11 for every 100,000 people in 2015. More than 33,000 people die in firearm-related deaths in the USA every year, with suicides accounting for about 60% of those, and homicides 36%. The US drug overdose rate was almost 20 deaths per 100,000 last year, up from 16.3 in 2015; diabetes was about 25; cancer was 185, and heart disease about 196 deaths per 100,000 people. <http://tinyurl.com/y7q3y9pw>

Secret Peru deal announced: A trade deal was announced at the APEC meeting in Vietnam last month. The secret deal has not been made public and is not available for media and public scrutiny. However, it is known that the agreement includes Investor-State Dispute Settlement (ISDS), which provides special rights for foreign investors to bypass national courts and sue governments for millions of dollars if they can argue that a domestic law or policy has harmed their investment. – <http://aftinet.org.au/cms/>

App-taxi firm taken for a ride: Uber disclosed last month that hackers had stolen 57 million driver and rider accounts and that the company had kept the data breach secret for more than a year after paying a \$100,000 ransom. The two hackers stole data about the company's riders and drivers – including phone numbers, email addresses and names – from a third-party server and then approached Uber and demanded the cash to delete their copy of the data, employees said. Officials says Uber broke US federal laws in how it dealt with the situation. <http://tinyurl.com/yap9723f>

DATES

30 Nov - 3 Dec, Montreal, Canada: 8th International Conference on Human Rights Education: Bridging Our Diversities. Details: <http://tinyurl.com/kvpzg2v> NOTE: 9th of series to be held in Sydney in 2018.

1 Dec, Hobart: Human Rights Week launch and announcement of Tas HR award winners, 12.30–1.30pm, Parliament House. RSVP by 24 Nov to hrwlaunchinvitation@gmail.com An event supported by Civil Liberties Australia.

5-8 Dec, Canberra: Acknowledging the past, imagining the future. Conference celebrating 50 years of criminology in Australia and New Zealand. Venue: QT Canberra. Details: <http://www.anzsoc2017.com.au/home.html>

7 Dec Perth: Rivers, rights and responsibilities, Dr Catherine Iorns Magallanes of Victoria U Wellington NZ, on the issue of 'legal personality'. ECU Moot Court, 5.30-6.30pm. Details: Dr Tanzim Afroz t.afroz@ecu.edu.au

7 Dec, Melbourne: Can the International Criminal Court prosecute Australia's leaders for crimes against humanity? Speakers Prof Gillian Triggs, Julian Burnside, Mohammad Ali Baqiri, Tracie Aylmer. 6-8pm RMIT Bldg 80 Lev 2, Theatre 2, 445 Swanston St Melbourne at RMIT. Bookings: justice4refugees@gmail.com

7 Dec, Canberra: Bill Campbell, general counsel for international law in the AG's department will give the annual Kirby lecture on International law. 5pm canapes, 5.30-6.30. Details, and to register: <http://tinyurl.com/y89f2rph>

8 Dec, Melbourne: Human Rights Week oration, Stan Grant, plus launch of resources for our Aboriginal Cultural Rights in Victoria project. Vic Eq Opp & HR Comm, <http://tinyurl.com/ycyj9w>

10 DEC, WORLD: Human Rights Day

11-13 Dec, Adelaide: Illicit Networks, Policing Flows: learn where and how the crime industry is going here and worldwide, Flinders U, 182 City Sq, Adelaide. Organisers: Centre for Crime Policy & Research at Flinders, with Canada's Social Sciences and Humanities Research Council, and Royal Military College. <http://tinyurl.com/ya6984ax>

2018:

16 Feb Sydney: 2nd Australian Political Theory and Philosophy Conference 2018, speakers Prof Phil Pettit (ANU/Princeton) and Prof Danielle Celermajer (Uni of Sydney), 9-6pm FREE, venue Abercrombie Business School, U. Sydney. Details: alexandre.lefebvre@sydney.edu.au

16 Feb , Canberra: Aulich Criminal Law Master Class, presented by Ben Aulich (photo), Peter Woodhouse and Jane Carey, part of the ANU graduate diploma in legal practice program. 9.30-5pm. <http://tinyurl.com/y8tq3f6g>

23 Feb, Sydney: Constitutional law conference and dinner, Art Gallery of NSW, organised by the Gilbert + Tobin Centre of Public Law, 8.30am-5pm. Dinner at NSW Parliament House with guest speaker the WA CJ Wayne Martin. Details: <http://tinyurl.com/yb5tb7qe>

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

13-16 June Sydney: 2018 Gender, Work and Organisation International Interdisciplinary Conference hosted by Macquarie University, at ICC Darling Harbour. An international forum for debate and analysis of contemporary debates affecting gender studies. <http://tinyurl.com/y7qdr2bh>

9-12 July, Greece: Hellenic Australian Lawyers Association conference, Contemporary Legal Issues and the Influence of Hellenism Keynote by CJ of Australia Susan Kiefel, Sheraton Rhodes Resort, details: <http://tinyurl.com/y7y74grh>

Late 2018 (Timing/venue TBC): 9th International Conference on Human Rights Education. Contact: Dr Sev Ozdowski AM, Coordinator, International Human Rights conference series:, President, Australian Council for Human Rights Education. Email; S.Ozdowski@westernsydney.edu.au

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

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