



ANNUAL REPORT 2019

This is the 18th annual report of Civil Liberties Australia Inc, registered association no. A04043, trading as and known as Civil Liberties Australia, or CLA. This annual report covers the period from 1 January 2019 to 31 December 2019.

Registered office and register of members:

The registered office of CLA is 51 Ardlethan Street Fisher ACT 2611, where the register of members is kept. The public officer is Bill Rowlings of that address. Further information about CLA and its activities, including its Constitution, policies and its office-bearers, is available at: www.cla.asn.au (see *About CLA*)



Civil Liberties Australia Inc A04043

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Office-bearers:

Dr Kristine Klugman	President
Rajan Venkataraman	Vice-President
Sam Tierney	Treasurer
Bill Rowlings	CEO/Secretary
Timothy Vines	Director to 1 Dec 2019
Frank Cassidy	Director
Richard Griggs	Director
Mark Jarratt	Director to 19 May 2019
Jennifer Ashton	Director
Margaret Howkins	Director
Eloise McLean	Director
Caitlin Perry	Director from 10 Dec 2019

Objectives for 2019 were:

- Carry Better Justice campaign forward
- Human Rights Acts, and Right to Appeal laws, in more states
- Initiate 'Regulation Reform' in 1 state, 1 territory and federally (in the Army)
- Put genes issues – law back on the agenda

Highlights

Civil Liberties Australia's achievements against the above dot point aims, laid out in the 2018 annual report, were patchy. But a new Human Rights Act passed in Queensland, Dying With Dignity legislation which CLA and our members strongly supported came into operation in Victoria, and we made good strides in other areas not on the above list.

Those other areas, significantly, included broader Board representation and a new website and database to manage the organisation. We spent the year continuing to research and to speak with potential partners on the very complex 'Regulations' campaign. The government abuses its ability to use regulations when Parliament is not sitting: at that time there is no chance for Executive actions under regulations to be disallowed. As well, the yoke under which many Australians live – through regulations to which they have no input – is sometimes very tight. For example, about 40,000 lower ranks of the Australian Army get no say whatsoever in the 'laws' (that is Army 'Regs') which govern them.

On the 'Right to Appeal' (R2A) legislation, we anticipated a positive outcome in 2019, but political and legal factors – including the compensation claim by David Eastman over 19 years wrongful imprisonment (for which he received a payment of more than \$7m, represented by CLA Treasurer Sam Tierney). We hold out hopes of getting R2A provisions up in the ACT and WA in 2020.

We worked on the CLA 10-year 'Better Justice' initiative, launched in 2016, as opportunities arose. Our initiatives of fresh thinking and engendering debate is paying off: for example, the Australian Institute of Judicial Administration – controlled by very senior judges – has commissioned national research into the current system of "education" of judges and magistrates in Australia, Prof Gabrielle Appleby, a UNSW Associate Dean is Director of The Judiciary Project, being run by the Gilbert + Tobin Centre of Public Law. CLA has spoken at length with a lead researcher, and PhD candidate, Jessica Kerr of UWA and has supplied materials we have published on the topic. A report is expected by late-2020. We began campaigning in this area in 2015.

The most significant issue "won" in 2019 that we have long campaigned for came at the end of the year, when former WA Chief Justice Wayne Martin, after an extensive formal review to which CLA contributed heavily, proposed removing all current confiscation and proceeds of crime laws in that state, and rewriting the rule book, literally, with brand new legislation. He said the two-decade old laws were so bad

that it wasn't possible to improve them sufficiently by amendment. Starting again from scratch was the only option.

CLA had been saying the same thing since 2005 (in concert with many other entities) when we helped in the NT's Green case. We have also said it to all other jurisdictions in Australia, including to the federal government. The laws are so bad they are 'skewiffing' justice itself: governments are providing funding to employ extra public prosecutors so they can use these evil laws to turn a profit in the Office of the DPP. In other words, 'independent' DPP offices are pursuing cases selected at least partly on the basis that they will produce positive cash returns for their office, which will lead to gaining more staff.

For an example of how much income the laws can generate, in 2018-19 the Queensland Office of the DPP cost about \$42m to run: confiscations and proceeds of crime claims over the same period brought in about \$42m to the office.

In a national distributive role that CLA is increasingly adopting, we furthered positive impact of the Martin report by alerting the Attorneys-General of all other Australian jurisdictions, as outlined in 'Submissions' below.

Queensland also featured in the other major 'win' during 2019, though taking effect on 1 January 2020. That is, a new Human Rights Act for the state. For CLA's strong input into human rights over 2019, please see the Tasmanian and WA CLA groups reports for activity in other states.

Importantly, we also began drawing up a strategy and plan of attack to once again campaign strongly for a charter of rights nationally. We believe this will be a three-to-six year campaign just to make the issue top of public consciousness, with public and political lobbying active later in that period. The most recent national tilt was in 2009, so it will be about 15 years later that Australians will again have a chance to campaign for better protection of their rights, liberties and freedoms. Citizens need only look at a severe national decline in governance in the past decade: Parliament has lost control of an unrestrained Executive comprising the Prime Ministers, Ministers and sometimes core confreres based largely on faith rather than proven ability.

We continued to promote the introduction of the right to second (and even subsequent) appeals. It is a slow battle to progress our aims, but the large compensation payment to Eastman in the ACT is an indicator of how vital it is that prisoners have a second chance in court if fresh and compelling evidence emerges after their conviction.

That evidence is frequently based on DNA results, which explains why we retain our long-term, deep and abiding interest in the quality – or frequently obviously lack of it – of state forensic laboratories. There is also a major problem that some laboratories are under the control of police.

Our major "loss" of the year is that Sue Neill-Fraser continues in jail in Tasmania, about 10 years and four months into a 23-year wrongful conviction for murder. During the year we called for a Royal Commission or similar public inquiry – after she has been freed – into her case. We hope to feature a photo of her free of prison in our next annual report.

DFAT-AGD NGOs consultations: Directors Jennifer Ashton and Elly McLean attended annual consultations held by the Department of Foreign Affairs and Trade and the Attorney-General's Department with non-government organisations. In keeping with the low-profile of a federal election year, the 'dialogues' involving Vietnam and Laos were quiet affairs. There is likely to be much more activity in 2020 as Australia's formal report to the world's Human Rights Council on its three-yearly country review is due for tabling. One of main issues we will be watching for is how Australia is meeting its commitments, particularly regarding prisons and detention centres, under the Optional Protocol to the Convention Against Torture (OPCAT), which Australia signed and ratified by December 2017, making Australia due to report by the end of 2020 (if it doesn't take the easy-way-out option of delaying reporting by three years).

The Board: During the year, Mark Jarratt, with great experience in government and private sector security, was forced to resign when an American company took over the Australian-based, engineering company he worked for. The American head office apparently believes civil liberties are incompatible with the way they do business. Given developments in the USA during 2019, perhaps the same could be said for how the Administration views its agencies.

Another 'forced' resignation came when long-serving Vice-President and CLA National Media Spokesperson, Tim Vines, accompanied his wife Saskia Vervoorn to NZ. Saskia, herself a former CLA Board member, had won a senior position managing tourism policy for the Kiwis. Tim's legal expertise, common good sense and – particularly – adroit media and influential speaking skills will be missed greatly.



His departure allowed CLA to expand its reach of having Directors from the bottom of the nation to the top when Darwin-based Caitlin Perry joined the Board in late 2019. For 14 years she headed the Darwin Community Legal Centre, before taking on a senior policy role in 2017 with the NT Council of Social Service. Earlier she had gained

experience in the North Australian Aboriginal Legal Aid Service as well as with Redfern Legal Centre in Sydney. She also has worked in tenant, homeless and health/safety organisations, and with the federal electoral commission. Caitlin has a BEc from Sydney U. and Australian Institute of Company Directors post-graduate qualifications covering board director and governance areas. For details of Board Members, see the CLA website: <https://www.cla.asn.au/News/who-we-are/>

Submissions:

Once again during 2019, submissions to governments on legislation and priority issues formed a core of activity.

CLA made 35 submissions in 2019, a 'lighter' year than usual because the federal parliament sat for so few days. Submission Civil Liberties Australia Inc, A04043

sions included to parliamentary inquiries, reviews by law reform bodies and independent investigations, and letters to federal and state governments on a range of issues. We also attended numerous hearings and held meetings with ministers, parliamentarians, officials and others.

Although a "light" year, the 35 figure represents about three submissions a month, which is a high work rate for a volunteer organisation where few people are experienced and skilled in submission writing. For that reason, the Board values highly those members who took the time and trouble to contribute to research and submission authorship in 2019.

While CLA generally focuses on national issues, we also pursue reforms at the state and territory level, especially where the issues are likely to be relevant around the country. Generally, when an issue in one state or territory is relevant to others, we copy it to the appropriate jurisdictions. For example, we wrote recently to all jurisdictions to bring to their attention the findings of a review in WA which was extremely critical of its criminal confiscation and unexplained wealth laws, and called for them to be redrafted from scratch.

Making submissions to official inquiries must sometimes be quickly reactive, and we have to drop everything and put a lot of effort into responding to the government's latest "thought bubble". A good example was a call for submissions by the federal government – with an extremely short deadline over the 2018 Christmas and 2019 New Year holiday period – about a proposed national register of child sex offenders. Nothing has been heard since about the proposal. Perhaps it was just a "silly season" idea of Minister Peter Dutton (but the proposal may emerge as a 'law-and-order', fear-raising beat-up before the next federal election campaign).

While we respond to these inquiries wherever they are relevant to civil liberties, we try to focus on key areas. In 2019, we launched the idea of "Champions", where individual CLA Board members adopt particular issues to prioritise our work and ensure follow through on efforts. Identifying these areas also gave more focus to the submissions that we make. In 2019, the areas included free speech, police accountability, youth issues, health rights and genetic privacy, the issue of 'stateless' people, and continuing advocacy for human rights acts at both the federal and state levels. We are also expanding our understanding of sports contracts through wider research, with a view to having something meaningful to say in that area. Director Frank Cassidy is leading that work.

In terms of the need for prison reform (led by Vice-President Rajan Venkataraman as champion), the numbers of incarcerated people in Australia has grown so much over recent years that one federal MP has dubbed this "the second convict age". State and territory governments are diverting a lot of money and resources into building new prisons. We think a much better approach is to focus on policies that reduce crime and keep people out of jail.

We therefore made a major submission to the Queensland Productivity Commission's inquiry into incarceration and recidivism. We expect the findings, due for release in February

2020, will have a lot of relevance to the other jurisdictions and this will be a focus of our ongoing work.

CLA V-P Venkataraman also manages CLA's submissions program. Submissions are generally presented under the signature of President Dr Kristine Klugman. The names in brackets in the list below are the people who took the lead in preparing each of the submissions but, in many cases, there was input from other CLA Directors and members.

Note: In the list below, if a state/territory is NOT identified, the submission/activity was federal/Commonwealth.

January 2019

Consultation on National Public Register of Child Sex Offenders, Department of Home Affairs (Rowlings)

Inquiry into Removing Discrimination Against Students Bill, Legal & Constitutional Affairs Legislation Cttee (Rowlings)

Australia Day letter to Tasmanian AG Elise Archer calling for Royal Commission in Tasmania after the close of legal proceedings in the case of Sue Neill-Fraser (Rowlings).



Neill-Fraser justice inquiry sought

INQUIRY CALL The State Government is being lobbied for a Royal Commission into the Tasmanian justice system centring on the Sue Neill-Fraser case.

Mercury screenshot shows how our call was reported.

Australia Day letter to SA

Attorney-General Vickie

Chapman calling for Royal

Commission into the 400 criminal cases apparently 'fouled' over a 50-year period due to the SA chief forensic scientist being found to be uncertified and incompetent (Rowlings).

April 2019

Inquiry into imprisonment and recidivism, Queensland Productivity Commission (Rowlings)

June 2019

End of Life Choices, SA Joint Committee on End of Life Choices (Klugman)

July 2019

Free and Equal: An Australian conversation on human rights, Australian Human Rights Commission consultation (Ashton)

September 2019

Intensive Corrections Orders – submission to the ACT Justice and Community Service Directorate (Klugman)

Proposed changes to the *Corruption, Crime and Misconduct Act 2003*, WA Joint Standing Committee on the Corruption and Crime Commission (Howkins)

October 2019

Religious Freedom: consultation on draft Bills – AG's Department (Venkataraman)

Firearms Legislation Amendment Bill 2019 – submission to the NT Economic Policy Scrutiny Committee (Rowlings)

Inquiry into the practices and procedures relating to question time – House of Representatives Standing Committee on Procedure (Rowlings)

November 2019

Civil Liberties Australia Inc, A04043

Tasmania's anti-protest laws – e-petition to the Tasmanian Parliament (Griggs)

December 2019

Access to publications in prison – letter to all states and territories requesting information on rules and procedures governing access for prisoners to publications (Venkataraman)

Treasurer's report

CLA ended its 2019 financial year (which is the calendar year) with exceptional growth in the net financial position of around 12% over the 12-months.

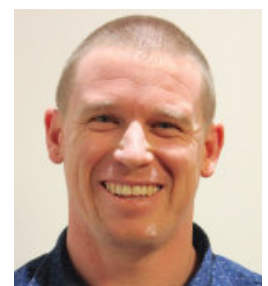
Membership income grew at the very pleasing rate of almost 18% over the year, mostly due to a one-off cause. The headline growth in income was driven mainly by CLA investing in a new membership database and management system which – after teething problems – contributed to the ease with which members can renew their memberships. As well, the change allowed adding 2- and 3-year membership options to the traditional single year, which produced an uptake in longer terms memberships and upfront payments.

The increase in memberships is also due to the tireless work of CLA's President, Dr Kristine Klugman, given 10-20% of members drop off each year, which is a typical 'churn' rate for organisations like ours.

In terms of expenses, 2019 saw notably higher than usual website and database costs as a result of the work of the firm Gaffer Designs in rolling the membership platform onto its new database as well as significant upgrades to the CLA website. Travel expenses were down for the period as a result of less interstate promotional travel; however some expenses were incurred late in the year to allow interstate CLA Board members to attend one meeting in person in 2020 (an in-person, rather than partly electronic, board meeting is held once ever two years).

Thanks to a member identifying an error in the 2018 EOFY reporting, we undertook a comprehensive review of the 2016, 2017 and 2018 reports. We detected an error in the 2017 CLA end-of-year reporting as a result of \$390 of expenses not being accounted for in the Treasurer's summary. The error has been corrected and the balance brought forward in the 2018 accounts to reflect the correct financial position. The 2017 accounting is shown as it was previously reported to ensure continuity.

Overall, we are pleased to report that CLA has yet again finished the year in a sound financial position. Our thanks go to the vast majority of long-term CLA members for continuing support, without which the organisation could not continue its important work in protecting the civil liberties of all Australians. The Executive and Board look forward to continuing their work for the CLA membership in 2020.



– Sam Tierney, Treasurer

Financial statement: see P10

Membership since CLA's inception (10 Dec 2003):

Year	Financial Members 31 December
2004	17
2005	62
2006	121
2007	169
2008	224
2009	244
2010	304
2011	259
2012	267
2013	302
2014	264
2015	297
2016	329
2017	269
2018	280
2019	295

Media report

The first thing to say about media in Australia is that 2019 saw the raids on two national media outlets, invasions of a journalist's home, and the seizing of documents and computers. This was shocking enough, but it's just part of the tactics of the government and its unrestrained security agencies to intimidate journalists as well as whistle-blowers. They made their message very clear: 'If you publish anything the government wants to keep secret, we will come after you.'

In this atmosphere of intimidation, it is even more important to speak up and speak loudly in defence of justice and civil liberties. In 2019, Civil Liberties Australia was a sought-after voice in public debates on a number of high-profile issues.

The case of Witness K and his lawyer Bernard Collaery demonstrates the lengths the government will go to in order to intimidate whistleblowers. Witness K has been charged with offences against secrecy laws for blowing the whistle on how Australia bugged East Timor Cabinet room – under the guise of an aid project – to get an advantage in oil and gas negotiations. CLA CEO Bill Rowlings was the keynote speaker at rallies outside the ACT law courts in support of both men, which received wide coverage. He was also one of the keynote speakers at a special whistleblowers event at Canberra's prestigious public debate venue, Manning Clark House. Other speakers included Collaery and Senator Rex Patrick: the CEO's speech was widely quoted and even more widely shared after the event.

Indeed, free speech was a hot topic in 2019 with the case of Australian rugby representative Israel Folau capturing the headlines. But there was also Canberra bureaucrat Michaela Banerji, sacked for posting critical comments online – anonymously and in her own time – about the government's policies towards asylum seekers. CLA President Kris Klugman published a widely read letter on the case in the Canberra Times, the then media spokesperson Tim Vines was interviewed on *ABC Radio Wollongong*, and Rajan Civil Liberties Australia Inc, A04043

Venkataraman was quoted at length in the *Public Service News* as well as doing an interview on *ABC Radio Darwin*.

Meanwhile, down in Tasmania our director Richard Griggs was the 'go-to guy' for the media on a number of issues including the Tasmanian Government's release of drivers' license data to a national database, the police conducting random searches of people entering and leaving towns in Tasmania's north, the government's second attempt to implement draconian anti-protest laws, and the continuing campaign for a Human Rights Act in the state.

Our call for a commission of inquiry into the case of Tasmanian woman Sue Neill-Fraser who was convicted in the island state for supposedly murdering her husband despite no body or weapon being discovered, and no motive being established, attracted both local and national media attention.

CLA also wrote opinion pieces, did interviews and was quoted in local and national media on a range of other issues. These included:

- Prison reform and the staggering increase in Australia's prison population over the last twenty years.
- Knee-jerk threats by politicians to crack down on protest following climate rallies around the country.
- The case of the secret prisoner in the ACT known as 'Alan Johns' whose crime we are not allowed to know.
- The Peter Dutton 'silly season' idea for a national sex offender register.

We also maintained an active social media presence with 176 posts to our Facebook page in 2019 (www.facebook.com/CivilLibertiesAus/) in which we posted our thoughts on daily events, highlighted emerging issues and trends, and shared submissions, published articles and policy papers.

We also wish to acknowledge the efforts of CLA members who are active campaigners in their own right. Many are regular writers to local and national newspapers, and many make submissions to public inquiries, sign petitions, and attend rallies and protests. We regularly share their work on our members newsletter CLArion.



Katri Uibi of ABC Hobart and CLA's media spokesperson, V-P Rajan Venkataraman, prepare for an interview.

The authorities in Australia are doing everything in their power to intimidate ordinary Australians into silence. This must be why they are always praising 'silent Australians'. But we are happy our members are not silent. For Australian democracy to thrive, Australians need to speak up, and speak loudly, in defence of justice and liberty.

– Rajan Venkataraman, VP and CLA's Media Spokesperson
ANNUAL REPORT 2019 – 5

Key activities in WA for 2019

In WA, we began the year seeking a simpler way to persuade WA politicians and the police force that our police officers could be easily accountable to their community. Politicians had rejected our proposal for an Independent Police Complaints Commission (IPCC) in late 2018 as too expensive to replace the existing Corruption and Crime Commission (CCC). Instead, WA's Labor government gave the CCC more powers to chase some types of corruption, such as politicians and bureaucrats rorting expense accounts.



CLA Director Margaret Howkins (seated left) and CLA members Rika Asaoka and Terry Flanders with the poster presentation calling for an end to Police-Investigating-Police (PIP).

In the meantime, police continued to shoot citizens dead with no public accountability involved in the internal examination of what happened, and seemingly poor in-house mechanisms to improve training and save lives....because police causing citizen deaths continues, with Indigenous West Australians (indeed, Indigenous Australians anywhere in the nation) most at risk..

After seeking advice from a former premier, a famous human rights advocate, a wide range of politicians, two lawyers and the police themselves, it became clear to CLA that the authorities believed Police Investigating Police (PIP) was an untouchable shibboleth, too hard to reform.

So we sought advice from the people. The public's response was unanimous: police should have human rights/civil liberties observers involved in police internal investigations in all cases of violence towards citizens, or complaints by citizens, and in internal employment-discipline matters to protect the police themselves from injustice by their own superior officers. CLA designed a simple, colourful poster for the 2019

ANZSOC Criminology conference: we were mobbed by interstate and local people 100% keen to see a change in Australia's police culture and accountability. This issue, first identified locally in WA, obviously resonates nationally.

It also became evident that WA Labor's party platform promise to introduce a Human Rights Act was becoming more urgent. Increasing numbers of citizens were gagged in 2019 from expressing opinions openly. All we have left is 'a right' to silence, not a right to speak out and up. Most citizens aren't aware of this. The CLA group in WA updated the summary of how to bring in a Human Rights Act, and plans to push for its earliest possible introduction. At year's end, we were building a coalition, and had already achieved support from some WA lawyers and academics and a few brave politicians.

The chair of the Parliamentary Joint Sub-Committee of the CCC personally invited CLA to submit 'Principles of Independent Investigation' towards amending the Corruption and Crime Commission Bill 2003. This welcome recognition that CLA was being listened to, and now consulted in our own right, indicated that our status is rising locally, even when we encounter setbacks from the forces of repression and the inertia of status quo merchants wedded to yesterday. CLA reps will hand copies of the Principles (devised by WA's CLA members and its national executive) to politicians, stakeholders and influencers in all future CLA meetings in WA.

An increasing number of letters from four of WA's prisons dominated the end of the year. We have responded to 11 letters from panicking prisoners asking for clarification on their human rights. We also sent them CLA's late-2019 article, ['Reforming Australia's Prisons in the Second Convict Age'](#) with a promise to raise their generic issues in a meeting with an inspector from the Office of Custodial Services, who is a supporter of the ratified OPCAT* initiative for more frequent and in depth inspections of detention centres throughout the state (and nationally). In addition, we wrote formal letters to nine cross-party politicians and ministers asking for their support for two prisoners who want to create a DVD for use in WA schools: the DVD would warn children 'from the inside' of the harsh physical, emotional and mental consequences of drug abuse, including the almost certain punishment of ending up in jail with a criminal record.

Surprisingly, seven politicians and a shadow minister have responded with protectionist shock at the prisoners' DVD idea. All of them 'passed the buck' to another minister or government department. Rehabilitation of prisoners in the state's jails is obviously a theoretical concept in WA that nobody with a budget seems interested in finding time or money for. Prisoners' civil liberties and human rights, equally, appear to suffer out-of-sight, out-of-mind neglect behind bars.

WA's CLA member Christina Marruffo has been an outstanding, hard-working advocate and support to the WA Director throughout 2019, and the state has welcomed many new CLA members over the 12 months.

– Margaret Howkins, Director WA
ANNUAL REPORT 2019 – 6

Key Tasmanian activities in 2019

Tasmania in 2019 lived through a year of the three Ps: protest, privacy and progress towards a Tasmanian Human Rights Act.

Protest: Sadly, the state government re-introduced proposed new anti-protest laws after the High Court in 2017 ruled a previous version unconstitutional. CLA criticised the second version of the laws, as we did the first: we labelled the laws “illiberal, unjust and dangerous”. They would harshly penalise people gathering on public land to protest the activities of business if such a protest is deemed by the courts to ‘impede’ the carrying out of the business. ‘Impeding’ would include, for example, encouraging consumers to consider buying their goods from an alternative business. In early 2020, the proposed laws await debate in the upper house. CLA plans a round table of concerned civil society groups for February to discuss the proposed laws and a campaign against them.

Privacy: Late in 2019, it emerged that the state government had transferred 410,000 Tasmanian drivers licence photos to a national facial recognition scheme in Canberra. The scheme will supposedly enable government authorities to verify whether people are in fact who they claim to be: its stated aim is to protect Australians from identify theft. However, concerns have been raised that there is nothing to stop its use being expanded in the future. For example, other countries use facial recognition to conduct mass surveillance of citizens using public places.

The transfer of photos to Canberra occurred with neither parliamentary approval nor the consent of the individuals concerned. As a result, a group of people are forming who will request that their photo be deleted from the database in Canberra. In support of their request, the group asserts legal and moral rights over their facial images. Eight hundred Tasmanians joined the group in the first two weeks. Names can be added at www.deletemyphoto.net Tasmanian CLA Director, Richard Griggs, created the website and is leading the protest.

Progress towards a Tasmanian Human Rights Act: CLA has been campaigning for human rights laws in Tasmania since 2016. The campaign took an important step forward this year with the Tasmanian Law Reform Institute (TLRI) deciding to undertake a research project in 2020 titled ‘Re-examination of the Case for a Tasmanian Human Rights Act’. The project will examine all evidence that has emerged since the last TLRI report in 2007 and answer the question whether the need for human rights laws in Tasmania has increased or decreased since 2007. CLA is confident the answer will be that human rights laws are needed more than ever before. With the next state election due in 2022, a report from the TLRI later in 2020 will be timely.

– Richard Griggs, Tasmanian Director

Key activities in the NT during 2019

As mentioned, CLA gained a Board representative from the NT at the end of 2019. CLA made submissions on legislation

to the NT Parliament during the year, and were delighted to have one of the MLAs, Sandra Nelson, as a member.

Another CLA member, barrister Alistair Wyvill, is involved in a dispute with the judiciary and the legal profession authority. He is looking forward to correcting the mistakes and misconceptions he has personally suffered over the issue.

Issues which arose in the NT and which will have national impact include the murder charge against a police officer after a young Aboriginal man was shot dead in a remote community. The legal case will play out in 2020 and possibly beyond.

For 2020, the main activity in the NT will be an election. There may be opportunities during the campaign period, but we fear NT citizens will be subjected to another senseless and costly “law and order” campaign because some politicians can only motivate by creating fear in the community.

While elections are theoretically points in time when politicians are accountable, there is an ongoing problem with continuing accountability in the “frontier” NT. CLA expects to be working in this area of governance/openness/freedom of information in coming years.

– Caitlin Perry, NT Director

Objectives for 2020:

- Campaign for more Human Rights Acts
- Further promote, locally and nationally, the ending of Police-Investigating-Police (PIP)
- Carry Better Justice campaign forward
- Right-to-Appeal law in more states
- Publish ‘Civil Liberties in Australia’ history online

Webmaster’s report

This year, as foreshadowed in 2018, the membership system was replaced with a more integrated and flexible system to improve the joining and renewing experience for members and incorporated major improvements in CLA’s membership administration. Benefits for members included a one-click email renewal of membership and an ability to pay memberships for 1, 2 or 3 years. The CLARion mailing list is now automated and compiled directly, based on active memberships. As membership is now based on the anniversary of the date of joining it is important for members to renew when receiving the renewal emails. As with the old system, the new membership system keeps no personal member credit/debit card details on its servers.

The electronic Annual General Meeting (eAGM) 2019 had a 52% participation rate with the eAGM format enabling all members across Australia to participate in the eAGM and election of office bearers.

The Board has approved changes for the conduct of future eAGMs. CLA has acquired a purpose-built election software program that is still user friendly, but eases the management

of the election process. The revised system has been prototyped and will be used for the first time in the 2020 eAGM.

During the year there were more than 100 articles published on the website including some 20 comments submitted by members; your comments on articles are always welcomed. The CLA website now contains some 2,600 articles attracting some 38,000 visitors and 24,000 searches of its content in 2019.

– Lance Williamson, Webmaster (and former CLA Director)

Selected feedback during 2019

Please keep up this great work: absolutely critical you do. – Alistair Wyvill, barrister Darwin, January 2019 re CLA's submission on the the proposed Dutton sex offender register.

Thanks for the (sex register submission). I am fully supportive of the CLA response. It was clear, well informed and had balanced coverage of the relevant issues. (In other words the Government will do its best to ignore it.) It was an extraordinary achievement to produce such a well researched and well argued response in such a short time. – Peter Burgoyne, QLD

Thank you for this (the CLArion news-letter) - I've just read it - it's very good - I particularly liked what it said about suppression orders in Victoria. Very true. Kind regards, John Roskam (photo), Executive Director, IPA.



Spectacularly speedy response – thank you very much indeed! ATB (all the best), Nick SA (CLA answered his online FAQ over mandatory ABS surveys) 190320

Great job by CLA & all concerned for championing the case for Sue Neill-Fraser's exoneration. Well done.

– John Richardson, CLA member 190402

Dear Kristine: Thank you for the email and the submission made by CLA to the Queensland Review. It is helpful to know what is being said and done in this space. I agree with your approach that while we may be fighting for respect for human rights, the decisions in this area ultimately are economic. Regards, Stuart Webb. President, Law Institute of Victoria 190712

Many thanks for your amazing response. Will join up and keep you informed – Edward 190807

...many thanks for doing a great job. I've got the greatest respect for those who stand up to be counted...especially in this political environment. Cheers, Peter K 191109

The CLA newsletter is one of the best things to come into this prison and is causing quite a number of people to re-evaluate their beliefs! – prison inmate member of CLA 191129

Thank you for the initiatives CLA is pursuing. Thanks for all you do for Civil Liberties in Australia. I agree with your assessment of the current baleful situation. Best wishes and encouragement. We need you more than ever. With admiration, Michael. – The Hon. Michael Kirby AC CMG, Nov/Dec 2019

At present, there are so many instances where our most fundamental rights are being curtailed or removed without public scrutiny or debate about the necessity of that action. I am heartened that there are still people and groups willing to take an often unpopular stand in support of our hard-won freedom. – Tony Hanley, CLA member, 191206

The tone and general import, a breath of sanity, of CLArion reminded me strongly of people I knew in Britain, dedicated, smart people, committed, energetic. I am very glad to know of CLA, a cause for optimism in a world that seems sometimes to be drifting towards fascism again. – Harry Davis, new member 191228

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 for a decade. After Mr Stanhope went into politics, the organisation lapsed, being 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 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. Dr Kristine Klugman OAM was the inaugural President.

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. He 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 having an impact and drawing a response in other States and the Northern Territory of Australia. 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.

In 2009, an electronic Annual General Meeting (eAGM) was held for the first time. In 2010, the organisation moved to a fully electronic database for membership and financial management, which was consolidated and became fully operational in 2011. In the same year, CLA held its second (two-yearly) e-ballot for Board positions, and the third eAGM, making us probably the leading incorporated entity in managing its formal business electronically.

The year 2012 saw appointment of the first non-ACT-based Director, Rex Widerstrom of WA, and consolidation as the enterprise began to enter its first 'matured' phase. Also, the Board planned for an expansion phase through 2013 by way of marketing and promotion.

In 2013, CLA's second director from outside Canberra, Richard Griggs, joined the Board, and the Tasmanian CLA group was refreshed and reinvigorated. On 10 December 2013, CLA celebrated its first decade in existence. That same month, for the second time, the organisation reached more than 300 members throughout Australia (with a few overseas), from 17 members at the same time, only in the ACT, nine years earlier. In June CLA's official Secretary, Public Officer and CEO, Bill Rowlings was awarded an OAM for 'services to civil liberties and human rights'. Mr Rowlings was also honoured as ACT Senior Australian of the Year in 2010, in both cases for his work with Civil Liberties Australia. The webmaster entirely revamped the CLA website, giving it a improved 'look and feel' while converting to a software system easier for non-specialists to work with.

In 2014, fees increased for the first time in a decade. This move launched CLA on to a firmer financial footing, allowing planning for bigger projects. In 2015, a second Director from

Tasmania, Rajan Venkataraman, joined the Board, which suffered the loss of eight-year-Director and founding Webmaster Lance Williamson. In 2015 also we succeeded in the solely-CLA-inspired campaign to 'mirror' South Australian Right-To-Appeal provisions in Tasmania, (the start of a round-Australia campaign) and the President and CEO received the National Award for Civil Justice, accepting it on behalf of all CLA members.

Two CLA members, Ann Symonds in NSW and Brian Tennant in WA, received national AM honours for their work in the liberties and rights field.

The year 2016 was noted for CLA's launching the 10-year 'Better Justice' campaign.

In 2017, CLA's main activities were helping Director Margaret Howkins to consolidate the gains in WA during a visit to the state by CLA President Dr Klugman and CEO Bill Rowlings. In Tasmania, Director Richard Griggs organised a petition to parliament to launch a human rights act campaign.

Main activities in 2018 included pushing for improving judicial education and practice. We began a campaign to overhaul the committee system of the federal parliament.

VALE CLA members lost in 2019:

Jeffrey Miles AO died on 11 February 2019. He was a CLA member from its earliest days, and a sound adviser on law and legal practice. He was a former chief judge of the ACT for 17 years until 2002, and a judge of the Federal Court. Before that, he was a judge of the National Court of PNG and a Supreme Court judge in NSW. Earlier in his career he was appointed Public Defender in NSW and, before that, he was a great contributor to the Council of Civil Liberties NSW.

Keith McEwan (17 May 1926 – 7 April 2019) was a former member of the Communist Party of Australia with a deep sense of social justice. He travelled secretly – even from his parents and family – to China, via Yugoslavia, for three years of indoctrination in the early 1950s. He resigned some years after Stalin's excesses had been revealed (in Australia, by another former CLA member/Director, James Staples, who published details of Khrushchev's 'Secret Speech' denunciation). Keith started Saturday work at 10 in a woodyard, full-time work in a metal shop at 14...and, in his 90s was as proud as punch of his grand-daughter, Yaulai Nusa, when she graduated as a lawyer.

Dr Helen Wiles, born in February 1923 in NSW, died 96 years later on 1 May 2019, She was the first female paediatrician to practise in Canberra. She had the most inquiring, persistent and sharp mind till her final days and would relentlessly chase down false information from politicians or bureaucrats, seeking accuracy and justice, particularly for refugees.

Brian Tennant AM (photo) died on 17 Aug 2019 aged 84. He was probably Australia's greatest individual civil liberties campaigner of the past half century. A ward of the state aged one from an Aboriginal mother and European father, he became a simple paint factory foreman, but parlayed a Justice of the Peace qualification, a fax machine and his inherent sense of a fair go into potent weapons for righting wrongs in WA. With the help of many crusading journalists and a handful of noble pro bono lawyers, he took on rogue police and battled wrong-headed prosecutors and judges to help win freedom for people like Andrew Mallard. A one-time president of the then-WA civil liberties organisation, he joined Civil Liberties Australia from its earliest days and became a tireless contributor.



Howard Carew (15 Jan 1936 – 1 Oct 2019) was a lifelong liberties and rights advocate. His favourite platform was the letters pages of *The Canberra Times*, where he also commented on urban design and government stupidity. Howard was a foundation member of the Council of Civil Liberties of the ACT with barrister Laurie O'Sullivan. Later he became one of the earliest and, at his death, longest serving and active members of CLA. His children continue the fight for peace and justice.

Martin Wesley-Smith AM died on 26 Sept 2019. He and his twin brother, Peter, shared a CLA membership! Martin was one of Australia's finest and most versatile composers, and the person primarily responsible for introducing electronic computer composition and performance to Australia. He was a strong supporter of human rights and civil liberties, particularly in Timor Leste due to the influence of his older brother, Robert, a Darwinite and also a long-term CLA member. The three brothers were awarded the Order of Timor Leste in September 2014 in Dili.

Summary of CLA Finances (\$)

		2019	2018	2017	2016
BALANCE B/F		49,515.26	44,718	40,356	36,731
INCOME					
Memberships		12,109	10,266	9,721	8,537
Donations General		3,268	4,615	2,040	3,095
		3,268	4,615	2,040	3,095
Interest Working		15	10	6	5
Cash reserve		104	137	156	252
Term Deposit		-	265	136	433
Total					
Total		119	411	298	689
TOTAL INCOME		15,496	15,292	12,059	12,321
EXPENDITURE					
Business Expenses Ink & Stationery		20	85	414	764
Printing		1,129	900	2,171	326
Website/Phone/Comms		2,201	3,335	784	365
Postage		-	-	749	997
PO BOX		260	254	267	126
Parking fees		-	-	442	128
Travel		2,037	4,833	1,050	
Functions		185	-	-	12
Publicity		-	127	-	4,038
CEO Expenses		3,407	578	1,655	1,214
		9,239	10,111	7,531	7,970
Sponsorships		-	-	-	500
Bank Charges Bank Charges		285	383	166	226
		285	383	166	226
TOTAL EXPENDITURE		9,523	10,495	7,697	8,696
Surplus/Deficit		5,973	4,798	4,362	3,625
BALANCE C/F		55,487.97	49,515	44,718	40,356
Comprising					
Bank Balances					
Working Account		16,299.35			
Maxi Direct		39,188.62			
Term Deposit		-			
Total Bank Accounts		55,487.97			
<i>add Moneys not Credited</i>					
<i>less Moneys not Debited</i>		-			
Net Financial Position		55,487.97			

Note 1: In 2019, CEO Expenses include postage/parking costs and computer use allowances.

Statement by Auditor:

I have examined the books of Civil Liberties Australia Inc. and report that they appear to be a true, honest and fair reflection of the financial dealings of the organisation for the period of the organisation's financial year, calendar 2019.

Signed:Phil Schubert, LL.M.....

Date29/2/2020.....