



ANNUAL REPORT 2020

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*)

This is the 2020 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 2020 to 31 December 2020.



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Office-bearers:

Dr Kristine Klugman	President
Rajan Venkataraman	Vice-President
Bill Rowlings	CEO/Secretary
Sam Tierney	Treasurer
Frank Cassidy	Director
Richard Griggs	Director
Jennifer Ashton	Director
Margaret Howkins	Director
Eloise McLean	Director (to 7 July 2020)
Caitlin Perry	Director

Main objectives for 2020 were:

- 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

Highlights

The year 2020 was literally “unprecedented” for the world because of a virus, and also therefore very disruptive for CLA. We were forced to abandon the planned May physical board meeting and postpone the proposed formal visits by the President and Secretary to Darwin, Perth and Adelaide. Though small inconveniences compared to the global death toll from Covid-19, they were major disruptions to longer-term organisations planning. The virus also caused ANU student Director Eloise McLean to resign due to the pressure of study and work during a pandemic.

We are happy to report that, despite the difficulties, we were largely able to make good strides with all the above objectives for 2020. We maintained the financial position stably, and quarterly Board meetings by Zoom brought in directors from Hobart, Perth, Darwin and regional NSW to join those physically meeting in Canberra.

Directors who had committed to be champions for a chosen areas of concern continued their excellent work, particularly on aspects of the Better Justice campaign, including prison reform, juvenile detention and the age of criminal responsibility. In the area of police-investigating-police (PIP) and police matters generally, CLA initiatives helped a parliamentary committee to re-form the Crime and Corruption Commission in WA. We continue to place increasing emphasis on the need for greater police integrity nationwide around internal investigations after complaints by the public or judges.

The partnership with Queensland Uni’s legal pro bono group, led by Vice-President Rajan Venkataraman, produced quality papers around justice reform and prisoner rights re voting and censorship. Similarly, WA Curtin Uni student links fostered by WA Director Margaret Howkins continued to produce quality and immediately useful research by students Linda Diep and Owen Kipling.

Their work was enormously helpful to the great strides in CLA’s campaign for a national Human Rights Act (“bill of rights”), led by CLA member Chris Stamford throughout the year. His leadership stretched into the platforms of federal and state parties; garnered support from entities as diverse as the Minderoo Foundation, Aboriginal Land Councils, farmers groups, and the Business and Mineral Councils of Australia; involved dozens of Zoom-Skype and personal meetings; and helped lead the way, cooperatively, for other rights and liberties groups to expand their own activities. While focusing on the national campaign, work continued particularly in Tasmanian under State CLA Director Richard Griggs,

who led some 20 organisations in the campaign for a local bill of rights. As the WA election neared in March 2021, emphasis switched to gaining longer-term commitment to a rights act in that state sooner rather than later.

Collaboration with ANU law students’ Law Reform and Social Justice group on three topics – whistleblowers, vaccination, and whether any body has the power to tell you in which direction to walk around a lake – saw the completion of papers, supervised by nominated CLA gurus. These included the Afghan Files whistleblower David McBride, a NZ government legal policy expert whose PhD involved preparing for pandemics, Dr Tim Vines, and personal injury lawyer Phil Schubert.

And we completed all chapters of the history of civil liberties groups in Australia and made them available on the CLA web site: <https://www.cla.asn.au/News/history-of-civil-liberties-in-australia/> In the coming 12-24 months, we’ll refine and make corrections before possibly printing the history in traditional book form.

Beyond achieving most of the targets, there were also other, unexpected positives to come out of 2020. For example, CLA member and security expert Tony Murney produced an incisive, telling three-part series on planning and construction errors and poor choices of weapons around and in the federal parliament. The Murney/CLA work attracted formal correspondence from representatives of the Presiding Officers of the Australian Parliament to desist taking photos (from the public area of the site!) or be punished, possibly by criminal charges. You know you’ve hit the mark when authorities try to shoot the messenger, or whistleblower. The articles are on the CLA website. They are a salutary read given the possibility of greater public protest around legislatures “as seen on (American) TV”.

2020 Australia Day letters

CLA wrote to all Australian federal state and territory Attorneys-General, asking them to abolish mandatory sentencing laws. The letters were to maintain pressure on reform of these pernicious laws, which particularly affect Aboriginal Australians.

We also wrote to the ACT AG, asking for a public inquiry into all aspects of the case of David Eastman. The Eastman case – freed and compensated after serving 19 years wrongly in jail – provides lessons for “right to appeal” laws in all states and territories. We continue to promote such rights to appeal – the law under which Henry Keogh in SA won his freedom and compensations after 19 years, and the law Sue Neill-Fraser is using in Tasmania to seek freedom from a wrongful conviction, 12 years after the event. Covid-19 delayed her appeal by 12 months.

October saw successful Covid-19 compliant member gatherings in ACT and WA. Towards years end, CLA was instrumental in the revival of an active, re-formed group of civil liberties people in SA under a new President, emeritus law professor Rick Sarre. CLA has established cordial relationship with the new group, which includes several long-standing CLA members.

Undoubtedly, the major CLA-generated activity of the year was the campaign for a national Human Rights Act. CLA's developed rationale for 'selling' the HRA is that Australia needs a fundamentally new way of for restoring trust in politics and politicians. CLA's campaign director, Chris Stamford, developed a two-pronged a argument – Australia needs:

Chris Stamford (left) and Dr Kristine Klugman appear at a Nationhood committee hearing, where CLA argued a bill of rights was a fundamental building block of a national ethical infrastructure .



An independent investigatory body “with teeth”. The ALP says it is committed to such a body, but draft legislation produced by the Coalition indicates the only likely official national body in the near term would be a furphy. A proper “ICAC” mechanism will allow citizens to hold accountable federal politicians, government agencies and the bureaucracy over major policies, purchases and processes; and

A Human Rights Act (or bill of rights), which includes a right to take action before a commission, tribunal or court. This mechanism will allow the people to hold the government and agencies accountable for decisions, actions and inactions which affect individuals and the community.

The circumstances in which CLA operated was reflected, as usual, in the reports to members each monthly in the CLArion newsletter. In January, bushfire hesitancy, climate change uncertainty and sports rorts chicanery were indicators that national leadership and management were sub-optimal as Australia faced major issues.

The prognosis for positive progress in 2020 was not good, CLArion reported. The government lined up its divisive Religious Freedoms legislation to wedge society. Governments failed to tackle the scandal of Aboriginal detention while police publicly protected themselves wearing heavy 'terrorist' body armour even as increasing numbers of defenceless women died because our “law and order” forces will not prioritise domestic violence.

CLA supported the need for emergency laws and actions by government in the face of a global virus with the potential to kill many millions of people. But, as the virus health crisis escalated in February, and then stretched into months, governments become more authoritarian by the week. Police and military enforcement squads were on the streets. The open air freedom of beaches was denied citizens. People copped large fines for walking together and talking to each other. In a bizarre development, one national authority tried to tell people which way they were allowed to walk around a lake!. From full support for emergency crackdown measures, governments risk alienating citizens if their exercise of power become out-of-kilter with people's sense of a fair go.

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CLA commented in public that, as a society, we need to learn the lessons of this virus time for the next emergency. Is a unilaterally-declared, without consultation ‘National Cabinet’ appropriate, in an emergency, or at any time? As it is not constitutional, entrenching such a body will mean legislating in every parliament, which will open a bagful of states' rights and responsibilities worms sure to engender passionate debate about whether we can trust politicians to not dispense arbitrarily with our freedoms at a moment's notice...like happened this time around.

By November 2020, much about wider military and general society was revealed by the alleged murders committed by special forces troops. The previously revered SAS troops joined the plethora of cover-ups and refusal to account for bad behaviour rampant throughout politics and police forces, and strongly suspected among some elements of the security elite also. CLA believes widespread change is needed to re-boot society, under strong ICAC accountability and a people's bill of rights, both increasing accountability.

Along with the Covid-19 pandemic restricting traditional freedoms wholesale, the police and security community at year's end was seeking even greater powers of surveillance and data control over our faces, photos and files. Draft laws before parliament appear to signal dark times for personal liberties. But times of change also bring opportunity. Now is the chance for all Australians who care about rights and freedoms to speak out loudly and strongly for basic freedoms, like guaranteed free speech for citizens and journalists, and individual privacy. We need particularly to have clearly established liberties/rights – and responsibilities – and a tribunal mechanism to provide quicker access to review of political, bureaucratic and personal abuse of the rules.

It's good to look back on an extraordinary 2020 to re-set the gauges of life for 2021 and beyond. A virus curtailed personal liberties in the name of a wider good, so the challenge becomes to decide how basic freedoms can be entrenched better in ordinary times – and extraordinary times – in future. Next year will feature a push for human rights laws for all of us in more jurisdictions (including federally) and, in particular, the quest for justice denied these past 12 years for Sue Neill-Fraser, still locked in Hobart's Risdon jail after being wrongly convicted, CLA believes.

November board meeting

There was wide-ranging discussion on “the way ahead”, basically to anticipate the transition in 2021 from 18 years of Dr Kristine Klugman leadership as President. She will step down during the coming 12 months.

In a major, two-decade review, the Board agreed CLA had built an excellent, solid foundation, as well as the processes and funds to adapt and grow in future: gradually, new focuses and practices would emerge in line with the new people and systems involved. All attending spoke on the issues, reaching general agreement that:

CLA would concentrate more strategically on matters outlined in a historic/future discussion paper presented to the Board, provided that to each activity or initiative we always

brought a unique CLA perspective, or that we selected a particular focus where CLA could add considerable and unique (or almost so) value.

The way we are tackling a national human rights act – by trying to get it as a firm commitment on party platforms, rather than just by a public information campaign – illustrated how CLA could adapt our members' specialist knowledge and access in relation to particular issues.

With adequate funds, good database systems in place, quality members and Board Members currently, the major need was to attract new people to take the organisation forward. The Board noted that moderate and sensible provisions, which could be easily implemented, exist in the CLA constitution for winding up the organisation, should it ever be needed due to lack of volunteers to commit time to Board management. The Board noted the need to think two-to-three years ahead, given that memberships can now be taken out for three years at a time.

Board Members commented on the successes historically and currently. It was agreed CLA would try to capitalise more frequently, repetitively and widely on our achievements won. In many cases, we were letting ourselves down by not capitalising in public on what we are achieving in private.

The Board agreed to new engagement and expansion, including but not only to reach and encourage younger people to become involved. Equally, the successes in creating strong movements in Tasmania, WA, and NT – and in encouraging a re-birth of active civil liberties in SA – should not be overlooked as powerful contributions to civil liberties and human rights nationally.

The Board may reduce its meetings from the current four to three or fewer a year, depending on the years and the need. It was agreed the greater need was for Board Members to regularly engage with the President and CEO, and with each other, to ensure national matters aligned. Over the next 12 months, CLA will explore a replacement person/people or system/contractor to take over some day-to-day administrative activities.

CLA will re-imagine and reorganise core communications, from the CLArion monthly newsletter and possibly offshoots of it, to more website activity, and possibly through Facebook, Twitter and other media-facing initiatives. The aim will be to ensure more public presence and awareness of CLA activity, endeavours and successes.

Objectives for 2021:

- Expand Better Justice campaign
- Right-To-Appeal law in more states
- Campaign for more Human Rights Acts
- Refine CLA communications; better utilise and widen reports of 'wins' and progress
- Lengthen 'short-term' planning out 3 years

Tasmanian activities during 2020

February saw a meeting of Tasmanian members of Civil Liberties Australia in the offices of CLA member Andrew Wilkie MHR to discuss the proposed “anti-protest laws” and their impacts on freedom of expression.

These harsh and anti-democratic laws were not ultimately brought on for debate in the state’s Legislative Council in 2020 due to COVID-19 taking precedence. They will however be scheduled again for debate in 2021 and CLA will be advocating for their defeat in the State upper house.

In March, in response to C-19, the Tasmanian State Parliament voted to suspend its sittings for five months until August. Unlike some other Australian jurisdictions, the suspension of parliament was not coupled with the establishment of any specific parliamentary committee to enable the executive arm of government to be scrutinised and held accountable for its emergency decision making during the pandemic.

CLA joined with other organisations to call for establishment of a multi-party select committee to enable scrutiny of the various government programs dealing with the pandemic crisis. Unfortunately, the government and opposition declined to set up any such mechanism.

Parliament ultimately resumed earlier than first anticipated. However, the speed with which parliament suspended itself was a shock to many who value scrutiny of government and ministerial accountability and will live on as a reminder of how easily good governance can be discarded in a panic.



In October, CLA publicly highlighted (above) the poor state of parliamentary petitions. CLA’s analysis identified that only 24% of formal parliamentary petitions tabled in parliament ever actually receive a response from government as is required under standing orders. As CLA said in a letter to the Premier:

“A healthy democracy relies upon an informed community who know where their government stands on any given issue and can cast an informed vote at election time. The centuries-old practice of the community petitioning government on issues of concern is an important part of ensuring the community is informed and that the government is

accountable to the people. Sadly, we write to draw your attention to the poor state of petitions in the House of Assembly and set out the extent to which the situation has fallen into disrepair.”

The issue was debated on the floor of State Parliament with the government indicating it will improve its response rate in 2021.

CLA will continue to monitor the situation on behalf of the tens of thousands of Tasmanians who put their names to parliamentary petitions and are owed a response.

Looking to 2021, key issues will include campaigning for the defeat of anti-protest laws, providing input into a Tasmanian Law Reform Institute review of state privacy laws (Personal Information Protection Act 2004) and continuing to advocate for implementation of a Tasmanian Human Rights Act, including by liaising with all parties and candidates in the lead up to the next state election, due in 2022. – Report by Director Richard Griggs (his photo is in the newspaper article, above).

NT main events

An election, which returned a Labor government, highlighted the NT in 2020. But the new government immediately disappointed by devaluing its own committee system so there is now far less scrutiny of upcoming legislation.

Longtime NT civil liberties person (since the early 1970s), Rob Wesley-Smith (left) kept strongly beating the drum for



the former ASIS operative, Witness K, and his lawyer Bernard Collaery to be relieved of the oppressive, politically-charged arraignments over the revelation that senior Australian government ministers ordered the planting of electronic bugs to spy on the Timor Leste Cabinet as it prepared to negotiate with DFAT and vested interests over the oil and gas fields between the youngest national entity on earth and the oldest.

In a stunning rebuke of the NT judiciary and establishment, CLA member and noted pro bono barrister Alistair Wyvill was exonerated of allegations against him in his professional role. Instead, a legal tribunal with judicial, legal and lay members found that it was reasonable to question whether a Supreme Court judge exhibited bias in a controversial legal case that changed the composition of the NT government and actively influenced who would be its Chief Minister. – Report by NT Director Caitlin Perry and CEO Bill Rowlings

WA: By Director Margaret Howkins



In early 2020, CLA member Prof Robert Cunningham (Dean of Law, Curtin Uni) responded to our request by suggesting two students to help CLA's push for a Human Rights Act in WA, and nationally. Owen Kipling and Linda Diep have worked heroically throughout 2020 researching the considerable benefits an HR Act has delivered in other states, drafting letters and preparing pitches for meetings with influential leaders.

Supportive state MPs backed off when ALP Premier Mark McGowan said his party would go no further than "considering introduction of a statutory charter of HR or similar instrument". He claimed in a letter to CLA that WA Labor believes in a raft of liberties, rights and freedoms "in principle"!

What is needed is action, in practice! Boardroom talk is meaningless: WA's and Australia's list of inequities is shocking and worsening. Indigenous people continue to be jailed in WA at 70 times the rate of whites. Children of 10 can still be incarcerated, Women's wages are 20% lower than men's police regularly brutalise – and sometimes kill – citizens, then investigate themselves because WA's Corruption & Crime Commission won't...even though it has a duty to do so written into its establishing law.

Legislation for prisoners' new Right to Appeal (like in SA and Tasmania), and urgently needed reform of the Confiscation/ Proceeds of Crime Laws are rusting in parliament. The results of politically-condoned inequity is families destitute on the streets: homelessness is at an all-time high. WA's legal system convicts on dodgy "evidence" and questionable oath v oath, packing WA's prisons four-to-a-cell in places. Few downtrodden people can afford to hire lawyers to tackle the systemic inequities they face. Every single organization CLA approached this year – apart from the political parties – supported the immediate need for a human rights law in WA.

When Premier McGowan excelled by protecting WA citizens from the Covid-19 pandemic, CLA expressed support for his leadership and strength as he faced fierce opposition from the federal and state criticisms. We look forward to congratulating him when he protects some of the same WA citizens who for years have been suffering the daily disease of unequal rights: the poor, citizens with mental and drug health issues and, particularly, our Aboriginal children and people.

We expended considerable effort in trying to help prisoners in 2020. CLA wrote to WA's Custodial Services Minister advocating elderly prisoner release, isolation strategies and hygiene checks during Covid-19. We continue to push for reducing mail censorship and eliminating barriers to communication between prisoners and their lawyers. For CLA, letters to and from prisoners increased. Reassurance, access to facts and correct legal information and copies of CLArion became even more important than usual to prisoners.

Even though WA's economy benefitted from the hard border, female and youth underemployment rocketed and wages remained stagnant.



Above: A dozen CLA members in WA gathered to discuss jointly furthering their personal motivations and CLA's interests in 2021. Photo shows the meeting, held at Maylands.

Homelessness and poverty increased substantially (9,000 now sleep on the streets any night of the week.) The waiting list for social housing is 25,000 +. Yet there has been a 'definite & distinct' drop in crime in WA amid the Covid-19 emergency, with stats down about 40% regionally and 15-30% in metro areas. CLA member Linda Diep's research highlights domestic violence as the publicly unaddressed crime tsunami-emergency that police should be concentrating on, given their other traditional workload is dramatically reduced, according to the statistics.

CLA met by Zoom or Skype throughout 2020 with many people and groups, and used technology to keep a close eye on worrying issues:

- Office of the Inspector of Custodial Services (CLA asking for an external, independent observer in prison inspections).
- Australian Lawyers for Human Rights (ALHR) to compare progress on individual efforts for a WA rights act.
- Watched hearings featuring WA Police, the CCC, Aboriginal Legal Service and Police Union during the Inquiry by the parliamentary joint standing committee into "oversight of excessive use of force allegations against the WA Police". Report 15 is the committee's produce from this inquiry.
- Alison Xamon MLC (Greens) to discuss 'Meaningful Reform Overdue' (Report 17) recommending that the CC & Misconduct Act 2003 be rewritten.
- Minderoo Foundation and Indigenous groups SWALSC/KLC/YMAC to discuss benefits of lobbying for a HRA in WA and nationally. They all indicated full support for the benefits of a bill of rights for the State, and nationally
- Monthly sharing of information with CLA executive and Board members, as well as three national Board meetings.

CLA member Christina Marruffo arranged for the Maylands Branch of WA Labor to discuss a motion supporting an amendment to national Labor's Human Rights Act. It was passed unanimously. CLA's national rights campaign director Chris Stamford was a [particularly helpful adviser and supporter throughout 2020 in WA's HRA push.

Membership

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

Year	Financial members at 31 Dec
2004	17
2009	244
2014	264
2019	295
2020	323

Submissions:

Making formal submissions remains a core activity for CLA. We make submissions to parliamentary inquiries at the federal, state and territory level, and to Royal Commissions and independent inquiries by law reform bodies, as well as direct submissions in the form of letters and reports to ministers.

While our submissions cover a wide range of issues, we place our focus where we have expertise, where we feel we have something fresh to offer and where the issue has been identified as a particular interest of the Board and our membership. Contributing to law reform initiatives is time-consuming given the amount of research, consultation, writing and follow-up. A volunteer-run organisation like ours has to be selective about how it devotes its resources.

It is also a sad reality that in Australia we have a lot of reviews, many of them call for submissions and give limited time for preparation. And when the report of the inquiry comes out, governments often do not respond to them. A good example is the 2019 inquiry by Western Australia into its asset confiscation laws to which CLA provided a detailed submission. The inquiry provided its report to the WA Government later that same year but – despite our repeated attempts in 2020 to contact the relevant minister – they still have not responded to the recommendations of the report.

In 2020, we made several submissions and wrote several letters to state and federal governments urging them to raise the age of criminal responsibility in Australia. This should not even have been necessary since this had already been a recommendation of the Royal Commission into the Detention

and Protection of Children in the Northern Territory. But despite our efforts and the efforts of pretty much every human rights, legal, child protection and medical body in Australia, governments have still not committed to make changes.

Despite these frustrations, in 2020, an important focus became the response to COVID-19. The response to the pandemic imposed some of the severest restrictions on basic liberties that many of us have ever known including rights we had come to take for granted such as travelling freely around Australia or even around our own suburbs.

The seriousness of a global pandemic and the threat to the lives of millions of people globally made restrictions necessary. Our focus was on ensuring that laws and regulations were properly scrutinised by parliaments, that they were based on the best available evidence, that they were no more restrictive than necessary and that they would be wound back and eliminated as early as possible.

Unfortunately, around Australia we felt that many of the restrictions did not meet these tests and the restrictions fell most heavily on the poor, the homeless and people in insecure employment.

Other areas of focus continued to be our advocacy for the rights of prisoners, our efforts to wind back Australia's draconian national security laws and our campaigning for legislated human rights protections in Australia.

CLA Vice-President Rajan Venkataraman oversees CLA's submissions program and subs 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.

February

Expungement of historic homosexuality offences criminal records – letter to the Tasmanian Attorney-General (Griggs)

Age of Criminal Responsibility – submission to the national Age of Criminal Responsibility Working Group (Coten)

Anti-Money Laundering and Counter-Terrorism Financing and Other Legislation Amendment Bill 2019 – submission to the Senate Legal and Constitutional Affairs Committee (Dwyer/Rowlings)

March

Judicial Commission Bill (2020) – submission to the Northern Territory Legislation Scrutiny Committee (Rowlings)

April

Proposal to establish a COVID-19 multi-party select committee of Parliament – letter to the Parliament of Tasmania (Griggs)

Suspension of the Personal Information Protection Act – email to the Tasmanian Attorney-General (Griggs)

Suspension of the Personal Information Protection Act – letter to the Tasmanian Premier (Griggs) 22 April

May

Proposed banning of vaping in the Melbourne CBD – submission to the Melbourne City Council (Rowlings)

Covid-19 – submission to the parliamentary Select Committee on COVID-19 (Venkataraman)

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June

Transfer of driver's licence photos to the National Driver Licence Facial Recognition Solution – petition to the Tasmanian Legislative Council (Griggs)

Homelessness in Australia – submission to the House of Representatives Standing Committee on Social Policy and Legal Affairs (Venkataraman)

Calls for parliamentary committee inquiry into suicide in the ADF (Danes/Rowlings)

Photo: CLA member, wife of an SAS RSM, and newly-minted PhD in 2020, Kay Danes, co-authored the ADF submission.



Scrutiny of delegated legislation – submission to the Senate Standing Committee for the Scrutiny of Delegated Legislation (Rowlings)

Effectiveness of the ASIO Amendment Bill 2020 – submission to the Parliamentary Joint Committee on Intelligence and Security (Venkataraman)

Inquiry into implications of the COVID-19 pandemic for Australia's foreign affairs, defence and trade – sub to Joint Standing Committee on Foreign Affairs, Defence and Trade (Stamford)

July

Anti-protest laws – submission to the Tasmanian Legislative Council (Griggs)

Draft Bill on the use of electronic monitoring in parole decisions – submission to the Tasmanian Department of Justice (Venkataraman)

August

Minimum age of criminal responsibility – letters to premiers and chief ministers of all states (Venkataraman)

Review of the Expungement of Historical Offences Act 2017 – submission to the Tasmanian Department of Justice (Venkataraman)

October

Handling of public petitions in the lower house of Tasmania's Parliament – letter to the Tasmanian government/opposition (Griggs)

Youth Justice Amendment (Searches in Custody) Bill – submission to the Tasmanian Department of Justice regarding (Griggs)

November

Review of Terrorism (Extraordinary Temporary Powers) Act 2006 – submission to the ACT Department of Justice regarding the (Rowlings)

Voting rights for prisoners – letters to state and federal governments (Venkataraman)

A human rights act for Tasmania (Venkataraman) – submission to the inquiry by the Tasmanian Law Reform Institute

Draft South Australian Human Rights and Responsibilities Bill – letter to Mark Parnell MLC (Rowlings)

Various issues including human rights act and raising the age of criminal responsibility – submission to ALP National Policy Forum – (Venkataraman)

December 2020

Custodial Inspector Amendment (OPCAT) Bill – joint submission with the TasOPCAT network to the Tasmania Department of Justice (Venkataraman)

Media report

Inevitably, media interest in civil liberties in 2020 came to be dominated by the impacts of the global pandemic. CLA representatives provided comment and gave several interviews to local and national print and electronic outlets about a range of COVID-related measures including the need for proper parliamentary scrutiny of COVID-related restrictions, the rollout of the government's COVIDSafe app, the fining of people for violating social distancing rules, the impact on the prison population, and the proposal for a mandatory vaccination requirement for airline travellers.

CLA made reasoned contributions to these debates. We recognised the need for extraordinary measures to protect the health of Australian people, but we emphasised that measures should be evidence-based and subject to proper scrutiny, contact tracing measures should include proper protections for privacy, and the poorest and most vulnerable should not be asked to carry a disproportionate burden.

Importantly, we urged parliaments to wind back all COVID-related measures immediately as soon as the risk of the pandemic has passed. It is funny how restrictions on civil liberties that Australians accept in times of crisis remain in place long after the crisis is over. Australians accepted some of the most draconian laws after the 2001 terrorist attacks in the United States, but very few of these have been repealed in the nearly 20 years since then.

CLA was also able to continue to draw attention to other issues. In Tasmania, for example, our Director Richard Grigg's campaign to stop the transfer of drivers' licence data from Tasmania to a national database in the absence of proper legislated protections was covered in the local media and he also published a substantial opinion piece on the subject in Hobart's daily newspaper.

Elsewhere, our campaign – supported by research by our partners at the University of Queensland's Pro Bono Centre – to remove restrictions on the right to vote of people in prison received substantial pre-election coverage in Queensland and in Western Australia. The coverage drew attention to the substantial and disproportionate impact these restrictions have in disenfranchising Indigenous people.

Finally, CLA continued to be a sought-after source of comment on a range of issues including the increasing use of surveillance technology by security agencies, the failure of governments to increase the age of criminal responsibility and the proposal for the establishment of a federal anti-corruption commission.

CLA reduced its social media activity in 2020. Partly this reflects the time and resources it takes to maintain an active social media presence, including moderating comments. We also found that social media had limited value in contributing to serious public debate or in communicating with our members. Finally, it has become harder to ignore that social media gives us no way of protecting the data or privacy of people who interact with us.

– National Media Spokesperson and CLA Vice-President,
Rajan Venkataraman

Webmaster's report

This year has been one of consolidation and minor changes to the website after some major initiatives introduced to CLA's web presence and functionality during 2018/19.

The first use of the new electronic voting system was undertaken for the 2020 AGM and resulted in a 43% overall voting rate. In all organisations, it is a struggle to get members to vote as part of AGMs and elections. With CLA's web approach, we try to make it as easy as possible...so please register your vote this year when the 'vote' email arrives.

Members have also appreciated the option to now pay for 1, 2 or 3 years of membership which has resulted in a good uptake, reducing the administrative burden on the Secretary and Treasurer.

There were some 130+ articles published – that's nearly three a week – many generated by members as well as by the CLA executive. Together with the ongoing monthly publication and distribution of the CLArion, this is a sizeable publishing output. The website frequently carries articles that 'break' news, or highlight aspects of topical matters not raised elsewhere.

There were also some 37,000 visitors and 29,000 searches of the CLA website in 2020 with several days reaching some 300 visitors. The early months of the COVID19 pandemic also saw an uptake in daily in website traffic.

– Lance Williamson, Webmaster (and former CLA Director)

Treasurer's report 2020

CLA is pleased to report to members another year of sound growth in its net financial position exceeding 12% over the 12-month reporting period to 31 Dec 2020.

Overall, membership income remained consistent during the transit to CLA's longer term (2 and 3 year) memberships.

Expenses remaining steady overall. The expected decrease in travel expenses during the Covid-19 pandemic was slightly offset by the addition of some WA assets, an increase in bank charges (related to additional charges from CLA's online credit and debit card provider due to the increase in uptake of longer-term memberships) and the excellent ongoing work of Gaffer Designs to improve CLA website to make it more accessible and provide more services for CLA members.

Overall, we are pleased to report that CLA has yet again finished the 12 months in a sound financial position.

Our thanks go to CLA's members for their continued support, without which the organisation could not continue its important work in protecting the civil liberties of all Australians. The CLA Executive and Board look forward to continuing their work to protect and promote the civil liberties of all Australians in 2021.

– Sam Tierney, Treasurer (photo)



Short 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 an 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. 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. 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. In 2014, fees increased for the first time in a decade. In 2015, a second Director from Tasmania, Rajan Venkataraman, joined the Board and we succeeded in the solely-CLA-inspired campaign to Civil Liberties Australia Inc, A04043

'mirror' South Australian Right-To-Appeal provisions in Tasmania (the start of a round-Australia campaign). The President and CEO received the National Award for Civil Justice, accepting it on behalf of all CLA members, from the Australian Lawyers Alliance. Brian Tennant, for 50 years the heart and soul of civil liberties in WA, received an AM for his work.

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 establish and consolidate a growing membership in WA. 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. During 2019 we produced a new website and database to underpin future growth with easier management. We achieved major progress that CLA had long campaigned for in two areas: a formal review (in WA) of proceeds of crime laws, and nationally a review of how judges and magistrates are "educated" (in fact, there is no extra learning involved in becoming or continuing as a judicial officer).

VALE: CLA member lost in 2020:



James (Jim) Dunn: 31 Jan 2020 aged 92. Diplomat, intelligence officer, soldier, researcher, writer and human rights activist. Played important role in helping to free the East Timorese. 200208: <https://tinyurl.com/sqc7s36>

Selected feedback in 2020:

I have just read of the chapter (*WA history of Civil Liberties in Australia* – see *CLA Home page* for [link](#)) What a well-put together work it is. I have been reminded of old battles forgotten and sometimes people, unfortunately.

It is a reminder that many of the wrongs have been prosecuted by the victim who then gently disappears. And why not. My own problem with such victims is that they would turn up with a huge cardboard boxes full of their documents. I generally declined them, asking them to at least compress the contents to a 2- or 3-page summary. If they couldn't do that, how could they expect a stranger to do it.

I repeat that it is such a well done job you deserve three stars for your forehead and an elephant stamp on the back of your hand. Congratulations,

– Avon Lovell, journalist and author of *The Mickelberg Stitch*, *Split Image*, and *Litany of Lies* about the Perth Mint robbery in the 1980s and the wrongful convictions that followed.

This is outstanding (referring to a CLA submission on why the Melbourne City Council should not ban vaping in the streets). – Simon Breheny, CLA member, Vic

I'm always surprised by the number of issues handled or mentioned by CLA, and I commend its activities.

– Regards, James Moore NSW

2020 Summary of CLA Finances (\$)					
		2020	2019	2018	2017
BALANCE B/F		55,487.97	49,515	44,718	40,356
INCOME					
Memberships					
		12,350	12,109	10,266	9,721
Donations	General	3,683	3,268	4,615	2,040
		3,683	3,268	4,615	2,040
Interest	Working	18	15	10	6
	Cash reserve	24	104	137	156
	Term Deposit	-	-	265	136
	Total				
Total		42	119	411	298
TOTAL INCOME		16,075	15,496	15,292	12,059
EXPENDITURE					
Business Expenses	Ink & Stationery	-	20	85	414
	Printing	1,129	1,129	900	2,171
	Website/Phone/Comms	2,938	2,201	3,335	784
	Postage	50	-	-	749
	PO BOX	402	260	254	267
	Parking fees	-	-	-	442
	Travel	-	2,037	4,833	1,050
	Functions	136	185	-	-
	Publicity	-	-	127	-
	CEO Expenses	3,829	3,407	578	1,655
		8,483	9,239	10,111	7,531
Membership Refunds		60.00	-	-	-
		60.00	-	-	-
Bank Charges	Bank Charges	688	285	383	166
		688	285	383	166
TOTAL EXPENDITURE		9,231	9,523	10,495	7,697
Surplus/Deficit		6,844	5,973	4,798	4,362
BALANCE C/F		62,332.25	55,488	49,515	44,718
Comprising Bank Balances					
	Working Account	23,119.90			
	Maxi Direct	39,212.35			
	Term Deposit	-			
	Total Bank Accounts	62,332.25			
	<i>add Moneys not Credited</i>				
	<i>less Moneys not Debited</i>				
Net Financial Position		62,332.25			

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 organisation's financial year, calendar 2020.

Signed:

Date:23/02/2021.....

(Phil Schubert, LL.M)