

## Roller-coaster ride for local liberties

Rights and liberties were probably uppermost in the minds of the first prisoners transported to Van Diemen's Land (VDL) in 1803, but convicts don't write the histories of peoples or states. What the prisoners of Port Arthur thought about the principles involved is not well documented, and lies buried like the bodies on the Isle of the Dead. Details of the floggings, escapes, burials – things that can be counted and tabulated – are generally available, but not the philosophies of inmates in what was one of the world's first "model prisons".

In the future, the period from first English settlement in 1803, through becoming a colony separate from New South Wales in 1825, to the official naming of the island as Tasmania in 1856, will be explored in detail from a liberties, rights and freedoms perspective, but that task awaits other historians and commentators. For this telling, snapshots of the system are all that is gleanable.

One unlikely champion of civil liberty in the first century of the European occupation of the island was the State Governor, Sir Henry Edward Fox Young (photo), in 1855. He stepped in when the Legislative Council (LC)<sup>1</sup> tried to order Dr Hampton, comptroller-general of prisons, to appear (before it) to give evidence. Hampton refused, so the LC issued a warrant for his arrest. Hampton retaliated by serving a writ of habeas corpus on the Speaker and the serjeant-at-arms. The LC applied to the governor to authorise the police to apprehend Dr Hampton. But the governor told the LC that the Speaker's warrant was "illegal and was calculated to establish the supremacy of tyranny over law, and prorogued the Council". The Supreme Court ruled in favour of Dr Hampton, and its decision was upheld by the Privy Council in London.



*"The iniquities of the penal department were such as to demand a searching investigation, and to justify the severest reprobation; but the Legislative Council erred by arrogating to itself a power of interfering with the liberty of the subject which had not been conferred upon it by law or usage; while its injudicious method of procedure enabled Dr Hampton, whose chief anxiety was not to be coerced into making disclosures damnatory of the department, to figure as a champion of personal freedom, imperilled by an act of arbitrary authority."*<sup>2</sup>

<sup>1</sup> The LC in question was the earlier version, in which the head person was called the "Speaker": a new system in 1856 gave Tasmania the Legislative Assembly and Legislative Council largely in the form known today.

<sup>2</sup> From *Australia: The First Hundred Years*, being a facsimile of Volumes I & II of the the Picturesque Atlas of Australasia, 1988, edited by Hon Andrew Garran MA LL D MLC, Ure Smith 1974, edition of 1978 ISBN 0 7271 0325 3

The governor's stance for liberty against autocratic rule must have reverberated in London, because the very next year, 1856, VDL became Tasmania and the LC and a Legislative Assembly were created anew. Transportation of convicts had ceased in 1853, after about 75,000 had been sent to the island state across 50 years.

Some commentators say tensions between the State Parliament and executive government and the "penal department" aren't much different in the 2010s from what they were 160 years ago: a newly-installed British import jail supremo, Barry Greenberry, took early leave, and a cash payout, in 2013. He apparently died by his own hand in England two years later. Others say some divisions in Tasmanian society today date back 100 or 150 years: if you can trace your relatives to free-settler Midlands families, you are Tasmanian 'royalty'. The very fact that some people think that way a century and a half later is an interesting observation on insular thinking.



In terms of standing up for rights, Tasmania is historically the most successful state and was once a shining pioneer. For example, Andrew Inglis Clark (photo) "early in his life, developed a passion for justice and liberty".<sup>3</sup> Clark was Attorney-General for two periods between 1888 and 1897 when he "*shepharded (sic) through the lower house much progressive and humanitarian legislation. His goal was to break the power of property in Tasmanian politics. The legislation covered such diverse reforms as legalising trades unions, providing parliamentary salaries, preventing cruelty to animals, reforming laws on lunacy, trusteeship and companies, the*

*custody of children and the protection of children from neglect and abuse.*"<sup>4</sup>

Clark had two other claims to being a civil libertarian: the first was being half of the Hare-Clark proportional representation system for electing parliamentarians (still in use in Tasmania and the Australian Capital Territory). His main claim, now mostly forgotten, is that he was the man primarily responsible for drafting the Australian Constitution. He did so with an eye to America and its bicameral system, influenced by his friend, noted US Supreme Court judge Oliver Wendell Holmes, to whose advice is attributed Clark's choice of "Commonwealth" to describe what we now live in, or under. Clark also wanted a Bill of Rights...which Australia still does not have.

Tasmania, as the smallest state, was dragooned into federation rather than having its shoulder to the wheel of progressing a national polity. The conditions the state insisted on – a minimum of five lower house seats and upper house representation equal to that of the biggest states – meant Tasmanians have benefited from a representational gerrymander since day one of Australia.

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<sup>3</sup> Wikipedia entry, quoting *About Andrew Inglis Clark*, UTas 2003

<sup>4</sup> Wikipedia entry, quoting the Australian Dictionary of Biography and *Clark as Law-Maker and Jurist*, UTas 2003.

Perhaps the clear electoral advantage Tasmanians enjoyed over other Australians explains why no-one apparently saw fit to create a civil liberties movement after the 1914-18 war, when many inequities were visited on citizens, particularly in the form of censorship leading to the 1939-45 war (see Victorian section). Even in the 1950s, as society emerged from the rigid strictures enforced during the second major war of the century, Tasmania apparently needed no formal defender organisation to argue for liberties, rights and freedoms. No new Clark emerged in the early 20th century to benefit from Tasmania as a stepping stone to a national liberties/rights presence.

It was not until the late 1960s that a diverse group came together at two meetings in 1968, one on 14 June and another on 28 June. A month later, a public meeting heard the issues driving the formation of a new group were freedom of expression, a bill of rights, and concern over what was happening with Australian Aborigines and people of Papua New Guinea, problems that apparently never go away in Australia. These were the up-front issues, but behind them was rapidly increasing opposition to the war in Vietnam and to conscription.

**Minutes of meeting of the Tasmanian Council for Civil Liberties** held at the home of Mr W.H. Perkins, 129 Cascade Rd, South Hobart on Friday 14 June 1968 at 7.30pm; Present: Mr C.J. Craig (in the chair), Dr J.B. Polya, Messrs, G. Wilson, N. Batt, P. Rayner, P. Gourlay (sic), N. Reaburn, S. Alomes, . Roebuck (sic) and Mrs W.H. Perkins. Apologies: Mr K.G. Brookes, Mr W. Hooper, Mr C. Lamp, Mr Eldridge and Mr D.Mooney. Moved Mr Roebuck, seconded Dr Polya, that we constitute ourselves a Tasmanian Council for Civil Liberties. Carried.

Election of Officers:

President. Mr K.G. Brooks

Vice-Presidents: Mr G. Wilson, Mr J.B. Polya

Secretary: Mr C.J. Craig

Treasurer: Mr N Reaburn

Committee Members (Those not present to be approached): Mrs C. Lamp, Mr N. Hodgman, Mr R. Hodgman, Mr R. Hodgmann (sic), Rev Peter Stockman, Mr T. Lynch, Mr C. Woolley (sic), Mr Robert Mather.

The officers and committee of the Council were authorised to form an Ad Hoc Committee for the purpose of calling a Public Meeting with the object of setting an organisation and committee. The four main speakers would be:

Dr J.B. Polya: Freedom of Expression

N. Reaburn: An Australian Bill of Rights

Dr W.Bryden: Views on the rights of anthropologists to examine what is going on in New Guinea and Northern Australia

Mr. M Hodgman, if not available, Mr R. Mather.

During the Public Meeting, the Chairman (Mr Brooks) to move “that this meeting supports the formation of a Tasmanian Council for Civil Liberties”.

Membership. It was suggested than membership be \$2.00 and \$1.00 for full time students and all those under the age of 21. (*A family membership for \$3 was added soon after – Ed*). The Minutes were dated 18 June, and signed by C.J. Craig.

The agenda for the second meeting on 28 June 1968 is also held in the State Library:

First meeting of the Interim Committee of THE TASMANIAN COUNCIL OF CIVIL LIBERTIES: at the home of Mrs C. Lamp, 354 Sandy Bay Road, Hobart, Telephone 51636, from 7.30pm.

By now, the committee was set: Mrs C. Lamp, Mr M. Hodgman, Mr R. Hodgman, Rev. P. Stockman, Mr C. Woolley (sic). Prof A. Stout had also been invited to the Interim Council meeting “in view of his long association with the N.S.W. Council of (sic) Civil Liberties”, as had Mr W. Hooper (with no reason for his invitation given).

The agenda was:

1. Statement by the Chairman on the Presidency  
*(presumably that he would not continue as president - Ed).*
2. Payment of subscription by Committee members ?.  
*(Not sure whether they were trying to go without paying, or the secretary was giving the committee members a hurry up to get their subs in - Ed).*
3. Public meeting in the Town Hall.
4. Motion that Interim Committee establish sub-committee to consider the drafting of an Australian Bill of Rights. Mover: Mr N. Reaburn, Seconder: Mr C.J. Craig.
5. General Business.



### Meet the hosts

*Left: Marie and Charles Arthur Lamp pictured about the time of the Interim Committee meeting, which they hosted. Professor Derek Roebuck recalls that Marie Lamp “would never have been called ‘Mrs C. Lamp’”.*

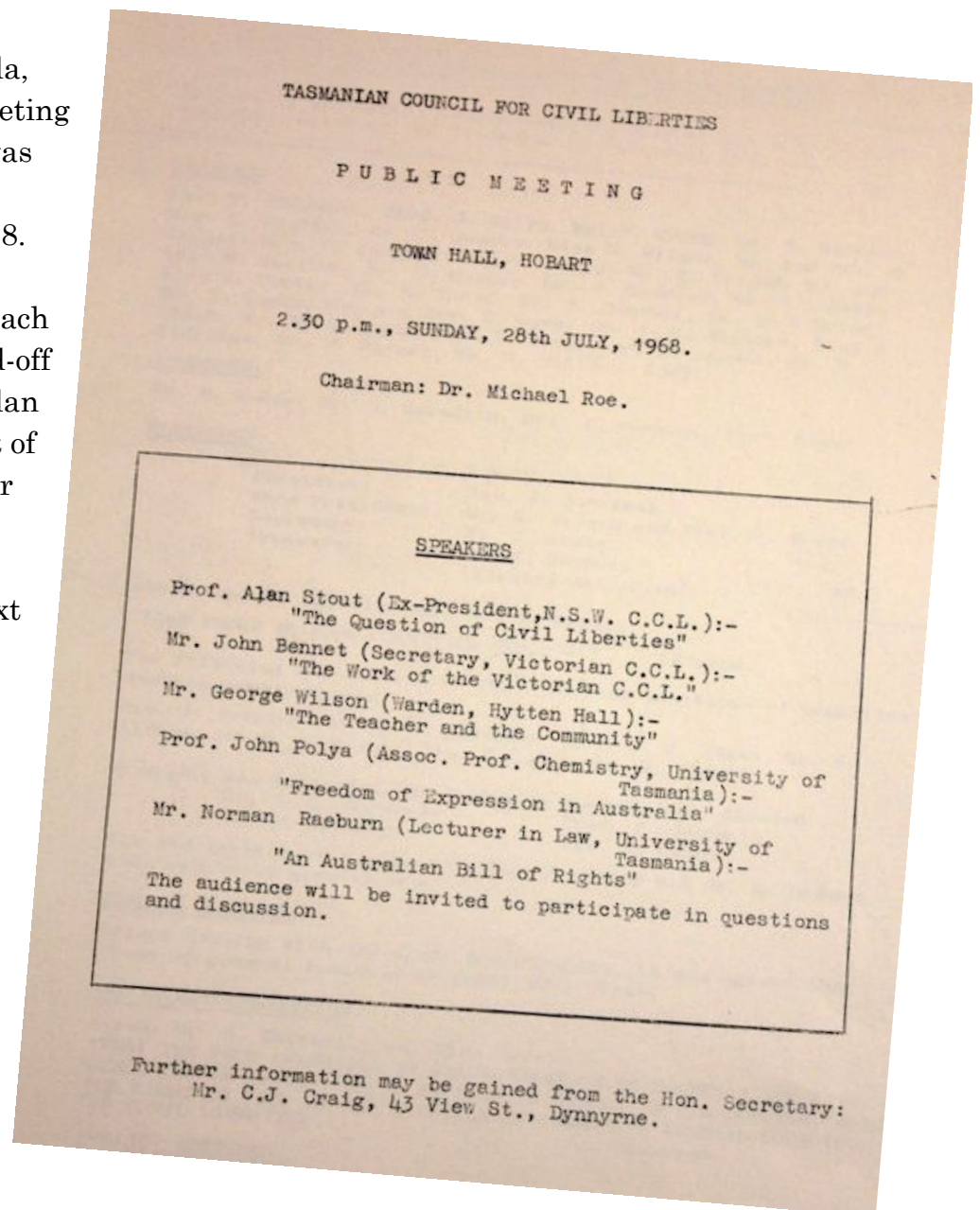
Charles Arthur Lamp, who wrote ‘Root and Related Forage Crops in Tasmania’ in 1965 among other works, was the son of Charles Adcock Lamp 1895-1972, who was Unionist and Labor Senator for Tasmania between 1937 and 1949.

The Lamp’s son, John, recalled in 2013 that his “parents were quite politically active”. He said that the family home in Sandy Bay Road was originally built by Leonard Rodway, a dentist but for 36 years from 1896 the honorary government botanist for Tasmania.

Both John Lamp and his sister, Susan, recalled Pastor Doug Nicholls (later Sir Douglas Nicholls, the first Aborigine to be knighted) staying with the family in the lead-up to the 1967 referendum (which removed discrimination against “aboriginal natives” in the Constitution). The family home also hosted young Indigenous children from the desert who had never seen the ocean.

John said: “(My parents) also initiated the Vietnam Action Group. I particularly remember that because dad took along a briefcase which he was going to give to the foundation president of the group. He brought it back -- they made him president!”.

Item 3 on the agenda, that first Public Meeting in the Town Hall, was held at 2.30pm on Sunday 28 July 1968. The speakers had changed, and the reach had expanded. Lead-off speaker was Prof Alan Stout (Ex-President of the NSW Council for Civil Liberties), on "The Questions of Civil Liberties". Next up was Mr John Bennet (sic) (Secretary of the Victorian CCL) on "The Work of the Victorian CCL", followed by Mr George Wilson (Warden, Hytten Hall) on "The Teacher and the Community", Prof John Polya (Assoc. Prof Chemistry, University of Tasmania) on "Freedom of Expression in Australia" and Mr Norman Reaburn (Lecturer in Law, University of Tasmania) on "An Australian Bill of Rights". Unfortunately for historians, the planned address by Dr Bryden on the rights of anthropologists in relation to PNG and N. Australia apparently had been dropped from the agenda.



Some of the those who formed the Tas CCL were extraordinary people. (The same is true for those who formed the other CCLs throughout Australia in what, in hindsight, has turned out to be a fertile period for seeding strong civil liberties and human rights values). Many of the Tasmanian contingent went on to become illustrious, if they weren't already at the time of the Tas CCL's formation.

**Mr KG Brooks was Kenneth Gethley Brooks.** He was a Quaker – a member of the nationally influential Hobart meeting of the Society of Friends – and a significant contributor to adult education in Tasmania and Africa, through the UN. In 1987, he



wrote the book 'An Affirming Flame: adventures in continuing education'. He died in 1994.

*'Director of Adult Education in Tasmania for 15 years, having been appointed in 1954. He is the author of "An affirming flame: adventures in continuing education" published in 1987. In 1966 he spent 6 months in Ethiopia as UNESCO's consultant to the Government and as an advisor on the implementation of a Campaign Against Illiteracy. He returned in 1967 to implement the proposals he made at the end of his first visit. Following his retirement he was appointed Chief Technical Advisor to a Unesco assisted Literacy Project in Africa. In 1971 he was working in the Unesco Headquarters in Paris.'*<sup>5</sup>

**Dr John (Janos Bela) Polya** (photo), then 54, was a conservative intellectual with a European background and education, starting in his native Hungary. He was an internationally recognised authority in organic chemistry<sup>6</sup>.

*"As an academic and scientist Polya was known to be a very passionate and opinionated person who spoke bluntly, freely, and without fear of consequences. He was an extraordinarily gifted, multilingual polemist with deep interests in philology, science, philosophy, theology, literature and music," the Australian Dictionary of Biography says of him.*



Polya was a staunch advocate of academic freedom and a leading supporter of justice for Professor Sydney Sparkes Orr, dismissed by the University of Tasmania after his successful advocacy of a Royal Commission into that institution. The book "Dreyfus in Australia" by Polya and Robert Solomon provides an insider account of the long-running Orr case that had at its heart the key issue of academic freedom<sup>7</sup>.

As a refugee from fascist Hungary, Polya embraced and very actively exercised the freedom of speech he found in Australia (his eldest son, former Associate Professor of Biochemistry Gideon Polya, has vigorously followed the same ethical path).

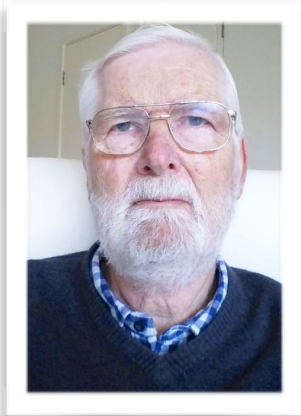
Exercise of such freedom of speech by scientists and scholars is crucially important for informed public discussion in the public interest, as exemplified by John Polya's book "Are we safe? A Layman's Guide to Controversy in Public Health". Dr, later Prof, Polya was stridently opposed to fluoridating drinking water. He died in 1992.

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<sup>5</sup> <http://search.archives.tas.gov.au/default.aspx?detail=1&type=A&id=NG01747>

<sup>6</sup> <http://oa.anu.edu.au/obituary/polya-janos-bela-14130>

<sup>7</sup> For other accounts see "Orr" by W.H.C. Eddy, "Gross moral turpitude: the Orr case reconsidered" by Cassandra Pybus, and "Not merely malice": the University of Tasmania versus Professor Orr" by Clyde Manwell and C.M. Ann Baker in "Intellectual Suppression" edited by Brian Martin, C.M. Ann Baker, Clyde Manwell and Cedric Pugh – information and photo personally supplied by JB Polya's son and daughter, Gideon and Rosemary Polya.



**C.J. (Clifford John, known as John) Craig** (photo, 2014), lived in View Street, Dynnyrne. Born in Launceston in 1935, he attended UTas between 1953 and 1956, gaining an Arts degree with majors in Political Science and History, and a Diploma of Education. He taught for four years in Tasmanian high schools, then went overseas for broader teaching experience in England, Scotland and India. On returning, he did Honours and then a Masters on 'Tasmania and the Federal Movement'.

The excellent services of a diligent secretary were lost to the TCCL just after it formed because, in early 1969, he became a lecturer in Australian politics at the Gordon Institute of Technology in Geelong, Victoria. 'The Gordon' was taken over by Deakin University in 1974, after which he specialised in running teams preparing first level off-campus studies in 'Australasian Politics' (a comparison of Australian and NZ politics), and 'Political Man' (a study of political philosophy)<sup>8</sup>. He retired in 1996 as a senior lecturer. Since then he has been active with the University of the Third Age Geelong tutoring in politics and creative writing as well as serving on the committee, including a term as president.

**N.S. (Norman) Reaburn** made his mark nationally in management of the Attorney-General's Department in Canberra. Reaburn was for 19 years an academic at the Universities of Tasmania, Monash and NSW, and then spent 17 years at the Commonwealth Attorney-General's Department, 11 of them as Deputy Secretary, before returning to his home state. In January 2004, he became Director of the Legal Aid Commission of Tasmania; he was chair of the national legal aid organisation twice, for six years, between 2002 and 2010. He served on the Criminology Research Advisory Council of the Australian Institute of Criminology between 2000 and 2014, and was a member of the Commonwealth Violence Against Women Advisory Group.



**Neil Batt**, in 2014 an AO and a former National President of the Australian Labor Party, nominated Mr Reaburn for Treasurer of the fledgling Tas CCL. Batt, who turned 31 on the day of the 14 June meeting, became a Labor Member of the House of Assembly in Tasmania 11 months later in May 1969, and subsequently State Treasurer. He held portfolios in Transport, Education, Recreation and the Arts, Planning and Development, and Federal Affairs. Batt is the first man to benefit from Robson Rotation, the then-unique Tasmanian method of 'rotating' the order of names

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<sup>8</sup> Craig's publications include: 'Tasmania and the Federal Movement', Cat & Fiddle Press, Hobart, 1975; 'The Political Systems of Australia, Russia and the USA': Clifford John Craig, Ron Bell, John Howard Marks, Oxford University Press Australia, 1993; 'Australian Politics: A Source Book' by John Craig, Harcourt Brace, 1993; and 'A united states of Australasia?', Australian Journal of Political Science Vol. 28 (1993) Pages: 38-53.

on a ballot paper to avoid a donkey vote. It was first brought in to overcome an internal Labor putsch against Batt in a by-election for his seat of Denison in 1980, by which time he was Deputy Premier and Treasurer. Presumably fed up with political shenanigans, he resigned from Parliament in 1980 to do UN work in Bangladesh. He returned to politics and was re-elected, becoming Leader of the Opposition and Tasmanian Labor from 1986 to 1988, before retiring for good from politics in May 1989. Batt has been active in charitable activities including being Chairman of the International Diabetes Institute. In 2014 he was the Executive Director of the Australian Centre for Health Research, a Consultant to Australian Unity and Chairman of Residential Aged Services.

**Derek Roebuck**, who was both a barrister in Hobart and Professor/Dean of Law at UTas between 1968 and 1978, enjoyed a peripatetic life, teaching and practising law in England, New Zealand, Australia, Papua New Guinea and Hong Kong. He continues to be a Senior Associate Research Fellow at the University of London's Institute of Advanced Legal Studies after writing and editing more than 40 books on law, legal history and language, including the seven-volume Peking University Press series of bilingual texts on Hong Kong contract, criminal law and procedure. After 10 years as editor, he became editor emeritus of *Arbitration*, the journal of the Chartered Institute of Arbitrators. In recent years he has been researching the history of dispute resolution, now his speciality.



(William) **Michael Hodgman AM QC MP:** In 1968, Michael Hodgman was a lawyer, Navy reserve officer (as shown at right) and a member of the Tasmanian Legislative Council for the seat of Huon. He went on to be the federal MP for Denison from 1975-1987, serving as a Minister in the Fraser



government between 1980 and '83. Back in Tasmania, he was a member for the lower house Denison electorate between 1992-1998.

He was a member of Tasmanian 'royalty': the son of WC Hodgman (QC, MHA, MLC), brother of Peter Hodgman (MLC, MLA) and father of Will Hodgman MP and from 2014 Premier of Tasmania. In manner though, Michael was most un-regal: a maverick, even court jester, with a quick and quirky sense of humour and a penchant for a verbal joust,



his bluff exterior hid a deep and abiding interest in rights, liberties and freedoms all his life. He was known for his social justice work, and for operating pro bono (for free) as a barrister on deserving cases. When Civil Liberties Australia resurrected civil liberties in Tasmania in 2009-10, Michael Hodgman was one of the first to offer support, and to join the new organisation.

**Charles Wooley**, born in 1948, was just 20 when the Tas CCL formed. He became a noted national journalist, reporter and writer. Wooley gained History honours from UTas while editing the student newspaper, *Togatus*. His mainstream involvement with the Tas CCL ended on returning to Launceston in 1970 to work as a cadet with *The Examiner*. He was with ABC Radio and TV around Australia and in London for about 15 years, then joined Channel Nine, eventually becoming a reporter on the prestigious *60 Minutes*. He returned to Hobart in 2001: in 2013 he was hosting a morning Macquarie regional program across 40 Australian radio stations. Wooley has written several books.



**Paddy Gourley** (photo) joined the Australian Public Service not long after the inaugural meetings, left to make his home in Canberra, and spent a long time working for the Public Service Board until it was abolished. He was subsequently employed in the departments of Industrial Relations and Defence, where he was acting Deputy Secretary, before retiring in 2000. Since then he served for some years on the boards of Sydney Airport Corporation and Loy Yang Power in Victoria. Gourley has become well known since retiring as a regular contributor to the *Public Sector Informant* of the *Canberra Times*: he is one of the most incisive commentators

on the state of the federal public service in Australia and therefore on its masters, the government of the day, and its highs, lows and inconsistencies.

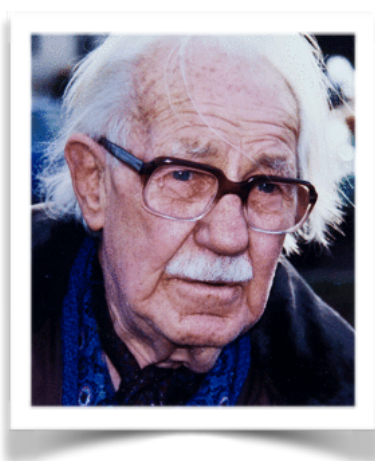
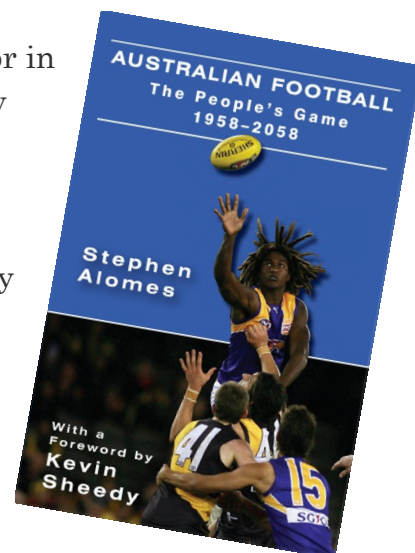
**Prof Alan Stout** (1900-1983) was a noted philosopher at U. Edinburgh and in one of the two philosophy chairs at U. Sydney (Prof John Anderson occupied the other). In 1967 he moved to Tasmania. The Australian Dictionary of Biography says of him<sup>9</sup>:

*“Beyond the campus Stout played a significant role as a public intellectual. He was a member of the prime minister’s committee on national morale during World War II, founding president (1963-67) of the New South Wales Council for Civil Liberties and a member (1963-78) of the council of the Australian Consumers’ Association”.*

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<sup>9</sup> <http://adb.anu.edu.au/biography/stout-alan-ker-15921>

**Stephen Alomes** became an academic polymot (communicator in various mediums). He said of himself: “A writer, contemporary historian, particularly of Australia, and society, culture and politics, with expertise in Australia and Japan, Australia and France, and, differently, in Australian Football..a freelance writer....and an artist”. He became best known for commentary on Australian Rules football as a professor of Australian studies at Deakin University, and at RMIT. His commentary on the Aussie-Aussie-Aussie-Oi-Oi-Oi chant seemed to retain overtones of a strong civil liberties bent: “the chant represents enthusiasm for the tribe’ and a celebration of “us”, but at the extreme may act as a symbol of aggressive nationalism and xenophobia,” he said. In recent years he has been a director of the Doutta Galla Community Health Service in inner-suburban Melbourne.



**George Wilson** was the warden of Hytten Hall, the first residential college of the University of Tasmania. He was for 30 years a lecturer in the History department of UTas, described in his obituary in the Hobart *Mercury* in 1991 as “a man hailed as a pioneer of Asian studies”. A New Zealander by birth, he was educated there and at Cambridge University, before joining the University of Tasmania. He was also, apparently, quite a character who erected Rugby Union goalposts on an Aussie Rules oval and became a marriage celebrant in retirement.

**Mrs Jean Perkins** was the wife of Bill, a lecturer in the Education faculty of UTas. They made an enormous contribution to civil liberties in Tasmania for the next 40 years through their daughter, born in August 1947, Judith (Judy) Louise Jackson. She graduated from UTas with Arts, Education and Law qualifications. In 1986 she was elected an MP and she pursued social justice for all with a particular emphasis on women’s issues. She was Minister for Health and Human Services from 1998 to 2002, and was instrumental in deinstitutionalising mental health and disabled services. In a combined effort with all women in Parliament, she achieved amendments to the *Criminal Code* to place the decision to terminate a pregnancy in the hands of women and their doctors. In 2002, Judy became the first female Attorney-General in Tasmanian history, and introduced significant legislation, including the *Relationships Act 2003* and the *Family Violence Act 2004*.<sup>10</sup>

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[http://www.dpac.tas.gov.au/divisions/cdd/programs\\_and\\_services/tasmanian\\_honour\\_roll\\_of\\_women/inductees/2009/jackson,\\_judith\\_judy\\_louise](http://www.dpac.tas.gov.au/divisions/cdd/programs_and_services/tasmanian_honour_roll_of_women/inductees/2009/jackson,_judith_judy_louise)

**Wayne Hooper** was an Arts graduate who later served in the Commonwealth Public Service Board in Canberra, then for the US Embassy in a cultural position and later still in adult education in Wagga and Sydney. He also worked for Federal parliamentary committees.

### **The first AGM:**

The first AGM of the TCCL was held on Thursday 12 September 1968 at 8pm in the Arts Lecture Theatre at the University. In the AGM notice, Secretary Craig advised members about the first Australian Convention of the Councils for Civil Liberties in Australia, which would be held in Sydney on 5, 6 and 7 October 1968 at the Carlton-Rex Hotel in Castlereagh St. You had to “enrol to attend by 15 Sept”, but the NSWCCCL was offering to help with travel and accommodation expenses.

He also advised members that the *“energies of the Committee of the Council have been directed toward getting the Council functioning and we have done little apart from this”*. There was a new Sub-Committee to study the questions involved in an Australian Bill of Rights, *“but this is a long term project”*, Secretary Craig said. How right he was!

*“The Council was instrumental in conveying a complaint to the Tasmanian Police Forces concerning an allegation of unjustifiable treatment made by a student after the recent demonstration at the offices of the Department of Labour and National Services. We received a very good reception from a representative of the Police Force and we are hopeful that this will lead to continuing good relations between the Council and the Police,”* Mr Craig told members.

Revealed in this statement is one of the real driving forces behind why the Tas CCL formed: the Vietnam War. Suddenly in 1964, national service had been reintroduced. In May 1965, the Liberals decided to send national servicemen overseas: all 20-year-olds had to register with the Department of Labour and National Service, and a date-of-birth lottery took place to decide whether a person would be conscripted for army service, and possibly to serve in Vietnam. National servicemen (there were no women) could die for their country before they could vote, for the voting age then was 21. Uni students could defer, but those whose birthday number came up would eventually have to serve two years full time in the regular army, then three years in the reserves, just when they were trying to establish their careers.

By 1968, opposition to conscription pulsed through university campuses; it was slowly swelling more widely in the community (all forces coalesced in late 1972 into electing Labor under Gough Whitlam to power federally, the first time in 23 years). But in 1968 the demonstration outside the “conscription office” in Hobart was a not-unusual activity, as was police mistreatment of demonstrators.

Another issue at the time to spur forming the Tas CCL was “the activities of sundry extreme right and anti-Semitic groups, most notably Eric Butler’s League of Rights,” Paddy Gourley recalled in 2014.

The hope that the relationship with the police would remain cordial was universally expressed – and mostly soon dashed – by newly-formed civil liberties groups everywhere. Openness, transparency, integrity, honesty are cornerstones of the foundation theory of civil liberties movements: as they mature, frequently internecine fighting comes along for the ride, unbidden.

Those present at the first AGM in Tasmania, as shown in the minutes of 12 Sept 1968, were Rev P. Stockman, Prof J. Polya, J. Craig, N. Reaburn, Mrs D Bestick, Mr I. Pearce, Miss M Wilson, Mr and Mrs H. Dobson, Mrs J. Shegog, Mrs V. Oates, Mr K. Wright, Mr and Mrs M Saclier, Mr D. Mooney, Mr P. Gourlay (sic), Mr A. Coates, Miss N. Curtis, Mr G. Grant, Mr. R. Darvell, Mr. M. O’Brien, Mr J. Lomax, Mr and Mrs C. Lamp, Dr J.C. Marwood, Miss M. Chick, Mr K. Jackson, Mr R. Every, Mr S. Alomes, Dr. P. Eldridge, Mr . P. Rayner, Mr M. Hills. Apologies came from Mr M. McRae, Mr D. Meredith, Mrs. J. Perkins, Prof Stout.

The first AGM elections produced a new President, the Rev P. Stockman, unopposed, as were the Vice-Presidents, Secretary and Treasurer, who retained their positions. The meeting voted to have four committee members only, and those elected from a field of seven were Dr. J.C. Marwood, Prof A. Stout, Dr P. Eldridge and Mrs M. Lamp (presumably the same person as “Mrs C. Lamp”). The three who missed out were: Mrs J. Perkins, Mr S. Alomes and Mr. W. Hooper. Miss R. Every and Mr H. Dodson were the scrutineers.

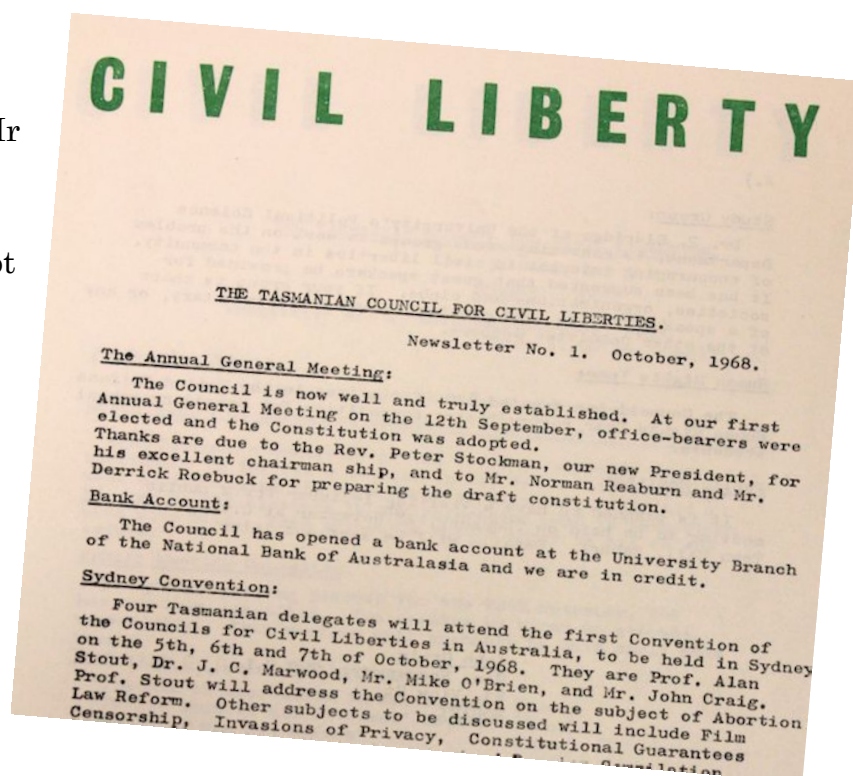
The AGM gave the four delegates to the first national CL convention in Sydney the right to vote for Tasmania on forming a national body. John Craig and Mrs D. Bastick moved a successful motion that there be at least five public meetings a year. For some reason, Mike O’Brien and Mr. M. Hills wanted the committee to “give early consideration to the penal provisions of the (statutory) industrial legislation in Tasmania”.

The meeting discussed, in detail, the draft constitution, made a number of amendments, then adopted it. So, just before 10.25pm on 12 September 1968, the Tasmanian Council for Civil Liberties was up and running, signed, sealed and constituted.

In Newsletter No 1, October 1968, members read that “The Council is now well and truly established” after its first AGM on 12 September. The Rev Peter Stockman had become President, and Norman Reaburn and Derrick (sic) Roebuck had prepared a draft constitution. There was a bank account at the University’s National Bank of Australasia and the Tas CCL was in credit. Four delegates were to attend the first



Australian CL convention: Prof Alan Stout, Dr J.C. Marwood, Mr Mike O'Brien and John Craig. Prof Stout was to talk about Abortion Law Reform, then a hot topic in Victoria and NSW particularly, with seminal decisions handed down in 1969 (Menhennitt in Victoria) and 1971 (Levine in NSW). SA also introduced a new abortion law in 1969, with the NT largely following the SA lead five years later.



The newsletter noted that Mr W. Bale, Barrister and Solicitor of Macquarie St Hobart, had agreed to act as the the Council's Honorary Legal Officer. Bill Bale went on to be Solicitor-General of Tasmania for 21 years (1986 to 2007), then inaugural chair of the Legal Profession Board of Tasmania until 2013. It also noted than Dr P. Eldridge of the University's Political Science Department was convening study groups to work on the problem of encouraging interest in civil liberties in the community. Philip Eldridge went on to have a distinguished career as a South-East Asian scholar, specialising in Indonesia. He also wrote major treatises on the *'Politics of Human Rights in SEA'*, and on *'NGOs and Democratic Participation in Indonesia'*.

The Tas CCL was planning to provide guest speakers for societies, organisations and clubs. The Council had donated \$30 for prizes in the UN's Human Rights Year poetry/poster competition for secondary schools. A public lecture, with a visiting lecturer, was planned for Thursday 28 November at the Town Hall, Hobart.

The first newsletter also reported the TCCL had 88 members, an amazing number for a new body.

Newsletter No 2, November/December 1968 reported on a motion the Executive Committee had passed at their 7 November meeting. *"The TCCL strongly urges Parliament to include a section in the Wrest Point Development Bill obliging the Government to circulate a YES and a NO case to all electors in any referendum held in conjunction with this Bill. This principle should apply to all referendums."*

The public meeting in late November was cancelled: it was being re-planned for 1969.

The newsletter also included minutes of the general meeting held on 18 October 1968 in the Arts Lecture Theatre at the University. G. Wilson chaired the meeting, and Prof

Stout was the speaker. Those present were: Mr N. Reaburn, Mr and Mrs W Kallend, Mr and Mrs W Baulch, Mr K. Wright, Mrs G Dodson, Mr R. Smith, Mr Meredith. Apologies were logged for Mr M. McRae, Prof J. Polya, Mr N. Batt and Mr H. Dodson.

Prof Stout reported – “gave an interesting account” – on the national CL convention held in Sydney, and “explained how the new Federal Council would work”.

Unfortunately, a simple explanation was not recorded in the newsletter, but the Executive of the Federal Council was listed: President: Mr R.M. Hope, Q.C. (N.S.W.), Vice-Presidents: Prof Alan Stout (Tas.), Mr William Dye (Vic.), Secretary: Mr Gordon Johnson (N.S.W.). This was something of a coup for Tasmania: a brand new local body, with a seat at the highest level of a national body, albeit the seat was occupied by a “mainlander” who had blown in from England via NSW. Secretary Craig noted that the 18 October meeting “concluded with the playing of the satirical record, *The Investigator*’, which was greatly enjoyed”. (The play was a satire on McCarthyism in the United States: you can hear it still today [HERE](#))

And that’s where the formal trail ends. We could access no more records held in the State Library on the early days of the Tasmanian CCL.

### **Civil liberties, rights, freedoms and forests in the 1970s**

As with most progressive groups of the late 1960s and early 1970s, many members came from a dying Communist Party of Australia (Lamp and Roebuck, among others), overlaid in Tasmania by debates and demos around forests and the environment. But it was Vietnam which dominated, as federal opposition leader Gough Whitlam promised to pull Australian troops out, creating a clear political divide with the long-dominant Coalition government. Increasing efforts went into mounting marches (and fighting for the right to march), promoting protest and hiding “draft dodgers” as the young men who were balloted in, but wanted out, became known.

The first two years of the 1970s were a euphoric period for those on the left of politics, who are normally the “usual suspects” forming the core of civil liberties movements. Momentum built towards the Labor Party’s election on 6 December 1972, with a general sense of “*It’s Time*” emerging from the actors and singers who gave Whitlam a TV boost.

Once elected, the Whitlam whirlwind seemed to drown out the need for civil liberties groups: conscription ended as did the death penalty, and university fees disappeared. In office only three years, the Whitlam Government achieved radical, progressive social reform.

And a new emphasis on legal aid also made a major difference. In Tasmania particularly, the old Law Society Scheme, which had operated since 1954, died in the late 1960s, just as the Tas CCL formed. Civil liberties movements traditionally helped

people who fell through the gaps in such schemes and in ‘justice’ generally, particularly Aborigines. But the Tasmanian Law Society, with the new government’s financial help, resurrected legal aid.

At the same time, community and Aboriginal legal aid groups were forming throughout Australia. On 25 July 1973, federal Attorney-General, Senator Lionel Murphy (photo), announced there would be an Australian Legal Aid Office because “one of the basic causes of the inequality of citizens before the law is the absence of adequate and comprehensive legal aid arrangements throughout Australia”. The Whitlam Government’s demise meant no legislation ever passed to formalise the ALAO network that had grown quickly, including in Tasmania. Eventually, State Legal Aid Commissions were propped up by some federal funding to become much like the system of the 2010s (but with latterly-decreasing funding).



### **Civil liberties goes dormant, legal bodies take over**



Tasmania established its Law Reform Commission in 1974. The Commission received references from the Attorney-General and its reports were presented to the Parliament. As the other bodies gained strength, the need for a CCL waned. For example, there was a new Aboriginal Legal Service in Tasmania. Later Supreme Court judge (and still later, Samoan Supreme Court judge) Pierre Slicer (photo, in 2013) was its legal counsel for 12 years from 1973 to 1985, after which he became the first director of the Tasmanian Legal Aid Commission. He recalls other styles of “freedom” battles, like opening up public bars to women, with the first in Tasmanian being at the Devonport (or Mersey Valley)

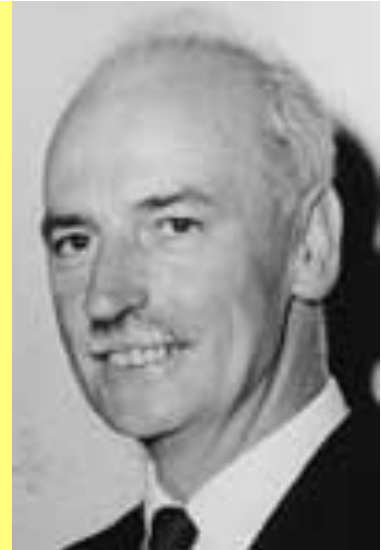
Workers’ Club, where women were equal members from its founding about 1968, and could breast the bar, publicly, rather than having to sneak into the saloon.

From a fight for civil liberties, society became a battle of political turbulence, particularly in the mid-1970s with the Whitlam government’s dismissal by Governor-General John Kerr. In that environment, the Society for Labour Lawyers of Tasmania emerged as the leading light fighting for social justice during the early 1970s. Some now well-known people featured prominently in that body: Slicer was a president, as was his now-wife, Tonya (Antonia) Kohl. John White, later to feature in both Houses of Parliament and as spokesperson for a “rump” Tas CCL, was a member. Other members included people who went on to be high-profile Tasmanian lawyers.

### **SIDEBAR STORY:**

**When people ask** what was happening with civil liberties in Tasmania in the 1970s, they raise the name of Bruce Piggott (photo).

A former judge of the High Court, Michael Kirby, was a friend of Piggott, and said of him at a commemoration ceremony:



*A doyen of the legal profession, surrounded by conservative colleagues whom he charmed and led. But a man brimming over with ideas for the reform of the law and for the righting of wrongs. A child of an age long before "women's liberation". But a champion of the rights of women, a contributor to the reform of family law, rape law and much else beside, to remove legal disadvantages to women. A child of Hobart in the early years of the century: with turnip fields and milking cows near the centre of town. But an Australian citizen who saw before most others the lesson to be derived from our geography and the vital need for us to relate to Asia, the Pacific and the broader world.*

*A Hobart solicitor. Commander of the Order of the British Empire. But also a founder of Lawasia, President of the Law Council of Australia, champion of World Peace through Law, early supporter of the United Nations and, in his seventy-fourth year, when virtually all other Judges of Australia had retired, accepting appointment to the position of a Judge in the Marshall Islands in mid-Pacific to defend the Fund administered by the Nuclear Claims Tribunal established to award damages to the victims of the United States' nuclear testing programme at Bikini and Enewetak Atolls.*

In the same 1995 foreword, Kirby goes on to say

*I got to know Bruce Piggott first when we were respectively Chairman of the Australian and Tasmanian Law Reform Commissions. BP (ie Before Piggott), the Law Reform in Tasmania was described as a "lost cause". At least that is the way Stefan Petrow has characterised it in his recent essay in *The University of Tasmania Law Review* (vol 13 no 2, 369). The main obstacles were said to be "an indifferent legislature, an apathetic public opinion and a conservative (and even hostile) legal profession". Nothing daunted, Bruce Piggott entered the fray. He was always willing to respond to a new challenge in life.*

Piggott was undoubtedly a leader, but his work on civil liberties issues appears to have been a sideline to his battles within and for the legal profession itself.

Some in Tasmania believe now-Associate Professor Petrow's comments on the state of law reform and the justice agglomerate in Tasmania in the early 1970s may well be as appropriate 40 years later. If such issues arise in cycles, it may well be time for a 21st Century 'Piggott' to emerge about now (2014) to once again steer the justice system back on to the straighter and narrower.



About 1990, the Society for Labour Lawyers died its own death, perhaps exhausted, having been the leading professional social justice body fighting on the side of environmentalists over the Tasmanian government's plan to dam the Franklin River. Tasmanian Premier 1982-89, Robin Gray, described the river as "only a ditch"...but it was a ditch too far for the Liberals. It was a silver, reflective snake thousands of feet below for Labor's federal Attorney-General Gareth Evans, a noted former civil libertarian from Melbourne University and Victoria, who rustled up an F111 from the Royal Australian Air Force as a camera plane to record photos of the relevant "ditches" and terrain surrounding the Franklin and the Gordon rivers. As the environmental battles are well covered elsewhere, we won't repeat their story.

These major public battles – Vietnam nationally in the 1970s, and rivers, forests and the environment in Tasmania from late 1983 and ever since – took a lot out of people, and took a lot of people out. Those who would have formed the backbone of a continuing civil liberties movement were instead fighting other good fights. They had no energy or time free for civil liberties, which had morphed into saving lives and letting rivers run free. That same thinking has now permeated Tasmanian life for decades, probably from the early 1970s to the early 2010s, a 40-year span. If you take your eye totally off liberties and rights, they don't long last intact, or they ossify as standards elsewhere become more "progressive".

Apart from the occasional media comment, civil liberties seems to have mostly died in Hobart and therefore Tasmania in the period 1975-1985. Certainly there was no active group operating, no regular meetings.



Into this apparent civil liberties vacuum stepped lawyer John Charles White (contemporaries always use the full three names, to distinguish him from his father<sup>11</sup>). John Charles White (pictured left and right) became a Labor MP in the Tasmanian Parliament from 1986 to 1989, serving in both the upper house and the lower house. But before being elected he was the "go-to" man for comment by the media on civil liberties and human rights issues in Tasmania. Often, a civil liberties body is no more than a few dedicated people and a spokesperson,



sometimes just the spokesperson: you can achieve as much as a legion if you are readily and reliably available to the media, on the ball with trends and events, keep watch on breaking stories and are on the ball with your media comment. Short, sharp, preferably somewhat provocative...and delivered in 15-20 second segments. Since about 2005, you need to add a good website with up-to-date material.

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<sup>11</sup> He followed his father (AJ, or Alfie) into Parliament, as is often the way in Tasmanian politics.

## **White: some major issues of the 1986-1996 period:**

“Once the media knew we were good for a quote, they’d keep coming to us,” White said in 2013. “We were more a product of the media than of formal meetings. We got together informally, didn’t keep minutes of meetings, and our Tas CCL comments were more or less our personal gut reaction to whatever we were being asked at the time.”

White had earned his campaigning spurs in London, where he went to school for a while, and glued posters on walls for the Campaign for Nuclear Disarmament<sup>12</sup>. With a social justice conscience and political skills becoming more honed as maturity hit, he was an ideal media performer, so the media kept going back to him in the 1980s, and quoting him as spokesperson for the Tasmanian Council for Civil Liberties.

White had become interested in civil liberties when at UTas, studying law, back in the day when, as a young man, his lecturers and professors from the uni were establishing the formal Tas CCL for the first time. The “we” he speaks of were White and Paul Storr, who took up the spokesperson role when White stepped down. They’d formed a friendship at UTas in the late-1960s. Storr was an apple orchardist from Cygnet in the Huon Valley. “He wanted to branch out from his apple business, and started to sell cider, but was sued by Cascade Brewery over the use of one of their trademarked names,” White said.

White’s election to parliament in 1986 put an end to his civil liberties spokesperson duties, apart from a campaign against the Australia Card (a proposed identity card that the Hawke federal Labor government wanted all Australians to carry). He and Storr ran the anti-Australia Card campaign in Tasmania, under the Tas CCL brand, over the 1985-87 period. At one stage they debated against Duncan Kerr, the federal MP, at Hobart Town Hall.

From the end of that campaign, as John Charles White’s state parliamentary duties increased, the mainstay of the Tasmanian CCL was Storr. He ran it, mostly as a one-man band with a handful of occasional helpers, for about 20 years, until his death in 2009.

In 1982, a document claimed the Tasmanian Council for Civil Liberties, with secretary Paul Storr, had a core membership of about a dozen people.

*“The Council was involved in current issues: radio comment on proposition to drug test police, issue concerning individual’s single supporting benefit being threatened by alleged sexual relations, radio interview concerning the importance of judicial independence,” the now-missing document said.*

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<sup>12</sup> Personal interview, 2013.

The concentration was on media interviews. For most of the earlier part of the two decades, Storr's working and living an hour out of town on a Cygnet orchard didn't matter much, as faxes and phone were the main communications devices, and he could see people on Saturdays at Salamanca Markets, alongside Constitution Dock in the city hub, where he sold apples directly to the public. He didn't do many TV interviews, which mostly had to be done in Hobart on weekdays. Telephone and facsimile (fax) were the preferred communications methods, and they worked fine on old Telecom/Telstra copper lines strung down the Huon Valley. But, as new technology – mobile phones, the internet, email – started to take over, Storr's off-broadway location became a limiting factor, curtailing how much he could practically do in the media: email and internet were very 'iffy' so far out of Hobart town in their early days.

In 1994, at the NSW CCL 30th birthday dinner, keynote speaker Mr Justice Michael Kirby<sup>13</sup> commented on the newly-released report of the Human Rights Committee of the United Nations on the Tasmanian laws against homosexual conduct.

"The committee unanimously found that those laws, a relic of our colonialism, constituted a serious invasion of the fundamental right to privacy. The State Attorney-General, Mr Cornish, has declared himself to be 'shocked' that the United Nations should uphold, as he put it, the human right to sodomy. There were plenty of other Australian hate words he could have used. His attitude does not augur well for Tasmanian legislative enlightenment," Justice Kirby said.

"This dinner should send a message, loud and clear, to our fellow citizens in Tasmania and to their Government. Think again. For you have been found wanting at the bar of international human rights. Tasmania, a land so blessed by nature, is now a global symbol of intolerance and majoritarian oppression. We must beg its leaders, in the name of civil liberties, to think again. And to repeal the laws which stigmatise and criminalise homosexual citizens," he said.

It was three long years before Tasmania responded to severe pressure from the federal government and international bodies, by enacting less discriminatory laws in 1997. Ultimately, the state became a national leader in enlightened legislation. This was a major victory for rights and liberties, but the civil liberties people of Tasmania did not have a major role in the achievement.

The passing nationally of laws against terrorism in 2002 and 2003 (after the "9/11" Al Qaeda aircraft attacks) briefly galvanised Storr and friends – the Tasmanian Council for Civil Liberties – to again become publicly active. The TCCL organised a rally on 12 November 2005 on the lawns of State parliament to "protest the introduction of a police state". About 800 people attended, Storr reported.

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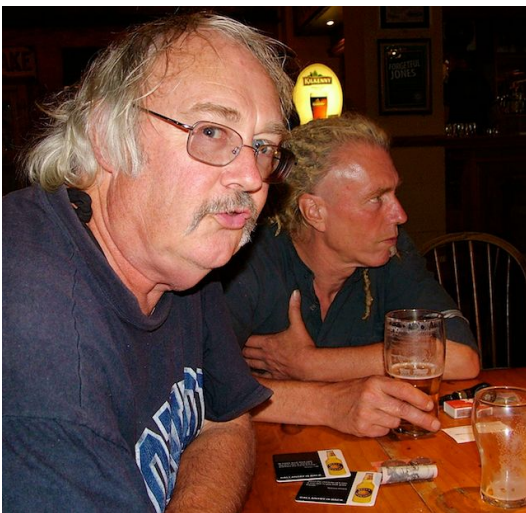
<sup>13</sup> Kirby was then The Hon Justice M D Kirby AC CMG, President of the New South Wales Court of Appeal and Chairman of the Executive of the International Commission of Jurists

In February 2006, Civil Liberties Australia's president Dr Kristine Klugman and Secretary/CEO Bill Rowlings met with Storr in Hobart to ask TCCL to join proposed national Australia-wide cooperation between civil liberties groups. Storr reacted positively, and was keen to be involved with a national group. That same month, the CLA President formally asked Greg Connellan, then a Melbourne barrister and delegated to draft a constitution for a national body (*see 'National'*), to include Tasmania CCL in the draft. (Nothing came of the national initiative at that time).

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### ***TCCL meets CLA***

*"We met Paul Storr in Hobart one Saturday in February 2006, after the markets, for a beer in a pub on Salamanca Place," Civil Liberties Australia President Dr Kristine Klugman said in June 2013. "We were trying to boost the impact of CL groups throughout Australia, and were offering to help the Tas CCL, so that the separate CL bodies could achieve greater impact against the onslaughts of draconian federal and state anti-terrorism laws following the '9/11' aircraft attacks in the US.*



*"Paul was agreeable, as were his mates that day who shared a beer with the CLA CEO, Bill Rowlings, and me. There was Barry Dickson who owned and ran the vegetarian restaurant, Sirens, in Victoria Street, which seemed to be a physical hub for the organisation. Miles Jordan was also there, and they said Martin Haywood, I think, was looking after internet and email for them, though he wasn't present. It was a very amiable conversation, and there was the hope of doing more things together, better," she said.*

Left: Paul Storr and Barry Dickson, at the meeting (above).

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Storr became ill not long after that meeting. He died on 2 September 2009, aged 62. Within a few years, Dickson apparently also became ill, and Sirens restaurant closed.

The last formal submission by the organisation, using a Cygnet 7112 Post Office box, was apparently the "Inquiry into the provisions of the Anti-Terrorism Bill (No 2) 2005. It was signed by Martin Haywood, "for The Tasmanian Council of Civil Liberties (Inc)."

About that time, Haywood's address was 19 Union Street Hobart and the TCCL's box number was PO Box 12 Cygnet Tas 7112. The Council for Civil Liberties Tasmania comprised President: Paul Storr, Vice President Barry Dickson; Treasurer Miles Jordan; Secretary: Caroline Evans.



### ***SIDEBAR STORY: The impact of Quakers on Tasmania and civil liberties***

It is impossible to measure the impact of Quakers – the Society of Friends – on Hobart and Tasmania, and on the attitudes of citizens of the state to liberty and the freedoms of speech and association for which Quakers in England and in America had to battle.

English Quakers James Backhouse and George Washington Walker arrived in Hobart in February 1832. They investigated the conditions of penal settlement in Van Diemen's Land (now Tasmania). They also visited New South Wales and the colonies of Victoria and South Australia, always with a focus on improving the conditions for convicts – then and to this day a big issue for Quakers – and the welfare of Aborigines and settlers.

By 1851, the meetings of the 'Religious Society of Friends' in Hobart, Melbourne and Adelaide were formally recognised by the London Yearly Meeting – head office, if you like.

Probably the most significant development in Quaker history in Australia was establishing the Friends School in Hobart in January 1887. Undoubtedly, the school has had a major influence on Tasmanians, as well as the select few who found themselves transported from the midlands or north, other states, NZ or the Pacific Islands to the 'school on the hill' overlooking Hobart Town.

The first Council for Civil Liberties in Tasmania benefited from its founding president, Kenneth Gethley Brooks, a Quaker. The current Civil Liberties Australia – Tasmania would not exist without Friends School: it was there that CLA's foundation president, Dr Kristine Kay Klugman (as Kristine Barnard) had imbued in her the concepts of internationalisation of problems and opportunities, and fundamental values of peace, progress, rights and liberties.

*Right: Dr Kristine Klugman, and former Tasmanian Solicitor-General Bill Bale, who were classmates at Friends School. Mr Bale was the Tasmanian Council for Civil Liberties first honorary legal officer, while Dr Klugman was an inaugural member of the NSW CCL, and co-founder of Civil Liberties Australia.*



By 1937, the 50th anniversary of its founding, the Friends School in Hobart was on its way to becoming the largest Quaker school in the world.

Though not measurable, the impact of Quaker thought on Tasmanians appears profound 130 years down the track. The battles over freedom of association, and the right to protest in particular, are hallmarks of Hobart and the forests, lands, rivers and seas of Tasmania. No state more consistently has a sizeable proportion of its population on the street, in front of parliament, bulldozers or other immovable objects, to lay continuing claim for the right to be different, to be individual, to stand aside from the world of corporate greed.

Inherent in every Tasmanian, through a Quaker lineage whether by actual schooling, worship or osmosis, is the DNA of liberty, equality and fraternity. This genetic heritage is a sound basis for thinking that civil liberties will prosper in the island state.

## New Tasmanian civil liberties group forms

“The first CLA knew of the demise of Tas CCL was in 2010, when people in Tasmania started contacting Civil Liberties Australia, asking for help with Tasmanian matters,” Dr Klugman said. “We tried to trace what had happened, but couldn’t find anyone to tell us where the TCCL stood, in practice or legally in relation to its website. So after a few months, we switched the website link over so that at least we could answer queries, and respond to media requests.

“We started to look for people to run a Tasmanian group. It took until early 2013 to find the right person to be a Tasmanian Director of CLA, Richard Griggs. The CEO of CLA and I undertook a two-week visit to boost things along in April of that year<sup>14</sup>, when he was formally appointed Tasmanian Director and state spokesperson of CLA. Now, civil liberties is back up and running in Tasmania,” she said, “probably – in formal terms – as least as well as it has been running for 40 years.”

“It’s needed,” Griggs (photo) said. “When there’s no civil liberties body, governments and bureaucrats and police and the legal system are not asked the tough questions. They don’t have to explain why they took decisions, or made rulings, that seem to fly in the face of common sense. And they don’t have to worry about consulting widely on new laws or regulations, and getting input from the people, through a civil liberties or human rights body. We do all those things, and more, as we try to make sure old legislation is as fair as it can be, and propose new laws that will make Tasmanian society a better place to be.



“As Tasmania starts a new growth spurt, hopefully with the forests fights largely behind us, we want to make sure the Tasmanian Civil Liberties Group, CLA Tasmania, is helping to shape our laws and our society for the maximum possible freedoms, liberties and rights, commensurate with being responsible citizens and organisations,” he said.

Griggs was born and grew up in Hobart, close to the Sandy Bay campus of UTAS where he qualified as a lawyer. He gained wide community advocacy experience when he served for four years as senior legal adviser to the Speaker of the Legislative Assembly in the ACT, dealing with a wide range of legislation, representation and public policy development from the government side. On returning to Tasmania to live in 2012, he

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<sup>14</sup> The visit by the President and CEO was also to brief the then government (Labor-Green coalition) and the opposition Liberals on proposed new ‘Right To Appeal’ legislation for Tasmania: in late-2015, that CLA-proposed legislative amendment is ready for passage by the Tasmanian Parliament.

joined the corporate legal staff of UTAS before secondment in 2015 to gain further community experience for a year as the Tasmanian secretary of a political party. His extensive experience in helping to frame balanced laws and regulations about public protest has been sought after at conferences and speaking engagements locally and nationally, and his numerous, measured articles in the *The Mercury* have awakened new respect for how a civil liberties body can help create better laws. CLA has benefited greatly in Tasmania by having Griggs available as a designated spokesperson for media about Tasmanian issues, a role taken over temporarily by CLA's second national board member.



With the growing strength and influence of CLA members in Tasmania, CLA in 2015 took the opportunity to appoint a second director from the island state. Rajan Venkataraman, a biochemist by qualification, had recently returned to Tasmania from a 20-year career as a federal public servant in the Foreign Affairs, Attorney General's and Prime Minister's departments, based in Canberra and overseas. His diverse experience spanned foreign and domestic policy, trade negotiations and national security, including a three-year diplomatic posting to Chile and also a year in a senior ministerial office in Parliament House. Rajan also has specialist knowledge of Australia's system of film and literature

classification, having been appointed a member of the Australian Film and Literature Classification Board in 2006. Back home in Tasmania, he volunteered as a tutor of adults in literacy and numeracy as well as being co-owner/manager of a cafe and restaurant.

Working with both of them as members of Civil Liberties Australia were people of great experience in public affairs and legal matters, including former Senator Margaret Reynolds, and the inaugural CEO of Tasmania's Integrity Commission, Barbara Etter. They have brought enormous experience to the task of helping to steer a new civil liberties organisation through its early years in the island state.

Reynolds was a Senator, representing Queensland and the Labor Party, for 16 years. She was federal Minister for Local Government and Minister Assisting the Prime Minister for the Status of Women. She has lectured in politics and international relations at university, and led the disabilities sector in Tasmania. Etter, a qualified pharmacist and senior police officer in the forces of NSW, NT and WA (where she was Assistant Commissioner), has a Masters degree in Law and an MBA. She has co-authored a leadership book for police with a former head of the Australian Federal Police, Mick Palmer, been a winner of the WA businesswoman of the year award in the community and government category and has received the Australian Police Medal for services to policing.

Since 2015, the organisation has benefited as well from the experience and directly-relevant knowledge of Carol Hughes, recently retired lawyer from the Tasmanian Department of Justice, who brought an inside appreciation of government change to debates about how best to write or adapt laws.

Since CLA's emergence in Tasmania, there has been a growing coverage of liberties and rights issues in the pages of *The Mercury*, encouraged by articles written by Griggs, who was very successful in encouraging in-house journalists to address liberties issues more frequently in their selection of commentators on major stories.

*Right: A Richard Griggs article on civil liberties, using sport as an example, in The Mercury in 2013.*

CLA members in Tasmania in the 20-teens decade come from a rich tradition of political, community and environmental activism: they bring their diverse experience of many years of campaigning in what has been the 'protest state' for the past 30 years.



The type of work a civil liberties group does in the 21st century is indicated by public comment made on behalf of CLA in 2013 – 2015, including:

- support for a private member's bill on voluntary euthanasia;
- criticism of the state government's unexplained wealth bill, which nevertheless became law;
- amelioration of some proposed over-the-top aspects of protest restrictions;
- passage of legislation to protect women seeking medical consultation and services in relation to abortion;
- criticism of the 2014 election commitment from the Liberals to create mandatory fines of \$10,000 for protestors who block access to a workplace and mandatory three-month jail terms for repeat protestors; and
- a campaign in Tasmania, as part of a national initiative, to introduce further Right to Appeal provisions where new evidence emerges in criminal cases.



Civil Liberties Australia has engaged with Liberal, Labor and Greens parties, and with the individuals of the Upper House in all these matters. It is refreshing – by comparison with other states and territories – how prepared all parties in Tasmania are to engage with the community and representatives of civil liberties and human rights organisations. “While CLA seldom achieves all it would wish, we are confident that our strong presence in Tasmania in recent years has led to better outcomes for all Tasmanians,” Griggs said in October 2015.

Rather than public meetings, CLA tends to use email and phone to communicate outwards to members, with members being kept informed through a regular, national newsletter, which included a run-down on CLA activities which any member could volunteer to be involved in.

“In 1968, public meetings drove groups like civil liberties: now, email, the organisation’s website and instant social media are how members stay in touch, and governments can be swiftly informed of public disquiet,” Griggs said. “Behind the scenes, the hard grind of commenting on draft legislation, lobbying and trying to anticipate problems that will arise keep the committee members busy.” Gatherings of CLA members, over yum cha, have been held in the suburb of Sandy Bay, sometimes to coincide with visits to Hobart of President Dr Klugman.



CLA nationally, with the help of continuing local lobbying by the Tasmanian group, had a notable success in its further Right to Appeal campaign when the Attorney-General, Dr Vanessa Goodwin, announced (left) in September 2014 that the Liberal government planned to adopt the proposed new law. CLA took part in a public consultation process in 2014 and 2015 to try to ensure the Tasmanian laws were even better than those introduced in pioneering fashion in South Australia in mid-2013. However, we were unsuccessful in influencing the Tasmanian Government to improve on the SA

legislation, and further improvement on the 2015 Tasmanian law will have to wait at least five years of practical implementation.

The new Right To Appeal law – officially the *‘Criminal Code Amendment (Second or Subsequent Appeal for Fresh and Compelling Evidence) Act’* – is expected to allow the second appeal of Sue Neill-Fraser, now a CLA member, for the murder of her husband,



for which she was wrongfully convicted, in CLA's view, and sentenced originally to 26 years in jail, 18 non-parole, reduced to 23 on appeal, with 13 non-parole period.

Under the new law, “fresh” and “compelling” evidence is required to get a case back into court: both the man behind the original SA legislation, Dr Bob Moles, and Neill-Fraser's pro bono lawyer, Barbara Etter, were optimistic there existed ample convincing evidence to meet the standards required to right a significant error committed in the criminal trial of Neill-Fraser<sup>15</sup> where, at best, the most circumstantial facts were used to weave a fabric of erroneous shape and colouring. The legislation passed in Tasmania – the second state to adopt such legislation – in October 2015 and was signed into law by the Governor in November. It was expected to lead to two positive outcomes: a new trial and justice for Neill-Fraser, and further impetus to adopt similar ‘Right To Appeal’ law throughout Australia's other states and territories as part of a campaign for ‘better justice’ led by Civil Liberties Australia.

Issues likely to remain on the Tasmanian civil liberties agenda throughout the decade include:

- mandatory sentencing for protestors, sex offenders and those who assault emergency service workers;
- proposals to abolish suspended sentences;
- lack of transparency (there is currently no published Tasmanian Police Manual) and independence in relation to the Tasmanian Police and the Forensic Science Service Tasmania, which is a police sub-agency;
- firearm theft, and crime rates more generally;
- voluntary euthanasia;
- anti-discrimination law;
- same sex marriage; and
- justice system analysis and reform, across policing, bail laws, court procedures and rights of appeal.

One-off issues will always emerge. In Tasmania, though, there has been a core concern permeating nearly half a century since the mid-1968 formation meetings of the Tasmanian Council for Civil Liberties. What brings the state to a standstill from time to time is public protest, and the civil liberties and human rights of Tasmanians who do not agree with dispensed wisdom emanating from the parliaments, local and federal,

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<sup>15</sup> In Tasmania, CLA had – unusually for the national body – taken up an individual case, that of Sue Neill-Fraser who was found guilty of murdering her partner Bob Chappell on the night of Australia Day 2009 in Sandy Bay cove, not far from the Royal Yacht Club of Tasmania. He disappeared from a moored yacht on which he had stayed alone overnight, and no body has ever been found. CLA believes the conviction is unsafe and has joined the campaign calling for a re-hearing of the case in the Court of Criminal Appeal, or a public inquiry into the state's justice system to identify how a Lindy Chamberlain-like miscarriage of justice has apparently occurred. Many CLA members have been involved in the campaign to free Neill-Fraser, including notably Etter and Eve Ash, writer-producer-director of the film, *Shadow of Doubt*, about the case.

and that part of the corporate sector at any particular time which, it is alleged, is over-exploiting the island state's natural resources.


The one constant theme for the past 50 years in Tasmania has been the right to protest...and the debate over that right. Ranged against this inherent people's civil liberty has been the local and federal forces of police and 'intelligence' groups, and laws which have waxed and waned – but mostly waxed – for half a century. In the 1960s and 70s, the vicissitudes of the far right and the Vietnam war dominated the thinking of the always-small numbers who value liberties and right higher than profit and might. From the 80s through the Noughties, women's, Aboriginal and gay rights along with forest policy and abortion rights appeared dominant.

Added to the fight about the freedom to protest was a threatening legal lurch towards the further repressive, introducing more strict liability (you prove you are innocent, rather than the state proving you are guilty). That danger came accompanied with mandatory sentencing to strip judges of discretion, and enforce politician-decided longer jail sentences, as well as the threat to abolish suspended sentences.

The next 50 years promise more traditional freedoms under threat, and more battles with politicians and bureaucracy for members of civil liberties groups to fight. Apparently forever, the fight will continue to be for liberties, rights and the law – specifically the rule of law – over tyranny: Sir Edward Henry Fox Young would approve.

ENDS

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