

## CLA President's report for 2019

***'No passion so effectively robs the mind of all its powers of acting and reasoning as fear'***

– Edmund Burke 1729-1797, from *A Cynic's Political Dictionary*, by CLA member Bill Godfrey.

Regrettably, 2019 produced government scare campaigns and Royal Commissions...into banking, aged care and disabilities, plus other blame-shifting and delaying inquiries. As the government continued a push to re-define religion to suit its own internal faction fights, a “miracle” election win for a climate-change-denying Coalition government morphed into end-of-year bushfires from hell.

CLA continued throughout this turmoil to try to hold back anti-freedom laws, and to open the way for new initiatives. In the 12 months, we authored a focus on, and/or campaigned for:

- the need for a new constitution;
- the need to rewrite a new system of laws for major crimes applying nationally, including re-drafting all ‘anti-terror’ and similar laws passed since 2001;
- a reformed police/prosecution system, built for the 22nd century, not rooted in the 18th;
- a better way of handling internal police issues, charges and allegations/complaints;
- a Criminal Complaints Review System (like UK), to right outrageous wrongs and mistakes;
- a structure to better regulate lawyers and rationalise the numbers studying to be lawyers;
- ways of improving Question Time, including a decibel meter and a yellow/red card system.

In 2019, CLA launched a national campaign, instigated and led by our members in WA. The aim is to rein in the worst aspect of policing, that each police force investigates its own police officers, without independent oversight. CLA's Director in WA, Margaret Howkins, launched the campaign at the annual ANZ Society of Criminology conference in Perth in December 2019. Our presentation called for an end to the practice of Police-Investigating-Police (PIP), both for cases involving workplace health and safety and retirement and resignation matters for police themselves, and for any questionable interaction between police and the public. We proposed a new model of external investigation that would work. Our presentation attracted much comment and discussion from attendees, which encouraged us to embark on a long-term campaign at suitable venues and appropriate times around the nation.



*Photo: CLA members planning the December PIP presentation: Christina Marruffo, Margaret Howkins, Warren Lance and Kathryn Harris. Pic: Anthony Howkins Jr.*

One of CLA's strengths is highlighting what does NOT exist, or what is NOT happening, and to garner the power of units of the state to do the follow-up work they should be doing. For example, CLA was instrumental early in 2019 in the Australian National Audit Office (ANAO) potentially examining the effectiveness of the Attorney-Generals Department (AGD), Australian Taxation Office's and the Department of Home Affairs' compliance with model litigant obligations (MLOs). CLA has campaigned for 15 years that government departments and agencies conspicuously fail to abide by MLOs, which are a statutory requirement on them. The AGD refuses to actively pursue its clear responsibility under law to ensure the MLOs are being followed: instead, AGD allows departments and agencies to self-report if they transgress (like reporting yourself for speeding!). The ANAO, probably Australia's most astute and effective government agency, would report on the issue in 2020.

As part of our 10-year program to introduce 'Better Justice' to Australia, the CLA 2019 Australia Day letters:

- called for Royal Commission into the justice system in Tasmania; and
- called for a Royal Commission/public inquiry into the administration of justice in SA, particularly in reference to former forensic pathologist Dr Colin Manock.

Neither state responded positively, but they will one day have to face the consequences of their weakness in not properly supervising and manage all aspects of law in their two jurisdictions.

We were pleased to strongly support the campaigns for Australia's first Dying with Dignity law coming into force, in Victoria, led by long-standing CLA member Lesley Vick. and the second such law, in WA, passing the parliament in December. The laws give people their civil liberty of having freedom of choice over the end of their own life.

**Human Rights Act (HRA):** Because the federal Coalition government is highly unlikely to introduce an HRA, we decided tactically some years ago that CLA would focus on the states while supporting other groups who keep the pressure on nationally. ACT, Victoria and Queensland (from 1 Jan 2020) have now enacted HRAs. In Tasmania, CLA Director Richard Griggs chairs that state's HRA group of some 20 organisations. They have already garnered the support of the Labor and Greens parties. A new campaign in the NT is under consideration for 2020, and in WA we are combing with others to push for the incumbent government to honour the HRA pledge in their party platform.

Now, entering 2020, two CLA members – Chris Stamford and Julie Carew-Neill – are actively preparing a case that can be presented nationally when an opportunity arises in future years. I note that the Senate has announced an inquiry into improving Australia's "nationhood, national identity and democracy" – by the Legal and Constitutional Affairs References Committee – for report by late-May 2020. "Simple answer," we in CLA say, "adopt a Human Rights Act".

**Right to appeal:** CLA continues to be the main national campaigner for adopting second-chance right to appeal laws outside where they are now: SA, Tasmanian and, from late-2019, Victoria.

**Miscarriages of justice:** It is under the Tasmanian 'right to appeal law' which CLA was instrumental in achieving that Sue Neill-Fraser will finally get her long-awaited second chance at justice. For more than a decade, this travesty of Tasmanian 'legality' has continued, with 2019 spaced out by state legal manoeuvring and more court delays. Her three-judge hearing is scheduled for May 2020.



**Board changes:** As well as the core national membership, CLA is now a loud and strong local group voice in Tasmania, WA and the NT. In 2019, we lost one of longest-serving and most effective Board members – and our experienced national media spokesperson – Tim Vines, who resigned on relocating to New Zealand for his wife's (Saskia's) major job promotion. We gained Caitlin Perry from the NT to extend national Board representation where CLA has a distinctive formal voice in the liberties-freedoms field, as in Darwin. We held quarterly board meetings, with key decisions reported to members in the *CLArion* newsletter, which once again came out every month, on time. A successful AGM in February/March resulted in more than 50% of members voting. *Photo: Tim Vines doing a radio interview on behalf of CLA in early 2019.*

In new moves this year, an ANU internship student Tyler Graves focused on parole issues, and on learning how CLA operates as a voluntary community group by working in the CLA office for three weeks. Our youngest CLA Director, Elly McLean, also spent time working in the office to extend her understanding of day-to-day NGO management. This development is part of encouraging younger people to engage with civil liberties. As well, CEO Bill Rowlings gave a number of major speeches during the year, which received an excellent response when provided to key influencers.

One major new development was that the board decided that each Director would adopt a particular policy area (or two), depending upon their interest and knowledge, and concentrate their actions in that area. So far, that has resulted in the PIP presentation reported above (Margaret Howkins), and in a new initiative nationally to rein in the excesses of proceeds of crime and asset confiscation laws (Bill Rowlings). A further development, in the field of anti-censorship and humane treatment of prisoners (and the 40% of people in jail unconvicted), is also well advanced under the leadership of Vice-President Rajan Venkataraman. We await the release of a major report by the Queensland Productivity Commission in February 2020 on the prison matters. Frank Cassidy is leading research into sporting contracts signed by people when they are juniors, and their ongoing problems as adults.

We make many submissions to federal and state-territory parliaments during the year, (see annual report) particularly where the issue is very important to civil liberties or where we may be the only voice putting contrary considerations in front of MPs before they decide on new laws. If you would like to write the first draft of a submission in an area you know a lot about, or care a lot about, please tell us what area that is, because...

***'Bad laws are the worst form of tyranny'. – same sources as the opening quote.***