

### Early voting state was always lacking convictions

*“The founders of South Australia had a vision for a colony with political and religious freedoms, together with opportunities for wealth through business and pastoral investments.”<sup>1</sup>*

An early attempt to form a council for civil liberties in SA occurred in April 1950, probably as part of an expansionist push out of Melbourne. The main local newspaper, *The Advertiser*, reported on 14 April 1950:

*The honorary secretary of the SA Council of Civil Liberties (Padre H.P. Hodge) said last night that a conference of trade unionists, church bodies and other associations would be held in the Trades Hall at 8 p.m. on May 28 to set up a permanent organisation to implement council’s objectives<sup>2</sup>.*

Don Dunstan (photo<sup>3</sup>), former Premier of South Australia, argued that the state’s origins lay in non-conformist radicals, who believed in separation of church and state, and in democratic political reform. There were no convicts sent to SA, as its residents frequently point out, and settlers who believed in Chartism brought from the UK a philosophy of reform, embodied in The People’s Charter. The argument goes that SA went through a period of conservatism with (Sir Thomas) Playford as leader for 27 straight years, but prior to that and subsequently, SA was a small ‘I’ liberal society. SA introduced male franchise in 1856, the Torrens title for ownership and sale of land, and the separation of church and state in schools. The British non-conformist tradition was strong.



Cited in further evidence are the reforms of Charles Cameron Kingston, who brought in workers compensation in the 1890s, also votes for women, and enabling women to stand for parliament. Dunstan believed strongly in this heritage, according to former Attorney-General Chris Sumner, who served in parliament with him.

*“Don said we are the rightful inheritors of that tradition.”<sup>4</sup>*

Another viewpoint is that the status quo, or default position, in SA and all Australian states is conservatism and that it takes considerable pressure to move the needle towards reform. Like the bathroom scales, once that pressure is taken away, the needle reverts to the usual conservative, anti-civil liberties position.

However, whatever the conclusion of which default position of rights in society applies, the story of the struggle for civil liberties in South Australia is linked with the story of Don Dunstan. Dunstan started his political career as the Member for Norwood in 1953, became state Labor leader in 1967, and was twice Premier of South Australia. As a biographer has written:

*“Don Dunstan in the 1960s and 1970s was Australia’s foremost civil rights leader, introducing legislative and cultural reforms to many fields of inequity and injustice.”<sup>5</sup>*

*“From the first year of entering the South Australian Parliament in 1953 until his death in 1999 and beyond, Dunstan ensured his commitment to social justice extended to all of South Australia’s citizens.”<sup>6</sup>*

There was quite a close association between Dunstan’s office and the SA Council for Civil Liberties (SACCL). This was a function of the philosophies of the people involved and the commonality of aspirations.

Before the SACCL formed, there had been a link between Adelaide and the Australian Council for Civil Liberties, which began in Melbourne in 1935 (later to become the Victorian Council for Civil Liberties, and later still Liberty Victoria). The Adelaide solicitor G.L. Morris was appointed ACCL state secretary.<sup>7</sup> The ACCL lasted as a quasi-national body for about four years (see chapter 12).

The SA Council for Civil Liberties was formed in 1967. Like many such groups, it had its strong periods, then went into decline/abeyance around 1990 to become possibly a ‘one-man band’, before a minor resurrection in the early-2000s. The establishment was the result of work of a provisional committee chaired by Prof W.G.K. Duncan, who was for 18 years Professor of Politics in the University of Adelaide. Duncan was educated at Sydney University, London University and in the USA on a Commonwealth Fellowship studying population problems and immigration. Later, he was for a considerable time Director of Tutorial Classes in the University of Sydney, before moving to Adelaide in 1951. The Australian Dictionary of Biography says of him:

*Christina Stead, a fellow student at the University of Sydney, fell in love with him. He wrote regularly to her from London, but when in 1928 she arrived, uninvited, he did not make her welcome. She wrote to her sister: ‘He has a thorough-going indignation for (what he conceives to be) all forms of oppression, depression, impression, repression, suppression, compression and (irrational self-) expression, in short for all forms of everything which does not represent (what he conceives to be) Liberty and Justice’. Long afterwards she published a savage portrait of him as Jonathan Crow in For Love Alone (1944).*

The SACCL had an initial membership of about 90. One impetus to its formation appears to have been concern over police powers and reform of the *Police Offences Act*. During the Vietnam Moratorium marches around 1970, police actions were monitored, and SACCL had a panel of solicitors to defend people arrested.<sup>8</sup> At the inaugural meeting of 66 people, the constitution was adopted unanimously and officers and the committee elected.

Judith Worrall, who was active in the early days, recalled:

*"Yes, they were left wing people. None were small 'l' liberals...may have been a few, but I was not conscious of them."*<sup>9</sup>

G.H. Anderson  
Prof. J.R. Anderson  
Mrs. A. Barley  
Mrs. E.S. Barnes  
Miss Wesley Bell  
Dr. R.J. Best  
Mrs. P. Bockner  
Miss A.S. Bourne  
Laurie Bryan  
R.P. Buhler  
G. Butler  
Prof. W. Cherry  
H.R. Cilento  
David H. Close  
Peter H. Cole  
John R. Cook  
Geoffrey Craig  
Mrs. U. Dahl  
Mrs. L. Davies  
Mrs. O.R. Doyle  
D.G. Ellis  
Dr. R. Ellis  
Dr. Cornelia H. Findlay  
B.B. Fisse  
Ian Hanna  
R. Hawkes  
Neal J. Hume  
E.F. Johnston  
Paul E. Keal  
Nicholas Kerr  
H.M. Kowalik  
C.R. Lawton  
Mrs. J. Llewellyn  
Miss M. McBriar  
Dr. E.H. Medlin  
Mrs. M.P. Miller  
Augustine Mok  
Bruce Muirden  
Mrs. C.R. Neilson  
G.R. Noble  
John W. Perry  
H.T. Pritchard  
Miss Ellen Resek  
H. Retallick  
Prof. J.A. Richardson  
Miss J. Robertson  
Prof. W.P. Rogers  
Miss J.H. Shaw  
Mrs. S. Simons  
Martin Wesley Smith  
G.V. Spicer  
Colin Steen  
John G. Stokes  
Mayor K.J. Tomkinson  
Dr. J.M. Tregenza  
S.L. Tregenza  
Miss Candida van Rood  
Mrs. S. van Rood  
N.S. Walker  
J.W. Warburton  
Mrs. Barbara M. Whitney  
L. Wraczynski  
Mrs. J.C. Yeatman

COUNCIL FOR CIVIL LIBERTIES MEMBERSHIP LIST

J.R. Anderson  
Miss V.T. Baddams  
K.P. Barley  
Miss M.L. Bearlin  
E.L. Bentick  
F.T. Blevins  
Mrs. S.A. Boehmer-Christiansen  
Mrs. J. Bourne  
Miss Mishka Buhler  
E.R. Bunney  
Prof. A.C. Castles  
P.J. Christiansen  
Peter A. Clancy  
B.L.D. Coghlan  
Miss P. Considine  
Prof. D.C. Corbett  
J. Dahl  
E.W. Davies  
M.J. Detmold  
Prof. W.G.K. Duncan  
L.A. Ellis  
Mrs. R. Ellis  
Dr. Geoffrey P. Findlay  
Prof. K.J. Hancock  
Prof. G.C. Harcourt  
Miss Lorna Hay  
C.J. Hurford  
Dr. J.B. Jones  
Mrs. N. Kerr  
F. Kleitsch  
C.A. Laurence  
Donald F. Little  
W.P. McAnaney  
Prof. Brian Medlin  
Dr. James Melville  
K.A. Mizon  
Malcolm Montgomery  
C.R. Neilson  
Rev. E.C.A. Nicholls  
Miss M.E. Paine  
L.F. Piddington  
R.L. Reid  
Miss Marietta Resek  
Mrs. H. Richardson  
Mrs. J. Ridge  
J.D.C. Robertson  
D.B. Royce  
Dr. R.J. Sherrington  
Miss Pauline Smedley  
Peter Wesley Smith  
Mrs. N.J. Spicer  
K.G. Stirling  
C.J. Sumner  
Miss Gertrude E. Tootle  
Mrs. Flora Tregenza  
A. van Rood  
Miss Pete Sally van Rood  
A.R. Venning  
R.H. Wallace  
John Waters  
F.F. Whitney  
Dr. J.C. Yeatman

*Above: Membership list for the SA Council for Civil Liberties in 1968, shortly after formation. Many of them went on to become significant figures in SA, and not a few of them nationally.*

The constitution stated:

*"The aims of the Council will be to assist in the establishment, maintenance and protection of the rights and liberties of persons in South Australia against any infringement, or against the use or abuse of powers by governments, their agencies or others in authority or powers to the detriment of the liberties which inhabitants should enjoy". The Council would: "... pursue its aims by vigilance, publicity, legal action and advice, protest and other appropriate means... The Council shall be non-party and non-sectarian."*<sup>10</sup>

The president's report to the first AGM cited a membership of 203 people: "...an encouraging figure in view of the fact that no serious concerted effort has yet been

made to get members”. A membership drive was being organised: “ I anticipate confidently that our membership numbers will double in the course of the next few months.” <sup>11</sup>

Here’s what we know of some of them – their diversity and what they went on to achieve is fascinating:



**Mishka Buhler** (photo left: National Archives of Australia) was a 22-year-old artist in 1968 who had migrated to Adelaide from the UK four years earlier. Not long after the SACCL meeting, she was

recorded as one of two life models for the seminal Australian film, *The Naked Bunyip*<sup>12</sup>. (Photo right is probably Mishka Buhler, in an uncaptioned photo accompanying producer John B Murray’s description of the genesis of the film).



**Wal (W J) Cherry**, who died in 1986, was the foundation chair of drama at Flinders University, who was enormously influential in SA’s theatrical life then and in legacy. He later became professor of drama at Temple University in Philadelphia USA. The Wal Cherry Play of the Year Award for Best Unproduced Play annually for new Australian playwriting commemorates him. His legacy includes his daughter Kate who in 2018 is Director/CEO of the renowned National Institute of Dramatic Art (NIDA) in Sydney NSW.



**Michael Detmold** was then a law student, became a professor of law in Adelaide and is perhaps still at the faculty.

**E.F. (Elliott) Johnston** was then a noted pro bono lawyer, and communist, who became an even more noted SA Supreme Court Judge and then Commissioner of the Aboriginal Deaths in Custody 1989-91. Elliott Johnston (usually EJ) Chambers of barristers in Adelaide is named after him.<sup>13</sup>

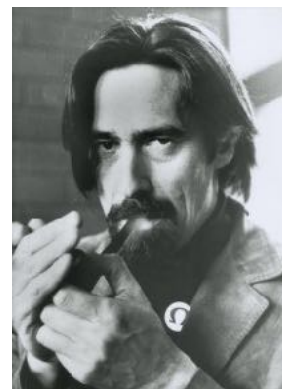
**Keith J Hancock** became Professor of Economics at U. Adelaide, and later Vice-Chancellor of Flinders U. before becoming a presidential member of what became the Australian Industrial Relations Commission. He chaired major national committees of inquiry into superannuation and the industrial relations system.

**Dr Cornelia (Nele) Findlay** became a noted conservationist, restoring local areas to pre-settlement vegetation. **Dr Geoffrey Findlay** was an eminent academic at Flinders U. School of Biological Sciences. Together while on holidays, they recorded a 20-year post-bushfire recovery history of a sweep of land in Tasmania.

**Brent Fisse** taught at U. Adelaide Law School from 1964-1985 and from 1985-1995 at U. Sydney where he was a professor of law. He was also Bicentennial Fellow, University of Pennsylvania (1968-1969); Research Professor, University of Delaware, 1981-1982; and Mitchell Distinguished Visiting Professor, Trinity University, San Antonio, 1984.

**Chris Hurford** became the Member for Adelaide 1969-1988, held federal ministerial office including as Immigration Minister, and was also Australian Consul-General in New York 1988-1992.

**Harry Medlin** became a Professor in Physics and later was Deputy Chancellor at U. of Adelaide. His brother, **Brian Medlin** (photo), was inaugural professor of philosophy at Flinders U.



**John William Perry** became a judge of the Supreme Court of SA, and a major contributor to national discrimination law and legal education. However, although he was a founding member, he resigned when the Council decided to take a pro abortion stance.

**Marietta Resek** was a refugee from Vienna, via London, from World War Two, to whom social justice has always been important. With her sister Ellen she wrote an influential book on dressmaking. Marietta went on to establish an undergraduate scholarship in her name at the U. of Adelaide, for Indigenous Students in Agricultural or Health Sciences (Medicine, Nursing, Health Sciences, Psychology, Dental Surgery or Oral Health).

**Chris Sumner** became a Labor SA Legislative Council politician for 20 years, and was twice SA's Attorney-General as well as being responsible for other ministries, including Justice and Correctional Services (see his comments later). Sumner was a member in late 1960s and early 1970s and on the executive 1968/9. He was appointed to the SA Supreme Court in 1967, elected to the South Australian Legislative Council in 1975, and in 1979 was appointed Attorney-General and Minister of Prices and Consumer Affairs. He was Leader of the Opposition in Legislative Council from 1979 to 1982, and then was reappointed as Attorney-General.<sup>14</sup>

**John Waters** became a candidate for public election, a senior barrister in Darwin and, eventually, a QC. He was closely involved with the growth and development of the Museum and Art Gallery of the NT.

The **van Roods** were a bohemian family with a diversity of talents. Mother **Sophie** ran a well-known clothes emporium, the Banana Room, and was rigorous in her exposure of cant, a talent her children Peta and Candida inherited. Both became activists. The 'A. van Rood' is probably the eldest child, **Anselm**, who went on to serve on the committee for many years.

**Martin** (photo, right) and **Peter** (left) **Wesley-Smith** are twins, who went in different directions – one into music, the other into law – but ended up closely collaborating. **Martin** taught composition and electronic music at the Sydney Conservatorium of Music, where he founded the Electronic Music Studio. He is a pioneer in Australia of audiovisual composition, and one of Australia best-known composers, receiving an AM



in 1998. **Peter** became professor of constitutional law at the U. of Hong Kong and a noted authority on HK and international law, as well as writing children's books and songs. He was librettist for many of **Martin's** compositions. In helping their brother **Robert (Rob)** fight for the independence of East Timor for 30 years, they became much revered in that country, and the trio was awarded Timor Leste's highest honour, the Ordem de Timor Leste, in August 2014. (Rob is

centre, with then TL President Taur Matan Ruak at the presentation ceremony).

### **Business of the first committee**

The SACCL president reported that the committee of the Council had met twelve times since the inaugural meeting, average attendance being 12 out of 17. In line with requirement of the constitution, a legal committee was set up, with six serving lawyers, who had considered a wide range of issues. The activities of the council were in two major categories:

- investigation of individual complaints of infringements of civil liberties
- taking up of general civil liberties issues

Twenty people had approached SACCL for help, and they were dealt with by interview and/or correspondence. Many did not justify action beyond the initial stages: however



there was legitimate grievance in 12 cases. The president cited a case as illustrative: the alleged defamation of an aboriginal woman (SACCL wrote to the Minister, he disagreed, and the woman was not prepared to take the complaint further).

The secretary's first report stated that there had not been a great deal of activity, which could be attributed to the council "finding our feet, and that we have not yet achieved any real public recognition".

The first matter the Council dealt with was a complaint from a worker at Whyalla concerning the alleged practice of BHP to require contractors to submit names of proposed workers for approval. The CCL sent a letter to the Minister of Labour and Industry, pointing out the dangers of this practice and requesting he look into it.

The committee considered the publication of a booklet "*If you are arrested*" similar to the NSWCCCL production. The committee resolved to have 5000 printed for sale at 20 cents a copy.

There was a special committee established on censorship. The Anti-fluoridation League approached the committee to take up their case, but it was considered there were sufficient public representations of this issue already. The committee also was involved in a controversy around the Musgrave Park Aboriginal Park administration.

One important early action was a challenge that the Council supported to some by-laws which prohibited the distribution of pamphlets in the street. Sumner briefed Len King QC, (later Chief Justice). The matter went to the High Court where it lost (with dissent from Justice Roma Mitchell).<sup>15</sup>

From 1968 until March 1990, the SACCL published a periodical titled ***Civil Liberty*** approximately every three months (occasionally there were gaps). There may have been publications after this time, but neither the National Library of Australia or Flinders University library hold them. The issues covered included police powers, voluntary euthanasia, random breath testing, prostitution law reform, mental health issues, laws on cannabis, bill of rights and many more.

The No 1 issue of ***Civil Liberty*** was dated December 1968 and the last one, No 57, was dated March 1990. There is nothing in the latter to suggest that the publication would be discontinued but in No 56, there is mention of the fact that the editor had retired and they were urgently seeking a replacement.<sup>16</sup>

The format of Civil Liberty was generally a brief summary report, followed by an article or submission on some current topic.

The December 1969 newsletter, No 5 with editor J.A. Richardson, reported on the elections at the October 1969 AGM: President Prof J.A. Richardson, Vice-Presidents:

Prof W. Cherry, Mr J.Dahl, Secretary: Dr J. Jones, Ass Sec: Mrs H. Richardson, Mr J. Perry, Treasurer: Miss R. Layton. The General Committee comprised: Mr D. Ashenden, Prof. P Bourke, Mr R.J. Brown, Prof G. Duncan, Mr B. Fisse, Mr J. Hume, Mr C. Lawton, Mr G.R. Noble, Mr H.E. Worrall, and Mr A. van Rood.<sup>17</sup>

At the general committee meeting, on 18 November 1969, Prof Bourke and Messrs Dahl and Worrall were elected to the executive committee. Miss Layton was appointed as membership officer, Mr Ashenden as membership drive officer, and Prof Richardson as editor of *Civil Liberty*.

The president's report to the second AGM described the year as "a chequered one", though he believed the Council could point to having made "some impact in the State". The Council had not fully assumed the role the president had envisaged.

*"We still have a long way to go to become the force in the community with our Council as its spearhead."*<sup>18</sup>

The president identified the reasons for this: the brunt of the work had fallen on a few people, and the general committee of the council "...has been frankly disappointing", with poor attendances. There had been a failure to engage the membership in activities. The membership of 400 was mainly passive. Another weakness was lack of finance, though sale of the booklet *'If You Are Arrested'* had returned a net profit.

There had been three general meetings of the council with an attendance of over 60 members and two successful social events. One significant resolution was support for the establishment of an Ombudsman's Office, subsequently rejected by then Premier Steele Hall. Another was discussion of the right to protest, with addresses by the Attorney-General Mr Millhouse, Mr Perry and Mr Barron. This was an active campaign, with letters, adoption of individual cases, and media.

The Bill to ban Scientology was regarded as a regressive piece of legislation, counter to fundamental civil liberty - freedom of religion. The efforts were not successful with the Bill passing narrowly.

Another important matter was the Abortion Law Reform Bill, an issue taken up by a subcommittee and a submission presented to the Parliamentary Select Committee. This argued to permit termination by a legally qualified medico during the first 12 weeks of pregnancy but was not successful.

A further social issue was discrimination against Aborigines, which was taken up in cooperation with the SA Humanist Society. The president concluded that he was even more convinced that there was a vital need in Australia for state councils for civil liberties.



*“It seemed that the balance between liberty and order has tilted dangerously over the past year, that there is a growing intolerance of the dissenter, a greater tendency to restrict the right of the individual to protest, an increasing conviction that government agencies know what is best for us to read, see and hear.”<sup>19</sup>*

The issues identified in the editorial in October 1970 were:

- censorship,
- freedom of assembly,
- the position of Aboriginals in the community,
- conscientious objection to the Vietnam war, and the National Service Act, and
- the right of the individual to dissent.

*“There is little doubt that the liberties on which we pride ourselves in a democratic country are under strong attack...”*

As well as national issues against political demonstrations, other issues in SA were the prohibition of Scientology, and the wide powers of police:

*“...it is more than ever essential that the only organisation which exists solely for the defence of civil liberties should receive widespread support and make its voice heard and respected in our State.”<sup>20</sup>*

In this context, it was alarming that membership had actually decreased to a little over 200 members. The president commented that the Council was failing to get its message across, and a review of the group’s functioning should be made to more vigorously pursue its aims.

Secretary J.B. Jones’ report to the third AGM outlined continuing difficulties of reliance on a few members and poor attendance at general committee meetings. Lack of finance was alleviated by sales of booklet *If You Are Arrested* and the inauguration of the Legal Aid Trust Fund. The AGM included an address by Prof G.C. Duncan ‘*Sex, Sadism and the Right to be Free*’.

There were two general meetings: first addressed by Hon D.A. Dunstan *Police Powers in SA* in April 1970, the second addressed by Hon L.C. King on *The Law Reform Policy of the State Government*. Reports appeared in local newspapers of these addresses.

At a social dinner function at Castle Hotel, Sen John Wheeldon (Labor, WA) spoke on the problems of drafting drug control legislation without infringing civil liberties. At the April general meeting, Mr L. Bryan moved that the Council press for a Royal Commission into various Aboriginal matters. This was defeated because it was thought the Council did not have the resources to provide the documentation needed. The issue of police powers (identified as part of the problem) was being addressed by the Council.

A major activity of the new SACCL was Vietnam Moratorium and monitoring police during Vietnam marches. The first anti-Vietnam war Moratorium rally was held in May 1970, a second rally in September 1970, and another in 1971.

*Right: An anti-Vietnam War demonstration in Victoria Square, Adelaide, 1971.*

National Library of Australia  
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The close relationship between the CCL and the Premier's office was apparent, with Peter Ward holding an executive position in the CCL prior to joining Dunstan's staff as senior advisor in 1969 and maintaining his membership afterwards. Ward was openly living in a homosexual relationship<sup>21</sup> and had raised concerns about police records on gays. The Council advocated the decriminalisation of homosexuality, especially after the murder of Dr George Duncan (see below).

The CCLs interest in gay law reform continued. When Peter Duncan, elected in March 1973, brought a private members bill on full decriminalisation of homosexuality before the House in September 1973, the Council supported him, supplying legal opinion.<sup>22</sup> While this first attempt was unsuccessful, Duncan's bill was enacted in September 1975, making SA the first Australian jurisdiction to legalise male homosexual acts.<sup>23</sup>

Police actions were a continuing issue with both the Premier's office and the SACCL. Premier Dunstan wanted the Vietnam Moratorium March to proceed unhindered: Police Commissioner McKinna held that he could not condone breaches of the law. Subsequently 130 people were arrested during violent clashes with police.<sup>24</sup>

The government established a Royal Commission to report on police powers. Justice Charles Bright, the Royal Commissioner, found that there was no ministerial control over police. He reported that the confrontation over the march was exacerbated by lack of communication between police and the demonstrators. He recommended legislation be enacted to empower the government to give directives to the police commissioner. The Dunstan government enacted such legislation in 1972.<sup>25</sup> At the

same time, the government introduced a bill to amend the *Police Offences Act*, to place control of the police in the Executive Council.

*“The police strategy of using the anti-war demonstration to resist Dunstan’s authority had backfired. The police action was defiant, hostile and ill-judged, serving only to draw the attention of the public and the parliament to the dangers inherent in police autonomy of action and freedom from accountability.”*<sup>26</sup>

Premier Dunstan addressed the CCL in July 1970 on the *Police Offences Act*, stressing that such widespread powers must be supervised. He raised concerns regarding police abuse of loitering provisions, police files on citizens and methods of questioning.<sup>27</sup> By October 1970, the CCL had convened a committee to investigate police powers and the provisions of this act, and argued for oversight of police by an independent body.

The CCL made a submission to the Bright Royal Commission, calling for abolition of section 63 of the *Lottery and Gaming Act* and narrowing of the definition of loitering under the *Police Offences Act*. This act was used by police to entrap suspected homosexual men into compromising situations and then arrest them.

The brutal murder of Adelaide University law lecturer Dr George Duncan in May 1972 became a focus point for gay activists locally, and nationally. Three off-duty police were suspected of bashing Duncan, but were allowed to resign from the force. To this day, no-one has ever been charged with Dr Duncan’s murder.

Following the murder, the CCL called for homosexual law reform.<sup>28</sup> The CCL’s committee on police powers conducted a lengthy discussion on issues arising from the *Police Offences Act* in April 1973. The CCL advocated the need for an independent body to review complaints against police. Subsequently the CCL sought and finally achieved a meeting with Salisbury, with no success.

The rights of homosexual people was prominent in 1972-3, with a seminar at Adelaide University on sexual oppression and liberation.<sup>29</sup> Presenters were academics, clergy and social workers. A detailed position paper on homosexual law reform was prepared by SACCL president Don DeBats, with the aim of achieving two over-riding goals:



- removing all invidious distinctions between homosexuals and heterosexuals in the eyes of the law, and
- ensuring that homosexuals have equal access to all the privileges and duties of citizenship.<sup>30</sup>.

Debate in the SA parliament on a bill of rights brought the topic to the forefront, with SACCL opinion being divided. *Civil Liberty* reproduced the draft bill for discussion and to determine issues for a SACCL submission.

A questionnaire was sent to election candidates on matters related to civil liberties: the executive was successful in getting publicity for the responses on radio and television but not in *The Advertiser* newspaper. Forty eight responses were received from 120 questionnaires: one classic comment replied to the question: 'In your opinion, which civil liberty is under most threat?' by writing:

*'Freedom from small cliques of pressure groups operating under high-faluting pseudonyms'.<sup>31</sup>*

As a result of such responses, the SACCL started a program of education of politicians.

The Council continued in 1973 with its series of lectures to police to "help break down the attitude that 'we're simply anti-police', and to help build better understanding of our functions".<sup>32</sup>

In a year of considerable activity, the SACCL in 1973 dealt with rights of mental patients, police-manhandling, censorship, and scrutiny of legislation.<sup>33</sup>

In further attempts to build bridges with police, Commissioner H H Salisbury spoke to a packed CCL audience on the topic *Police Powers and Victimless Crimes*.

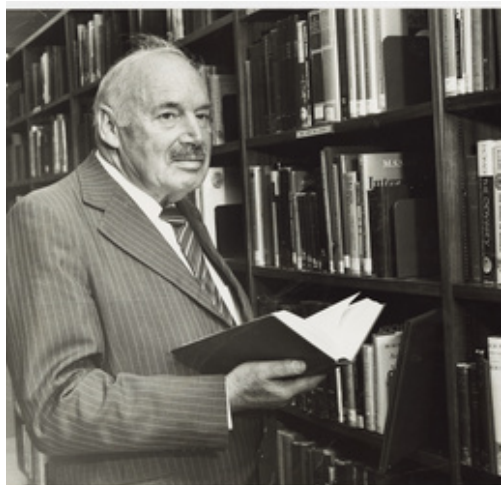
*"Though not everybody agreed with his point of view, the evening enabled members to put their thoughts to the top police executives in SA and to explore possibilities for change".<sup>34</sup>*

Topics of addresses to other general meetings were on mental health and euthanasia. SACCL committee members spent considerable time in lectures and talks to various organisations, and subcommittees were active on the issues of mental health reform, children's rights, cannabis, and the Human Rights bill.

In November 1974 the SACCL responded to an offer by the federal Attorney-General for the organisation to apply for funding. There was discussion in the committee that this funding might affect the group's independence, but it was decided on balance that the benefits outweighed such misgivings, and an application was made for \$5500 for

secretarial assistance, with the proviso that “No grant from any source can be allowed to compromise this position (of independence) in any way...”<sup>35</sup>

Great concern was expressed about the impact of the Listening Devices Act in SA, summarised in the comment: “...a tardy piece of legislation paying little heed to the individual’s right to privacy”.<sup>36</sup>



The Chief Justice Dr JJ Bray (photo, State Library SA) gave an erudite and entertaining address to a dinner meeting of the council in June 1975 on the topic of The Common Law and Civil Liberties. The secretary’s annual report summarised the year:

*“1975 has been another year of activity for the Council, especially in the number and variety of cases that have come before the SACCL. In the legislative field the past year will be particularly noted for significant reforms in the fields of rights for mental patients and for homosexuals”.*<sup>37</sup>

The upcoming National Convention on Civil Liberties was reported with enthusiasm, with copies of the program being available to members, who were urged to publicise it widely.<sup>38</sup> Subsequently the newsletter reported that the issues which drew publicity were the age of consent, the rights of mental patients, and legislation of cannabis. About 80 people attended, though 100 were expected, leaving the SACCL asking members for financial support.

Matters of policy were put to the general meetings in 1977, on censorship, compulsory unionism and marijuana. President Michael Steele appealed to the membership to be involved:

*“It ought not to be the role of the Committee to administer the SACCL from an elitist level of Committee membership. There ought to be a very considerable relationship between the Committee and the general membership. For it to be otherwise breeds the possibility of bias towards particular viewpoints at Committee level”.*<sup>39</sup>

An important submission was made to the government in relation to the 1981 census: requiring that data collection be justified:

*“Prior to the finalisation of the Census questionnaire the government should make available for public debate a list of the questions proposed for inclusion in excess of those questions constituting the basic demographic census, together with all essential information required for a public assessment of the usefulness and necessity of each question or group of questions. This information should include*



*details of the institutions, organisations or persons requiring the data collected, the nature of the plans or decisions such data informs and the importance of the data for that purpose, other means by which the data may be collected and expert opinion on the statistical validity of such means of collection in comparison to census data”.<sup>40</sup>*

The exposure of the practices of Special Branch by the White (Acting Justice J.M.) Report and the dismissal of Police Commissioner Salisbury surprised none in the SACCL. The views of the Council were widely reported in the media.

*“We hope to have played a role in the exposure of Special Branch and this is the best example of the role any civil liberties Organisation has to play”.<sup>41</sup>*

The SACCL was a particular Special Branch target. As the Australian Institute of Criminology reports<sup>42</sup>:

*The Council for Civil Liberties and its members, never among the most favoured citizens of South Australia in the eyes of the police, were all on file.*

*Long before the Council was formed, the public utterances of many prominent persons who advocated any form of civil rights or liberties were indexed (South Australia 1977, p13<sup>43</sup>).*

Continuing SACCL activities were submissions and statements on the ASIO bill, prostitution fines, legal aid and freedom of information. President Judith Worrall (photo) regretted the poor attendance of members at functions and urged greater involvement and feedback. The ASIO bill continued to be an issue of grave concern.



*“There are horrendous aspects of the ASIO Bill. The Director-General of ASIO is given enormous powers without being answerable to Parliament or the Government and the Minister cannot over-rule him. The general lack of requirements to inform at least the Minister of the activities of ASIO is unconscionable, especially in view of the broad range of behaviour that is defined to be ‘subversive’ against which ASIO is authorised to take action. In particular these include activities ‘promoting hostility’ or ‘endangering good government’ which can easily be interpreted to include activities which are proper for a citizen to engage in. The Director can enter and search premises, intercept mail and telephones without, apparently, the details of any of these activities having to be reported to any agent of government”.<sup>44</sup>*

The Committee was alarmed that the Police Special Branch, which had been disbanded, was the subject of rumours that it was to be reconstituted. Even more disquieting was the fact that files, reported to have been culled, were still in existence. The Committee approached the government for confirmation and comment.<sup>45</sup>

In his report in 1981, President Michael E. Davis reported on the proposed 6th national convention, set for October 1980:

*“Perhaps the most significant development to report is that at long last a national organisation, known as the Australian Council for Civil Liberties, has commenced to operate. SACCL had been urging this for a long time”.*

(Regrettably the proposed national convention in Sydney was cancelled at the last moment due to lack of registrants. The issue of a national civil liberties body is covered extensively in chapter 12).

Other issues the president addressed were the carrying on their hips of hand guns by police, film censorship and a royal commission into prisons.

*“All of these issues have created a large amount of public debate and we have considered it important that the voice of the Council should be heard.”<sup>46</sup>*

In addition to *If You Are Arrested*, another publication was to be released, *Search and Seizure – Your Rights*. The council appreciated the work being done by Brent Fisse on this. Policy decisions of the Council were to be published. Membership had increased, thanks to the efforts of assistant secretary Peter van Rood. The new secretary was Karen Halley, new assistant secretary Harold Rodda and Steve Acton, Jonathon Harry and Jim Warburton were new committee members. The president urged members to encourage friends to join. There were 47 new members since October 1980.

The office bearers 1981–82 were: President M Davis, Vice Presidents J Dahl and A Perry, Secretary K Halley, Assistant Secretaries A van Rood and H.J.Rodda, Treasurer T.R. Denton. D.DeBats, J Warburton, D. Whittington, J.Harry, J.Jones, R.Cameron and Ann Levy were on the committee.<sup>47</sup>

A copy of an address by Sen Alan Missen (photo) on *Police and Civil Liberties* was reprinted in this issue. Senator Missen was a small ‘l’ Liberal, a life-long defender of civil liberties and human rights. His speech gives a good overview of the national issues of the day.





Senator Missen said he had attended a meeting of Victorian CCL a week earlier, “which was not nearly as large as this meeting”. He referred to a meeting with Margaret Thatcher at Monash University, at which there was an unhappy situation where police stood shoulder to shoulder to form a phalanx against dissent. He addressed the question of balance between civil rights and responsibilities, and mentioned that ASIO was set on a new basis following an inquiry by Justice Robert (Bob) Hope in 1977, giving a legal basis to their activities. (Robert ‘Bob’ Hope was a former president of the NSWCCCL).

Missen described the *Criminal Investigation Bill* as an excellent reform: it included strict criteria for arrest by police and encouraged tape recordings of confessions, limits on force in arrests, prohibition of entrapment, special protections for children, persons not fluent in English and Aboriginals, and new rules on bail and search warrants. Important reports by Justice Lucas in Queensland in 1977 recommended tape recording to reduce police malpractice. The government rejected it, and subsequent superior courts had shown police practice to be unreformed.

Missen mentioned the Queensland Council for Civil Liberties report, released on 10 December 1980, *Police Malpractice and Judicial Response*, compiled by Peter Applegarth, “their able secretary”.

In Victoria, Missen continued, the Beach Report October of 1976 outlined police corruption. The Police Association had forced the government to agree to have committal proceedings before magistrates. However there did appear to be a change in police behaviour since the report. Regarding complaints against police, the Australian Law Reform Commission had brought down a report, stating that police should not investigate police. A federal bill was passed, *Complaints (Australian Federal Police) Act 1981*, which included recommendations of the ALRC. Complaints could be made to the Commonwealth Ombudsman office. This bill should be introduced in the States, he said. Public assembly and demonstrations laws and rights were vague and confusing. Finally, Senator Missen said, Human Rights Commission powers were relatively inadequate, as there was no enforcement power.

The President’s – Michael E. Davis – report in October 1981 said:

“A very large amount of our time (of the SACCL) was taken up with complaints against police, in counselling complainants, in making representation to the Police Department and in liaising with legal advisors”.

The present system of internal investigations into police was not satisfactory, he said.

Through the 1980s, the newsletter *Civil Liberty* reported the same group of people in executive positions. The issues included changes to parole eligibility and strife at Yatala prison, the Police Complaints Authority, and the Australia Card (the Council

wrote to the SA federal MPs about its concerns). Submissions were made on the suppression from publication of names and evidence in SA courts, on random breath testing, and on video censorship to the Joint House Select Committee on video material. The Council defended the rights of the League of Rights to stage an exhibition, on the grounds of defending freedom of expression. The Ombudsman expressed concern regarding the lack of debate on privacy and computers.

A few years later, President's Don DeBats (photo) report to SACCL AGM was gloomy.

*"1985 was hardly a good year for SACCL. The Council confronts a particularly difficult political climate at the moment. ...a grey consensus of conservatism... The Labor Party in government is less inclined to listen to the concerns of the Council than it was in Opposition. There is little debate and even less reflection on the direction of policy development. The job of the Council ...becomes both more important and more difficult...We are small, but I hope sufficiently vocal, organisation always running the risk of becoming isolated as erstwhile friends move with the tide and coalitions change."*<sup>48</sup>



Total membership was 130, of whom 87 were financial.

A number of issues had occupied the Council during the year: The clearest defeat: the disappearance of the unsworn statement from the law in this state. This permitted the defendant to make a statement at trial which was not subject to cross examination (in instances where he/she would be disadvantaged by lack of linguistic ability or mental state). The second issue is censorship: alleged link between viewing pornography and violent crime. The Council does not believe the case for harm has been made. The third issue is recent amendments to the Police Offences Act. The Council lobbied against, stating it created a de facto detention law. The fourth issue was the successful lobbying to establish a Police Complaints Authority as an independent body to investigate complaints against police.

An unresolved issue is the bill of rights, (Sen Evans' efforts have lapsed)...<sup>49</sup> Owing to the failure of the Australian CCL to progress it, the SACCL was pursuing a bill of rights on its own initiative. A campaign was to have been a major activity of the defunct ACCL. The version put forward by then-federal AG Lionel Bowen was considered deficient, because it was legislative not constitutional, affected federal law only and not state law, and was to be interpreted not by the courts but by the Human Rights Commission. "The Bill of Rights as proposed is a shield not a sword," the newsletter *Civil Liberty* thundered.<sup>50</sup>



The same issue of the SACCL newsletter ran an address to the AGM by Dr Neal Blewett (photo), Federal Minister for Health, on the then-topical issue of a proposed Australia Card, to be issued to – and mandatorily carried by – every citizen of the nation. The SACCL opposed the Australia Card because it constituted an invasion of privacy, was of questionable effectiveness, incurred a high cost to set up, and would become the standard ID for citizens. The president commented “Regrettably, the ID card is being pushed by this former (SA) Council president”.

Some remnants of cooperation with the NSWCCCL and the fading national body it administered was indicated by the printing of articles on racial hatred by Tony Katsigiannis of the NSWCCCL and on video censorship by Beverly Schurr, secretary of the ACCL (and NSWCCCL executive member).

However, the SACCL was not enamoured of the NSWCCCL. On 23 October 1985, President Donald DeBats wrote to Tim Robertson, editor of the ACCL Policy Booklet, in Sydney:

*“You will appreciate that there has been a long standing concern in South Australia but, I believe, in other states as well, that the Australian Council for Civil Liberties be, and be seen to be, an organisation separate from the NSW Council for Civil Liberties. I am quite dismayed to see that what I had anticipated to be a second edition of an ACCL newsletter became, in the hands of Mr Gil Morris, simply another number of ‘NSW Civil Liberty’. I am writing now to urge that it be made absolutely clear in the Policy Booklet that this is a publication of the ACCL, not the NSWCCCL’.”<sup>51</sup>*

The next day the SA President wrote directly to Mr Gil Morris, again expressing his “dismay”, but toughening the language:

*“The publication is yet another measure of the failure of the NSW Council to take seriously the idea of an Australian Council for Civil Liberties.”*

On 11 December 1985, President DeBats wrote to Mr Ron Castan QC of Melbourne, expressing hope for change and progress in the concept of an ACCL:

*“I am writing to say how pleased the South Australian Council is that you have taken on the position of president of the ACCL. I hope that the organisation will emerge in a more autonomous and central role under your administration. As you will know, the ACCL has remained, for far too long, indistinguishable from the New South Wales Council...We hope that a new and clear voice will now be heard.”*

The president's address to AGM in 1987 noted that the role of the SA Council had become more difficult as:

*"...the continuing drift towards social conservatism catches up both old opponents and, more disappointingly, old allies...civil liberties is far too frequently regarded as another luxury which...we can no longer afford."*<sup>52</sup>

A revised pamphlet on people's rights in respect of police was to be available shortly. The Council had initiated major consideration of rights of prisoners in detention.

It was disappointed that the federal government had withdrawn a bill of rights without explanation. The government had, in the president's view, made little serious effort to promote the bill. The threat of additional censorship on video and film had retreated for the moment.

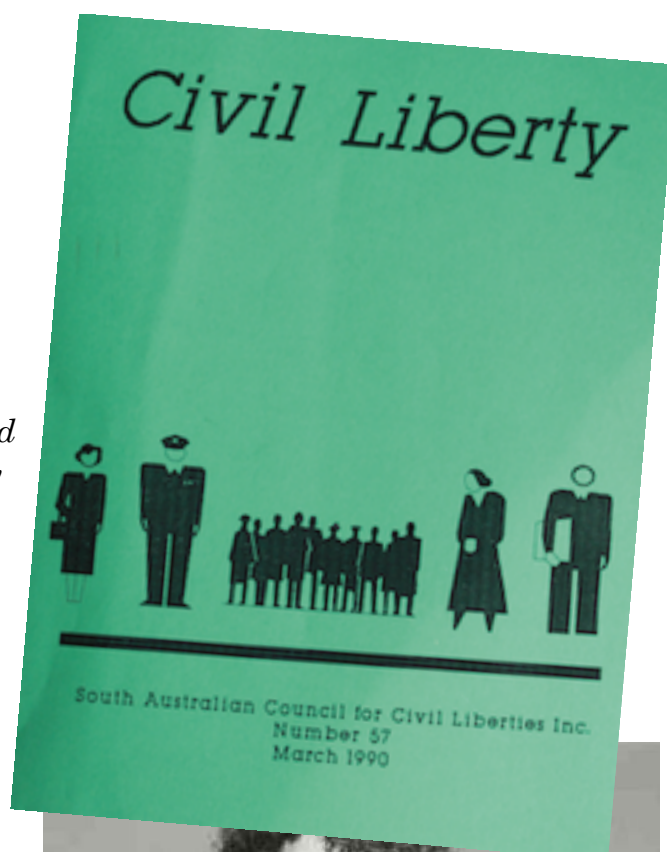
The address to the AGM by Senator Janine Haines (photo, ABC) of the Australian

Democrats seemed to mirror the Council's view: that the past 10 years had been dismal from a civil liberties viewpoint, especially:

- FOI which was neither free nor informative,
- a diluted and under resources HREOC, and
- the attempted introduction of an ID card:

*"All introduced by a Labor Minister who should know better and who, in opposition, was a vocal supporter of the right of the individual."*<sup>53</sup>

Three years later, an issue of *Civil Liberty* listed R Jamison as president for 1988-89, Don DeBats and A Perry vice presidents, L Torop secretary, C Verco assistant secretary. M Luther, M Davis, E Hirsch, and P Flynn were on the committee. There was a desperate search for an editor of *Civil Liberty*, with an appeal for a member to volunteer. The contents consisted of the president's report, and articles on the principles and history of FOI, convicted prisoners' rights, bail or remand – the civil libertarian perspective, and public demonstrations in SA. The AGM speaker was to be



Elliott Johnston QC, judge and Royal Commissioner and a founding member of SACCL. This is evidently the second last issue of *Civil Liberty*.<sup>54</sup>

The last issue, Number 57, was dated March 1990.

It appears that the long-struggling SACCL then went into virtually terminal decline. Former SA AG Chris Sumner observed:

*In the 1980s and 1990s, I think the SACCL was moribund: occasionally one would hear George Mancini in the media on an issue. I don't think it had much of a membership...Labor Lawyers were very active, and we had massive gatherings...*

*The most substantial reform I made was for victims' rights, to have a greater say in the criminal justice system. Victim impact statements started here – the Declaration of Rights of Victims in 1985 – after that I introduced a whole raft of changes, including increases in compensation. A victims' fund was established, to cover compensation. Some administrative reforms were made, with the aim of treating victims with respect, and giving them adequate compensation.*

*From 1982–1993 when Labor was in office, there were other reforms, such as FOI, privacy principles. We got rid of Special Branch, and told police what evidence they could collect. Now it's called something else, but subject to guidelines.*

*One matter that should probably rate a mention is a challenge that the Council supported to some bylaws which prohibited the distribution of pamphlets etc in the street as I remember it. I was involved and briefed Len King QC (later Chief Justice). The matter went to the Full Court and we lost (with a dissent from Roma Mitchell).<sup>55</sup>*



Right: Sumner during an interview for this chapter by CLA president Dr Kris Klugman, November 2014

From the 'death' of the SACCL publication in 1990, civil liberties activity appears to have largely ceased. Occasionally, a "spokesperson" would be asked for comment.

Then, from about the turn of the century, that spokesperson – indeed the SACCL itself – was actually George Mancini (photo), an Adelaide lawyer with his heart in the right place but who had difficulties with the mechanics of running a legal business. In 2018



Chris Sumner mentioned the “big dust up” between Premier and the Police Commissioner:

Louis Waller *The Police, the Premier and the Parliament: Government control of the Police*, in Monash University Law Review Vol 6 June 1980 p254

The principles of responsible government required that no head of a branch of the Executive government – whether appointed under the public service legislation, under a special statute, or by contract – could withhold full information from the government.

In September 1970 open disagreement erupted between the Government of South Australia, led by (Premier Don) Dunstan, and the Commissioner of Police, Brigadier J. G. McKenna ... about proposed police action in relation to a Vietnam Moratorium march and demonstration in Adelaide. The Premier and his Cabinet had asked the Commissioner to refrain from initiating police action to interfere with the marchers even if a city intersection was occupied by them and traffic halted.

The Commissioner considered the request and decided that he could not comply with it.



The Moratorium march was held on 18 September 1970. Several thousand people took part. The marchers stopped at a major city intersection and were loudly heckled. In a few instances marchers were attacked by unfriendly spectators. The police present then issued several dispersal orders. When these orders were not obeyed, police cleared the intersection and arrested a large number of the marchers.

*Photo: North Terrace – The Advertiser*

On 22 September 1970, the Government of South Australia appointed Justice Bright of the Supreme Court of South Australia as a Royal Commission to enquire into the behaviour of the Moratorium marchers and the police. Bright found that while day to day operations of the police should be the responsibility of the Commissioner, ultimately all executive action ought to be subject to examination and discussion in the parliament.

Soon after Bright presented his report, the legislation was amended making clear provision for the government of the day to issue specific directions to the Commissioner for the control and direction of the police.

“In no other Australian state had the relation between government and police in terms of authority and responsibility been so recently and so carefully examined. In no other Australian state had Parliament enacted so recently and clearly legislation expressing the subordination of the police to the executive government.”

on LinkedIn, he described himself as a “criminal defence lawyer, civil liberties advocate, duendeist, creative strategist”, the principal of George Mancini and Co (1992, for 26 years) and “past chair & spokesperson for the SA Council for Civil Liberties for 11 years 2004-2015”.<sup>56</sup>

However, Adelaide’s independent online news site, InDaily, described him in April 2014<sup>57</sup> as being “a former president of the (SA) CCL”. The reference came in an article where it was reported he had been suspended by the Legal Practitioner’s Disciplinary Tribunal of SA from practising law a year earlier, had appealed...and more cases had come to light while his appeal to the Supreme Court waited to be heard. The report says:

*‘His rap sheet for unprofessional conduct over the past 25 years includes unpaid bills, misleading clients, serious delays, failure to file appeal notices and inappropriate dealings with trust monies.*

*On appeal, the Supreme Court overturned the suspension imposed by the tribunal, instead applying a restriction on his practice that he work under the supervision of another lawyer for the next three years.’*

It goes on to outline a “long record of unprofessional conduct” including instances in 1989, 1992, 1995 and 2011. But the article also points to another side of the man in question. The court heard that Mancini was highly regarded for his contribution to the law, including:

- *A member of the Law Society Criminal Law Committee since 1998.*
- *Coordinator of the Law Society’s Annual Criminal Law Conference.*
- *Involved in the Law Society’s Working Party relating to the Productivity Commission’s Inquiry into Access to Justice.*
- *Co-recipient of the Law Society’s Brian Withers’ Award in 2005.*
- *A member of the Law Society Professional Advisory Development Committee.*
- *A reputation for carrying out pro bono work and a willingness to take on matters that other practitioners may not elect to do. He was described as being committed to the practice of the criminal law and the development of the profession in the area of criminal practice.*

However by May 2018, Mancini was in strife again. This time Lawyers Weekly<sup>58</sup> said:



*A prominent Adelaide defence lawyer has been found guilty of professional misconduct after making false and misleading representations to the Legal Services Commission of South Australia.*

*George Mancini has been found guilty of professional misconduct after being charged with five counts of making false and misleading representations to the Legal Services Commission of South Australia on a number of occasions between 2013 and 2015.*

One of his last major tasks formally as President of the SACCL was to attend the meeting in Sydney which tried to get the still-existing civil liberties bodies around Australia to cooperate better. Called by Civil Liberties Australia<sup>59</sup>, a meeting of SA, Victoria, Queensland and ACT (CLA: see endnote) was held at the NSWCCCL premises on 25 and 26 June 2005. Mancini attended representing SA<sup>60</sup>.

As Mancini's practice problems grew through the 2000s, the SACCL body was entering what appeared to be a terminal decline. Even annual general meetings – previously sometimes long delayed, but usually held – seemed to slip. From the national perspective, dreadful laws were coming out of the SA Parliament under Attorney-General Michael Atkinson, whose extremist views seemed to match those of the ultra conservative element of the Liberal Party, rather than the state's governing Labor Party. There were problems with classification (censorship) laws, which required a national consensus of AGs: Atkinson blocked attempts to bring in an R18+ category for video games. As well, the bikie laws drafted in SA were draconian in the extreme, and gave extraordinary power to a police commissioner to declare a group "outlaw" on his say-so, without evidence, and as if a judicial officer (this part of the law was eventually overturned).

The only person speaking up against unjust laws was the President of the SA Law Society, John Goldberg (photo). There seemed from outside the state at least to be no active civil liberties voice opposing the state slide towards autocracy. Alarmed by the extent of repressive law coming out the state, Civil Liberties Australia in 2009 decided to make a formal visit to Adelaide to investigate the options for cranking up a civil liberties public response: should CLA form a local CLA body, or was it better to help resuscitate what seemed to be a moribund, even defunct, SACCL?



On that visit, CLA conferred with many people, including lawyers, non-lawyers and the members of CLA in SA. The main discussants were Goldberg, Stephen Kenny, John von Doussa, Brian Deegan and Claire O'Connor. When Frances Bedford (photo), then<sup>61</sup> a Labor MP for the seat of Florey in the State

Parliament undertook to get the “old” SACCL moving again, and to ensure an annual general meeting was held to formally replace Mancini as the President of the organisation, CLA decided to try to work with a re-formed SACCL.

The report to the CLA Board by President Dr Kristine Klugman said:

*“We expect the present CCL group to reorganise (as a result of our visit), under the impetus of Bedford and Kenny, and to be more proactive – CLA would welcome this. It might take 2-6 months. In the immediate term, CLA will encourage our SA members to actively engage in local CL and human rights issues, supported by the national network.”*



Bedford was as good as her word. An AGM was held on 15 September 2009.



By the mid 20-teens, SACCL had re-emerged as a small group, still comprising mostly lawyers, who meet irregularly to hear luncheon speakers. There are a number of other organisations in the human rights area in Adelaide – the Law Society, Labor Lawyers, Australian Lawyers Alliance, Refugees Advocacy etc – which the now president of SACCL, barrister Claire O'Connor (photo), explained was a reason for SACCL's poorer support and lower membership by comparison with its halcyon days.

*“Most of our committee are lawyers, we also have a human rights committee in the Law Society who respond to legislative changes, a source of active criticism. We try to encourage lawyers to join SACCL. It's difficult.”<sup>62</sup>*

SACCL does not make submissions on legislation, or comment very much in the media.

*“We just don't have staff or money. We don't have anyone who can do that. We have quite a good group of young people. This is a very small organisation, no-one else wanted to be the chair so I agreed. We try every few months to have a guest speaker to a brunch. Burnside, Grant, our own members: we try to have five a year.”*

*“We always have a good speaker for our AGM...on topics like a bill of rights, ICAC for SA. We get asked to speak: about refugees, for example. I speak at conferences.”*

*Membership is a problem, there are other organisations to join. We have young lawyer members, 40% under 30, actively sought. There is intersection of the work with other groups, Aboriginal legal issues.’<sup>63</sup>*

SACCL concentrates on state issues. The organisation is quiescent in the public arena by comparison with liberties councils traditionally.

Adelaide is a small city, so the same people tend to appear in all the human rights organisations. When the SACCL was formed in 1967, there were no other community organisations speaking out for rights of citizens. But currently, there are a number of groups that perform this function.

So some people say that “the field is covered” – except it is not. For example, the bikie laws which emerged in their first draconian iteration in SA, went through the SA Parliament and became the prime example of how ill-begotten legislation in one jurisdiction becomes mirrored around Australia through the harshening and sharpening filter of the federal Ministerial Council on legal, justice and police matters. ...whatever it is called this year. The council has had about five names since the turn of the century: it was best-known as SCAG, the standing committee of Attorneys-General, but that was in its halcyon days.

It is vital that any draconian law is fought against as a state of origin battle. Federation frequently works to gradually cement in place increasing draconian provisions of any new “law and order” election promise made in one state or territory.

The SA bikie laws emerged under a South Australian Attorney General, Atkinson, whom many people believe had a warped view of how to administer justice, as evidenced by a long-running refusal to reconsider the case of Henry Keogh (photo). Keogh was let out of jail by the Supreme Court of SA, after a wrongful conviction for murder, after he had served 19 years: he should never have been in jail, but he certainly could – and should – have been out of jail at least nine years earlier if the legal/justice system in SA had operated fairly. The blame for that nine years lies clearly at the feet of the government and legal authorities of the day. Their failure to deliver justice cost them \$2.5 million in compensation to Keogh in 2018.



For four decades, justice in SA was held hostage by a forensic pathology system that was counter-productive to justice. When this fact was discovered in the early years of the 21st century, isolated voices raised concerns, but there was no body at some remove from the legal profession able to speak out, which was a role that a vibrant SACCL possibly could, and should, have taken.

Approaching 2020, a current need for a separate voice speaking up for ‘the little guy’ is still apparent: it’s a role that’s needed in Adelaide to achieve major aims that such a body might adopt:

- correcting the historical injustice that has occurred in SA, and working to prevent it ever happening again, and
- contributing equally to a national effort to defend and enhance liberties and rights by actively identifying and combating inappropriate local initiatives and any introduced from other states.

Whether the SACCL has the capacity for such a stance, or a new body is needed, is up for debate. Certainly, in hindsight, CLA could have produced a better national outcome by creating a separate new civil liberties group from 2009.

Summing up, SA has been a pioneer and leader in civil liberties in the past, as episodes above indicate. In the mid-1980s, SA was keen and cooperative in a genuine attempt to create a viable, effective, national civil liberties organisation. President Don DeBats of SACCL was a major player and communicator in this attempt. However, the national body failed, due to petty interstate rivalry, none of which was caused by SA. Latterly, the SA entity has become a laid-back, subdued and relatively silent version of what was once a leading voice for liberties, rights and freedoms nationally.

In 2016, Civil Liberties Australia’s Australia Day letter called on the Premier of SA Jay Weatherill, to hold a Royal Commission into the state of justice in SA, because of the numerous incidents of miscarriages of justice in that state. CLA believes a viable, active and critical civil liberties group is needed now at least as much as it ever was.

**ENDS**

(180606 7386 words) (180805 10,173 words) 10,162 words: 180810

<sup>1</sup> [https://en.wikipedia.org/wiki/History\\_of\\_South\\_Australia](https://en.wikipedia.org/wiki/History_of_South_Australia)

<sup>2</sup> <http://trove.nla.gov.au/ndp/del/article/50203809>

<sup>3</sup> Photo: Adelaidia <http://adelaidia.sa.gov.au/>

<sup>4</sup> interview with Hon Chris Sumner AM, former AG SA Parliament 6 November 2014

<sup>5</sup> Dino Hodge *Don Dunstan, Intimacy and Liberty*, Wakefield Press 2014 P 311

<sup>6</sup> *ibid* P 310

- 7 ibid P 105
- 8 interview with Judith Worrall in Adelaide, November 6 2014
- 9 interview with Judith Worrall November 2014 Adelaide.
- 10 Flinders University Library, the SACCL collection  
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- 11 ibid First annual report SACCL 17.10.1968.
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- 13 <https://www.ejchambers.com.au/about-ej-chambers/>
- 14 Personal interview, Adelaide, November 2014
- 15 ibid
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- 17 Flinders University SACCL collection: Civil Liberty December issue Number 5,
- 18 ibid
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- 30 Civil Liberty No 17 June 1973 P 16
- 31 Mr E.R Schultz, Country Party member for Kavel, in Civil Liberty No 16, April 1973 P1
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- 33 Civil Liberty No 18 September 1973
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- 40 Civil Liberty No 35 June 1978 P8
- 41 ibid P 9
- 42 <https://aic.gov.au/publications/lcj/wayward/chapter-7-political-surveillance-and-south-australian-police>
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- 44 Civil Liberty No 39 October 1979 P 2
- 45 Civil Liberty No 40 September October 1980 P 14
- 46 Flinders University SACCL collection Civil Liberty issue No 41 July 1981
- 47 ibid Civil Liberty No 42 December 1981
- 48 ibid Civil Liberty No 50 February 1986
- 49 ibid
- 50 ibid
- 51 Flinders University SACCL collection, letters...and following quotes
- 52 ibid No 52, February 1987
- 53 ibid It is believed she was referring to Neal Blewett
- 54 ibid No 56 September 1989
- 55 interview with Chris Sumner 6 November 2014, Adelaide
- 56 <https://www.linkedin.com/in/george-mancini-29259748> 180805 1600 hours

<sup>57</sup> <https://indaily.com.au/news/2014/04/08/lawyers-multiple-unprofessional/>

<sup>58</sup> <https://www.lawyersweekly.com.au/sme-law/23294-defence-lawyer-found-guilty-of-professional-misconduct>

<sup>59</sup> Then formally called Civil Liberties Australia (ACT) Inc, later Civil Liberties Australia Inc

<sup>60</sup> See Chapter: '*Attempts to form a national civil liberties body*' later in this publication

<sup>61</sup> Bedford became an Independent in early 2017. In 2018, she was elected as an Independent

<sup>62</sup> interview with Claire O'Connor in Adelaide Wednesday 5 November 2014

<sup>63</sup> *ibid*