

Annual Report 2007: Civil Liberties Australia



This is the fourth annual report of Civil Liberties Australia Inc, Registered Association No. A04043, trading as and known as Civil Liberties Australia, or CLA. For the first time, the organisation's formal name is Civil Liberties Australia Inc. (changed from Civil Liberties Australia [ACT] Inc). The change was endorsed by the Annual General Meeting (AGM) in 2007, and accepted by the ACT Registrar-General.

This annual report covers the period from 1 January 2007 to 31 December 2007.

Registered office and register of members:

The registered office of CLA is 51 Ardlethan Street Fisher ACT 2611 Australia. The register of members is kept at the registered office. Public officer is Bill Rowlings, of that address. Further information about CLA and its activities is at www.cla.asn.au (note: this is a change from www.claact.org.au...following the formal name change outlined above).

Office-bearers:

The office-bearers during the period of this report were:

Dr Kristine Klugman OAM	President
Bill Rowlings	Vice-president, CEO/Secretary
Amanda Alford	Director
Vic Adams	Director
Kevin Popple	Treasurer (appointed 16 April 07)
James Staples	Director
June Verrier	Director (resigned 4 November 07)
Anthony Williamson	Director
Lance Williamson	Director/Webmaster

All were elected at the 2007 AGM, except as noted, and served for the entire year, except as noted. Directors remain in office until the 2009 AGM, when they are eligible to stand for office again. No office bearer received any remuneration from CLA, or had any interest in any financial activities of CLA, other than in the proper, normal course of reimbursement of expenditure outlaid for the good governance, administration and promotion of CLA.

Reporting against the primary targets of the Business Plan for CLA, 2005-2007

The core business of CLA involves:

Making submissions to governments to improve legislation/treaties, etc

In 2007, CLA made a range of submissions, which easily exceeded business plan targets, on:

- Privacy and Data Protection (to the Australian Law Reform Commission)
 - initial submission on PayPal as an example of the need for better data protection laws; and
 - a further submission on data protection following the draft report produced by the ALRC.
- Access Card (improvements to the 'ID Card' draft legislation required before CLA would support it).
- Client Legal Privilege
 - initial submission; and
 - follow-up submission.
- Entrapment (further activity on submission relating to Part 6A of the Tobacco Act 1927, in which the ACT Government proposed to use under-age people in an entrapment sting against retailers).

- Medical Consent (a detailed analysis and submission of issues surround the important issues of who can give informed consent to medical treatment, and the associated issue of Enduring Power of Attorney).
- Medical Directives: as a development of the above, CLA made a submission to the ACT Government, initiating a process to take the issue of Medical Directives to the Standing Committee of Attorney-General, to secure Australia-wide recognition. Currently, such directives are not necessarily recognised across State and Territory borders.
- WA Human Rights Consultative Committee
- Watchhouse Review ACT

As well, CLA undertook follow-up work on earlier submissions:

- Sedition laws
- Strict liability offences
- New ACT prison
- Civil Unions Bill ACT

On 26 February 2007 President Dr Kristine Klugman, CEO Bill Rowlings and then-Director Dr June Verrier gave evidence to the inquiry by the Joint Standing Committee on Treaties on the Australia-Indonesia Treaty (subject of a CLA submission in 2006). After the hearing, 2SER's The Wire interviewed Mr Rowlings on the inquiry and CLA's evidence. The 2SER interview also refers to the poisoned Indonesian activist, Munir whose wife Suciwati also gave evidence before the Australian Parliamentary Committee. CLA met with her and Usman Hamid, head of Kontras, the Indonesian human rights agency which Munir founded.

Main authors for submissions and follow-up work in 2007 were CLA Director Anthony Williamson, law student Clare Carnell and CEO/Secretary Bill Rowlings. More volunteers to help with submissions are needed; also, notifying the Secretary early of opportunities to make a submission can be very helpful.

In last year's report, CLA commented on the climate of fear and oppression that had been inculcated throughout the Australian community by the Australian Government since late-2001. As 2007 ended, and a different government took power in Canberra, there was strong hope that the yoke of fear might be lifted from the community consciousness, and a new and more positive approach could be taken.

In this light, CLA believes that a total review of the excessive over-reaction in Australia to security threats - in legislation, by police, secretly by ASIO and oppressively by the federal government - should take place in 2008.

Formally monitoring department and agencies through annual reports

CLA analysed essential departments only, such as the Australian Federal Police, ACT Policing, ASIO, Ombudsman and Defence. Director and Webmaster Lance Williamson in particular contributed enormously with his analysis of the ACT Policing annual report, and then the 'selling' of CLA's analysis into relevant political and media areas.

As was said last year, a detailed analysis of annual reports involves looking for what is not present as much as what is included, and having a 'nose' for where the bureaucratic skeletons are buried. Volunteers are welcome, particularly if they have experience in writing/editing annual reports, or in formally analysing them. This can be a useful main contribution each year for a member, particularly if they read and analyse the annual report of their own former federal, state or territory department or agency. Please email the Secretary if you would like to work on an annual report.

Again this year, the major discrepancy between promise and performance was with ACT Policing, the 'business arm' of the AFP. As CLA's analysis says:

At first blush this has been a good year for ACT Policing and the community. The Annual Report 2006-2007 reveals a drop in offences in a number of areas or in rates of offences within the community that are, in many cases, under the national average.

Admittedly, these improvements came at an additional financial cost to the community (some \$7m in 2006-07).

But, in the areas of some performance measures, governance and community perceptions, ACT Policing is under-performing.

CLA believes that :

- ACT Policing chooses performance measures (by comparison with other police jurisdictions in Australia) that are too easy to meet, and inappropriate, for the tiniest police beat in the nation;
- ACT Policing changes its statistical base (as it did significantly for the reporting period), whenever a major performance indicator looks like producing a poor result;
- ACT Policing is too expensive (by possibly 10-20%); and
- the AFP uses less experienced police officers on average to meet the ACT Government contract, calling in to question the quality of the contract service provided.

In relation to this last dot point, overseas deployment of AFP officers means that ACT Policing is primarily a manpower pool and community policing training ground for the AFP, and not primarily a police service for the national capital. The people of the ACT deserve a far better deal for their money, and a dedicated police force.

CLA highlights the fact that the police who enforce the law in the ACT actually show disregard for it. According to ACT Policing's annual report, they do not (that is, they choose not to):

- operate under the ACT Human Rights Act; or
- abide by the ACT Greenhouse Strategy.

Cases:

One of the major developments in 2008 was CLA's taking up of a number of cases where people had problems with the law or administrative rules, and had gone beyond available community help or had fallen through cracks in the system.

Most cases are ongoing at year-end. In most cases, until the issues become public, the names of the people involved are probably best kept from publication until they decide how much publicity they want. Cases include:

- a death involving the Defence Department in the ACT which may require serious administrative change in the Australian Defence Force, as well as a new inquest;
- a case where a man in considerable pain was unable for three years to get court-ordered renovations made to his house by Victorian WorkCover and their insurance agency QBE to, among other things, allow him to shower properly, and to have the surgical intervention he desired and was recommended for him;
- a case where the Speaker of the Tasmanian Parliament illegally, in CLA's opinion, barred a person from the precincts of the Tasmanian Parliament for six months;

- a case involving the need for ongoing medical treatment of a NSW youth injured in an accident involving a police car; and
- a case involving the difficulty of deciding whether a paranoid person needs medical help, or is in truth being pursued by ASIO and AFP investigators (the Inspector General of Intelligence and Security, Mr Ian Carnell, was helpful in guiding CLA and the Australian Federation of Islamic Councils towards the right outcome).

Involving members in projects and activities

The challenge of achieving this aim becomes greater as the breadth of membership throughout Australia increases. We will be looking in 2008 to creating online groups to work on specific activities.

In 2007, CLA embarked on three main projects, all of which advanced significantly in 2007. However, none were completed:

Pacific Project: Led by Sarah Bassiuni, this project aims to create civil liberty, legal and society snapshots of 12 Pacific Island nations, with a possible view to CLA helping to network with, support and/or encourage development of a civil liberty body like CLA. At year end, papers on two countries were completed, two near completion, and the rest remained to be finalised.

We will continue to work on this during 2008. Sarah's leadership on this project was excellent: it continues to be the case that the people busiest with work and other community commitments are the ones who can 'spare' the time to further contribute.

One of the key benefits of this project was that Sarah and Shreeya Muthuswamy, another young lawyer who began with the project, tapped in to the graduate network within the Australian Public Service. This network of extremely bright and talented young people, many of them with legal qualifications, is a source and resource without parallel.

Parliament House protest project: Led by President Dr Kristine Klugman, this project aims to wind back the excessive, in-your-face security activities of the AFP and its Australian Protective Service arm. They harass people standing quietly, without baggage, in the designated protest area, and ask for name, address, licence details and what the person is protesting about, all of which goes on a police record which that person retains for life, and beyond. Even though the Speaker of the House of Representatives, and the President of the Senate, and the administrative heads of the parliament all agree that the police action is excessive, it is proving difficult to get the AFP to understand that human rights treaties, guaranteed by the Parliament of Australia, indicate that they should cease their harassment.

The AFP claims 'operational independence' under a service contract with the Australian Parliament...which is shorthand for the fact that they refuse to use common sense. We continue to work on making the AFP/APS see the light.

Radio project: This project, led by CEO/Secretary Bill Rowlings, aims to produce a monthly audio program for airing on community and campus radio throughout Australia (about 60-80 radio stations). A three-month training program took place in 2007, and a suitable recorder was bought. The first half of the first program was completed at year-end, with the first program likely to go to air in the first quarter of 2008, after which programs will become regular.

Several possible projects did not come to fruition. In this respect, the lack of activity from students on the ANU campus stood out, even though CLA supported them across a number of areas, particularly with the Lee Kwan Yew protest and by Bill Rowlings being the keynote speaker at a lunchtime seminar on refugees. We hope to improve the responsiveness of students during 2008 and 2009.

Creating and nurturing partnerships

Networking was again a major method CLA used to build contacts and extend influence. In a busy year, there were meetings with many parliamentarians, judges, lawyers, academics, senior public servants, and people from state and federal agencies and NGOs involved in human rights and civil liberty activities. Details of these meetings have been reported in the monthly *CLArion* newsletter.

Formal meetings included those with:

- a wide range of people in Western Australia, including Prof Greg Craven (then of Curtin University), Sylvia Masher of UWA Law School, barrister and former Premier Peter Dowding, and FOI and media/communications lecturer Dr Johan Lidberg (Murdoch University), and editor of The Post newspapers, Bret Christian.
- members of the Council for Civil Liberties of WA, including President Peter Weygers and board members Anita Thick and Jeff Carroll.
- former CCLWA President and Life Member, Brian Tennant
- a range of federal politicians, including Robert McClelland (now Attorney-General), Kelvin Thomson, Joe Ludwig, Carmen Lawrence, Arch Bevis, Petro Georgiou, and Senators Andrew Bartlett, Andrew Murray and Natasha Stott Despoja.
- MLAs from the ACT Dr Deb Foskey, Mr Bill Stefaniak, Attorney-General Mr Simon Corbell, Wayne Berry (Speaker, ACT Legislative Assembly), Opposition Leader Zed Seselja, Vicki Dunn, Mary Porter.
- Mr Harry Evans (Clerk of the Senate).
- Mr Roger Clarke, Australian Privacy Foundation.
- Mr Ian Mathews UNity e- newsletter of the UN Association of Australia, Michael White of the MEAA.
- Justice Michael Kirby and then Registrar Chis Doogan (High Court), Chief Justice Terry Higgins and Justice Malcolm Gray, and Justice Ken Crispin (ACT Supreme Court), Professor Tetsuya Fujimoto, of the Faculty of Law at Chuo University
- Prof Beryl Rawson of the Vountary Euthanasia Society
- barrister, solicitor and legal members of CLA, on various projects and issues, Brigadier Lyn McDade (Military DPP), and Prof Larissa Behrendt, Prof Hilary Charlesworth, Penelope Leyland, Dr Helen Watchirs and Elizabeth Kelly (a CLA member) on lessons learned from the ACT Human Rights Act consultative process.
- Mr Ikbar Patel, president of the Australian Islamic Federation.
- Mr Peter Ford, law internship program ANU, and head of the Centre for International and Public Law, Kim Rubinstein, Farhana Islam of the Young Lawyers; Prof Murray Raff, Don Fleming, Barbara Chambers, Barbara Chevalier, of U Canberra.
- Maree Tait of the Crawford School of Economics and Development at ANU College of Asia and the Pacific; Andrew Podger, president of the Institute of Public Administration; Peter Lamour, Transparency International.
- Disability Discrimination Commissioner Graeme Innes, Andrew Crocket of Legal Aid.

Lectures and outreach

We decided not to hold public lectures in an election year, but to concentrate on other outreach activities. The two main ones were a cartoon exhibition, and extension to Western Australia.

The cartoon exhibition was principally managed by then-Director Dr June Verrier, with assistance on sponsorship and fund-raising by President Dr Kristine Klugman and on technical and display issues by CEO/Secretary Bill Rowlings.

Under Dr Verrier's guidance, some 75 cartoons on civil liberties and human rights themes from 20 cartoonists throughout Australia (and one from the UK) were gathered, then reproduced on corefoam board for display in places like parliaments, council halls, art galleries and libraries. With strong support from ACT Speaker, Mr Wayne Berry (a CLA member), the cartoons were first seen for two weeks in the Legislative Assembly building. At the formal opening, the Speaker told of the importance and impact of cartoons, while cartoonist Ian Sharpe delivered a quality address which outlined how cartoonists themselves are bellwethers for the rights and freedoms of society.

The cartoon exhibition was designed to be 'instant humour in a box', so that it can be lifted easily by one person, transported in the boot of a small car, and installed in minutes into small venues. It is expected to be shown in Goulburn early in 2008 as its first rural/regional venue.

One other main activity for 2007 was preliminary desk research, followed by an extended research and assessment visit to Western Australia. The aim was to find out whether it was possible to partner with the existing local group, the Council for Civil Liberties of WA, or whether it might be necessary to try to form a new group based in Perth. This question had arisen two years earlier, when a meeting of East Coast civil liberties groups resolved to try to form a new organisation in WA. As no action had proceeded on that proposal, CLA undertook to re-assess the situation and take action if needed.

President Dr Kristine Klugman and CEO/Secretary Bill Rowlings spent two weeks meeting a wide range of people to assess the local situation. The WACCL people themselves were extremely cordial and welcoming, and took part in about 16 hours of discussions and social gatherings. While their commitment to some civil liberties principles is unquestionable, it became obvious that the WACCL's structure, record-keeping and method of operating was at such great divergence from that of CLA that a partnership would not be practical.

While in WA, the President and CEO/Secretary discussed with a number of people the option of forming a local group. Subsequently, Peter Dowding and Johan Lidberg indicated they would be willing to create an organisation.

Annual General Meeting:

A formal Annual General Meeting was held on Saturday 24 March 2006, at the Yarramundi Aboriginal Cultural Centre, Denman Drive, Canberra. and was followed by a social BBQ.

The meeting formally endorsed changes to the Constitution, the most publicly significant of which was to change the name from Civil Liberties Australia (ACT) Incorporated to Civil Liberties Australia Incorporated. This change was subsequently accepted by the ACT Registrar-General.

It was explained to the AGM that some change in the name was needed as the group was working with a 'branch' at Goulburn in NSW, and was contemplating a new initiative in WA. As well, having a website meant that the organisation was operating nationally, if not internationally. The AGM also formally endorsed CLA operating internationally (as had become practice, such as in making submissions to the Australian Parliament on the Treaty with Indonesia, and possible assistance to be offered to Pacific island civil liberties' groups). During 2007, CLA was asked to get involved with an international campaign for a Russian oil magnate, now in jail, but we declined.

Another significant change, again because people were now joining online from throughout Australia, was to electronic voting. It was also decided to close off free student memberships, and to offer student membership at a heavily discounted rate (at the discretion of the board). Other minor changes to the Constitution corrected anomalies and made concomitant changes flowing from those above.

The board also floated the idea that membership fees may need to rise from the 2008 financial year.

After the formal part of the meeting, Ann Jackson-Nakano gave a talk on her research into Aboriginal tribal history of the national capital and surrounding region.

Board meetings:

Four board meetings were held throughout the year, in February, May, July and November. One meeting took was hosted in NSW by Director Jim Staples, and another hosted by Director and Webmaster Lance Williamson.

Kevin Popple joined the board, by appointment, after the AGM in March, and agreed to become Treasurer. He has made a major contribution by reorganising and keeping excellent custodianship of the financial records..

Dr June Verrier was elected to the board at the AGM in March, and gave great service in co-authoring (with Director Vic Adams) the CLA submission to the federal parliament's Standing Committee on Treaties on Australia's treaty with Indonesia. As well, she managed with aplomb the CLA cartoon exhibition, being primarily responsible for bringing it to a successful opening at the ACT Legislative Assembly during 2007. Her input to board deliberations and hard work ethic will be missed, following her resignation later in 2007.

Director Vic Adams was absent from the board for virtually the entire year, due to political party commitments (he ran the campaign for a candidate in the federal seat of Eden-Monaro). As well, Director Amanda Alford missed several meetings due to academic and other commitments. For 2008 the opportunity will be taken to refresh the board in advance of the two-yearly elections due in 2009. Under the Constitution, the President can appoint a board member until the next election.

Finances and growth/development

The financial report below indicates CLA had a successful year, with a surplus of \$2827 and total funds going into the 2007 year of \$4671. This outcome was an outstanding achievement, given that there was expenditure of \$4487 on staging a cartoon exhibition.

The securing of cartoon exhibition sponsorships and support funding personally by the President, Dr Kristine Klugman, was a notable achievement during the year. CLA would also like to thank cartoon exhibition sponsors, including Slater & Gordon, Blumers Personal Injury Lawyers, Pamela Coward and Associates, Henry Parkes Chambers, barristers, KJB Law and Maliganis Edwards Johnson, as well as individuals John Purnell and Kris Klugman. Those who bought cartoons also contribute to defraying the costs of the exhibition, which is now an asset that can be used for a number of years.

CLA is extremely fortunate in the amount of in-kind and cash donations made by its members, on top of the donated time at no cost. In particular this year the organisation benefited hugely from having, for the first time, a dedicated Treasurer in Kevin Popple, who sorted out somewhat haphazard historical records, and created an excellent monthly and annual reporting system.

The financial accounts for 2007 show:

Summary of CLA Finances 2007 (\$)

		2007	2006
BALANCE B/F		1844	1819
INCOME			
Memberships			
	New	1730	
	Renewal	2125	
	Corporate	250	
		<u>4105</u>	
Cartoon Exhibition			
	Sponsorships	2280	
	Sales	2390	
		<u>4670</u>	
Donations			
	General	1450	
		<u>1450</u>	
Other			
	Keating show	161	
	Hicks T Shirts	264	
	Interest	1	
	Unallocated	0	
		<u>426</u>	
TOTAL INCOME		10651	2819
EXPENDITURE			
Communications			
(with members	Ink and Stationery	950	
& public)	Printing	750	
	Web, Internet, Media	327	
	Postage	338	
	PO Box	65	
	Parking fees	38	
	Functions	291	
	Publicity	227	
		<u>2986</u>	
Cartoon Exhibition			
	printing for display/sale	4487	
		<u>4487</u>	
General Administration			
	Bank Charges	106	
	Other Admin	244	
		<u>351</u>	
TOTAL EXPENDITURE		7824	2794
Surplus		2827	25
BALANCE C/F		4671	1844
Comprising			
	Bank deposit	5273	2378
	Cash in hand	86	168
	Expenditure liability	-687	-702
		<u>4671</u>	<u>1844</u>

16/2/08

Website:

The CLA website, which was launched on 24 April 2006, was the subject of a survey of members in late 2007, with a view to a major refurbishment by Webmaster/Director Lance Williamson, who designed the survey.

The site, which has received much praise over the year, has grown and developed. During 2007, we added CLA's policies on major issues in an important new development. The quality of the authors who agreed to have their work on the site enhanced its status, including Sir Gerard Brennan, Justice Michael Kirby, Senator Natasha Stott Despoja, Sydney Lord Mayor Clover Moore, Professor Roger Clarke, Ombudsman John McMillan, Allan Hall, Professor Larissa Behrendt, Keith McEwan and Robert Briggs.

Webmaster Williamson has also featured several mini polls on the site, and a running list of major headlines/ events. Visitors can now find an article by using a fully-featured search box, share an article by emailing it to friends, and arrange to be advised automatically when a new item is added to the site.

As noted above, the URL of the website changed during the year.

In 2008, we expect to develop a feature so that members can debate and then vote electronically on important decisions such as board positions and constitutional changes.

Membership

Records showed a membership at 31 December 2007 of 169 paid-up members, with 8 of those being paid-up students memberships. The figure is an increase of 48 paid-up memberships over the year, or a rise of 40%.

Had the membership figure been counted as in the past, with free student memberships included, the total membership number would have been well over 200 for 2007. However, counting free memberships gives a doubly erroneous result: it overstates the true membership numbers, and suggests that more resources are available than actually are available. We have found that a smaller number of keen, paid-up students are much more of an asset than a much larger number of 'token' members who do not contribute to the organisation's efforts.

Membership since CLA's inception:

Year	Members	Branches - members	Associates/students
2003 (from 10 Dec) + 2004	17		
2005	62		42
2006	121	1 - 15	70
2007	169	2 - 19	8 *

* these are paid-up student memberships, by comparison with mostly free memberships in previous years.

The website continues to attract new members from throughout Australia, so the challenge is becoming to find a way to involve people more electronically.

We have had success with the letter-writing campaign, seeking new members, run by President Kristine Klugman. We need to expand that to rural and regional areas. If any members would like to volunteer to help, we could do with five more people. The work involved is about two hours a week per person.

The climate of fear created by the Howard Government is hopefully to be replaced by a climate of opportunity created by a new government in 2008. Major opportunities to contribute to debate will include issues such as a Charter of Rights and Responsibilities for Australia, a possible Senate inquiry into civil liberties, Senate reform, and remedying the excesses of the past 12 years. Ensuring the sedition laws are abolished is one of the first and major tasks.

A planned mentoring system for student members did not eventuate in 2007, though there were many individual examples of CLA's very highly qualified members helping young people by passing on their skills.

Branches:

The Goulburn CLA branch, formed during 2006, lost some momentum when David Hicks was released from Guantanamo Bay into detention in Australia. There was only one meeting of the branch in 2007.

The Hicks issue was the prime motivation for Goulburn's formation. However, there are signs that a rebirth of the Goulburn branch is likely to occur during 2008, when membership will be opened up, and a steering committee of 3-5 people appointed.

Other developments:

A planned Braidwood group did not eventuate in 2007. However, a WA/Perth branch formed, as outlined.

Member networking

BBQs were held at the home of the president and secretary on several occasions, giving new members particularly a chance to meet and mix. The challenge for 2008 is to find an electronic version of the BBQ!

A party of CLA members and families enjoyed the musical *Keating!* in January 2007.

In March, CLA greatly assisted a quickly-organised protest at the ANU in March. Barrister advice was made available for a challenge to the conferring of an honorary degree on former Singapore Prime Minister, and now Minister Mentor, Lee Kwan Yew. We thank the barristers involved for volunteering their expertise overnight.

Administration

The activity level accelerated further in 2007, with a range of individual cases adding substantially to the workload. While CLA does not as a rule take on individual cases, there are occasions when an issue or an injustice has fallen through all society's cracks, and no-one else is left to provide help. At those times, we help...though judging the right case and timing re becoming involved is difficult.

CLA's administrative workload was again substantially assisted by the new Treasurer, Kevin Popple, and the Webmaster, Lance Williamson, as outlined above.

Students:

CLA enrolled about 30 students for free in February 2007, but the take-up rate of involvement with CLA activities was fairly low. One project students helped with was the ensure Australians were able to protest outside their own national parliament without getting a police record for life.

While there was a student director in Amanda Alford during 2007, workload and other commitments meant that there was not the expected concentration on boosting activities and memberships on campuses. We continue to want to expand our reach into other universities and law schools. This was successful in only a minor, networking way with Murdoch University in WA and the University of Canberra during 2007.

Internships:

CLA Director and ANU Arts/Law student, Amanda Alford, undertook a three-month law internship in the Senate, under the aegis of Harry Evans, Clerk of the Senate. Amanda established baseline information on the extensive legislation dealing with terrorism, and produced a rundown of the 50 pieces of legislation since September 2001 with a view to making long-term (2-5 years ahead) plans for countering it when it is reviewed by the Australian Parliament. Her work was supervised by Ernst Willheim and Peter Ford (ANU), both CLA members.

Our relationship with the ANU College of Law, through Peter Ford, is valuable in producing quality papers for CLA, a semester-equivalent course credit for the student, and a contribution to the future thinking of Australian society. We are trying to introduce similar arrangements with U. Canberra and Murdoch U. WA.

A second project in 2007, by law student Clare Carnell, had to be put on hold when she became ill. Clare was examining in detail the legal situation with medical directives and associated power of attorney and wills issues. It is hoped she will be able to resume this project in 2008 if her health allows.

As 2007 closed, Law student Karlie Brown was starting work on a three-month project to analyse the use of DNA in society in non-criminal ways. She was particularly looking at mandatory (or 'voluntary', as in Defence terms) provision of DNA samples by AFP officers and Defence Force personnel, as well as Guthrie cards for newborn babies and the potential for difficulties if DNA samples and test results become available to the superannuation and insurance industries.

Australian civil liberties bodies:

CLA continues to provide its monthly newsletter to the executive of other civil liberties bodies in Australia. That is reciprocated by NSW, with its quarterly journal, and Queensland, with its journal. Sadly, communication with other civil liberties bodies around Australia is not good. CLA would welcome a system of better exchanging current news/intelligence, along the lines of the information on CLA activities contained in the CLArion, the monthly newsletter. We are in sympathy with moves to introduce a human rights bill to Australia, which is being championed by other civil liberties and human rights groups. CLA's preferred model is based tightly on the European Convention and its wealth of case law.

The CLA board is keen to form partnerships and networks with other civil liberties bodies in Australia, in the Pacific region, and worldwide.

Media and communications

CLA's media spokesman, Max Jeganathan, took up his role during 2007. As a young lawyer with Slater and Gordon, he brings day-to-day experience to the role, as well as spokesperson experience as a former President of the ANU Students' Association. He has given CLA a younger 'look', performing with confidence and ability on radio and TV interviews and with the print media. For the annual report, Max reports:

The year was a positive and significant year for CLA with regard to its media profile. I believe CLA is making an important evolution from being viewed as an activist fringe group to a cutting edge outspoken political NGO with domestic and national renown and credibility.

Our media profile ironically benefited from several political situations in which the Federal Government showed little or no regard for fundamental human rights and civil liberties, the most prominent of which was the Haneef debacle. However, our media coverage was not limited to holding the federal government accountable. CLA media traction in 2007 also extended to the federal opposition, both major parties at the ACT parliamentary level along with other organisations (e.g. the AFP and ASIO) and all minor parties.

The following are a sample of specific media stories in which I spoke on behalf of CLA:

- ABC TV: Haneef (rule of law and separation of powers)

- Win TV: Police chases around Canberra (competing rights)
- Win TV: Mobile phone ID points requirement (civil rights)
- ABC TV: Wrongful life litigation (rule of law and judicial access)
- ABC TV: Anglican diocese complaints register (competing rights)
- ABC Radio Grandstand: Drugs in sport - uniform testing proposal (civil equity)
- ABC Radio: ACT garbage audit (civil rights)
- Community Radio: Entrapment (tobacco amendments)
- Canberra Times : Mental health capacity proposals
- ABC Radio National: Counter terrorism and civil liberties
- Sunday Tasmanian newspaper: sex offenders register/surveillance (judicial process/civil equity).

Please note that the above is only a sample of our media exposure and many other stories contained comment from CLA executive members and myself. For example, CLA President Dr Kristine Klugman appeared on the national television program, *Meet The Press*, on Channel Ten (terrorism laws), and the CLA secretary spoke on ABC Radio Perth, Hobart, and Canberra, and 2CC and 2XX, and appeared on ABC and WIN TV, as well as being interviewed for the *Canberra Times* on many occasions, and speaking several times with the Koori Mail and a freelance reporter, Elizabeth Murrar (capsicum spraying by four police officers of a 10-year-old Aboriginal schoolgirl in a principal's office in WA). Director Lance Williamson this year managed the AFP annual report review process, and was involved with several media briefings, including with *Canberra Times*' police reporter Noel Towell.

As CLA's media appearances have increased, so too has our credibility and profile in local and national media. I strongly feel that a balanced and moderate approach to the media will ensure that CLA continues to build its reputation and credibility as an intellectually-respected NGO in political and legal discourse. This view was affirmed in a recent CLA meeting with his Honour, Justice Michael Kirby of the High Court of Australia. The primary weakness that impairs the effectiveness of NGOs is an inability to convey their message with balance and perspective.

I congratulate the board and all CLA members in 2007 and am confident that with ongoing vigilance and enthusiasm, CLA will continue to grow and prosper in 2008, as our profile continues to grow.

– Max Jeganathan, Lawyer, media spokesperson CLA

CLA issued a number of media releases during 2007, including on:

- David Hicks sentencing
- terror laws (several releases and statements)
- NRMA and youth
- young drivers
- banning of euthanasia publication, *The Peaceful Pill*
- FOI (several)
- failure of ACT Policing to operate according to ACT law
- detention laws
- government intervention into Aboriginal communities, Northern Territory
- Police chases (Clea Rose report; Woden death)
- human rights law
- Privacy (several)
- ID card
- Sedition (several)
- NSW CCL's book, *'The Liberating of Lady Chatterley'*
- Stun Guns/Tasers
- condemning the CCC's (WA) endorsing pepper spraying of children
- Senate reform
- ASIO and AFP out of control over medical student ul-Haque interviews
- Attorney-General Ruddock being 'out of control'
- new CLA spokespeople

As well, special articles were sourced and edited for the new *Australian Muslim News* magazine – <http://www.afic.com.au/amn.htm> – including on ‘New Labor Govt’s incoming promises’, ‘PM Rudd promises tougher ministerial code’, and ‘FOI to get boost’.

Many CLA members have contributed greatly to the letter pages of Australia’s major daily newspapers. Of particular note is the effort of Keith McEwan, who is indefatigable in his support for Indigenous policy reform.

Public communication

CEO/Secretary Bill Rowlings continued to produce the monthly newsletter *CLArion*, which is consistently well received, and to distribute it electronically by the 1st of the month of the cover date. The *CLArion* is available widely to rights/liberties and associated audiences, and helps to keep people throughout Australia and the region informed of CLA activities.

CLA has been more active than other civil liberties/human rights bodies in Australia and the region in trying to extend the two-way communication between organizations that could lead to cooperative approaches, the saving of duplicated time and effort, and effectively speaking with one voice. We will continue to work to those ends in an open and transparent fashion.

History:

An organisation concerned with civil liberties (Council for Civil Liberties of the ACT Inc) existed in the ACT in the 1970s, 80s and 90s. Mostly, it was organised and managed by Mr Laurie O’Sullivan, a barrister at the Sydney and Canberra bars who also had extensive involvement with the Australian Public Service Board over many years.

In the late 1990s, the organisation’s management changed and Mr Jon Stanhope became prominent as president. He went on to a political career, and to be Chief Minister of the ACT at the time of this report. After Mr Stanhope went into politics, the organisation died and then was formally de-registered by the ACT Registrar-General in the early 2000s period.

A new organisation with a different name to distinguish it from the earlier body - Civil Liberties Australia (ACT) Inc. – was created when a properly constituted meeting of the interim board of CLA resolved to apply for registration under the Associations Incorporation Act 1991 of the ACT.

The Certificate of Incorporation was stamped by the ACT Registrar-General on 10 December 2003.

At the 2004 AGM Mr O’Sullivan was voted the first honorary life member and patron of CLA. He died in October 2004. Mr John Marsden, a former president of the NSW Council for Civil Liberties and of the NSW Law Society, later became patron but died in May 2006.

In March 2007, the AGM agreed to change the organisation’s name to Civil Liberties Australia Inc. (dropping ‘ACT’ from the name) to reflect the reality that the organisation was operating in other States and the Northern Territory of Australia, and internationally. The AGM also agreed that voting on important issues like board positions and constitutional change could be handled electronically. CLA was therefore one of the first organisations to come to grips with the electronic age for membership/voting.



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For the record, we note with sadness that several people associated with CLA died during the 2007-early 2008 period: ‘Mac’ MacKenzie-Orr (a frequent letter writer to the newspapers), Ingrid Murphy, Bob Gollan and Anne Gisz, wife of Peter. Our sympathies are extended to their families.