

Chapter 8 – Western Australia

Three, four, five civil liberties groups emerge in WA

The first mention of a civil liberties body in Perth came in an article in a local daily newspaper in September 1936:

“The establishment of a Council of Civil Liberties in Perth was advocated yesterday by Mr. C. Badger (sic), readers’ counsellor under the adult education scheme of the University of Western Australia. Mr. Badger made the suggestion when discussing the action of the Customs Department in seizing 17 books from the Perth Literary Institute last week.

“In view of the general tendency to interfere with the free circulation of books, and especially the tendency of the Federal Government to devolve its powers to irresponsible departments, said Mr. Badger, one felt there was a great need for a body in Perth affiliated to or parallel with the Council of Civil Liberties in Melbourne. This council, in its own way, was a development of the Council for Civil Liberties in England, whose president was Mr. E. W. Forster, the author of ‘Passage to India’.

“It was a saddening fact that the battle for liberty, which people were apt to regard as having been won for them by their ancestors, had to be fought anew in each generation.

“Despite the ample powers which governments had to suppress overt sedition and treachery, continued Mr. Badger, democratic governments still found it necessary to pass Acts like the Crimes Act, which were contrary to the whole tradition of British law and justice.”¹



Badger (photo), then just starting his career, went on to become the first Director of the Council of Adult Education in Victoria, a position he held until 1971. He was “one the most significant figures in Australian adult education during the second half of the twentieth century...” and “...his life is a reminder that, in a world of anonymous policymaking and impersonal bureaucracies, great organisations sometimes began with a personality and a soul”.²

It’s a comment that holds true for most civil liberties groups.

¹ *The West Australian*, Friday 25 Sept 1936, p28

² <http://www.halloffame.outreach.ou.edu/2015/badger.html>

The first practical evidence of a civil liberties group in Western Australia dates to just after the Badger comment, when a Victorian-based civil liberties body decided it wanted to expand its influence around Australia's major capital cities. Rather than tackle the tough task of setting up a formal local entity in far-off WA, the Victorian-led Australian Council for Civil Liberties (ACCL) arranged to initially have its own WA spokesperson, helped by "advisors".

The ACCL formally established an Advisory Committee at a public meeting on 24 November 1938, on the initiative of Dr Alfred Jacobs³ and Eden K. Greville. By early 1939, John A. McKenzie had been appointed secretary, the vice-presidents were Dr Jacobs and Emeritus Professor Walter Murdoch, and a legal panel was established⁴.



Jacobs (left) and Sir Walter Murdoch (below). WA's second university, which began in 1973, was named after Murdoch.



The activities of the WA Advisory Committee focused on issues identified by the parent body in Melbourne. In line with the ACCL's main driver, the anti-censorship campaign, the WA body's first action was protesting censorship of a local radio station for critical comments about two government ministers. The campaign was successful, and the station got its radio licence back.

In the 1930s, censorship had been imposed Australia-wide on books, broadcasting, films and theatre (in fact, the censorship generated the ACCL – see Ch 4 on Victoria and Ch 12 on attempts to form a national body). The ACCL had issued a publication, *Six Acts against Civil Liberties*, criticising federal legislation which reduced freedom of speech, association and movement. The booklet, sold throughout WA, appealed for citizens to voice objection to censorship to their elected members of parliament. Another cause adopted quickly in the west was the right to public assembly. The WA Advisory Committee assisted in selling the ACCL publication, *The Police and the People*, which explained people's rights to assemble, speak and demonstrate.

³ <http://adb.anu.edu.au/biography/jacobs-alfred-nailer-10603>

⁴ John A. McKenzie, 'The First WA Council for Civil Liberties', in *Early Days* Journal and Proceedings of the Royal Western Australian Historical Society (Inc) Vol 10, Part 3, 1991, pp 249–264

In March 1939 the WA Advisory Committee joined an Australia-wide protest against legislation aimed to control Waterside Workers' Federation members, the wharfies. There was strong support in Fremantle, where WWF members in 1937 had boycotted Japanese ships.

The local body also took up another union-related issue, the proposed National Register, which was a mandatory listing for conscription purposes, either civil or military, of all men aged between 18 and 65 years in the lead-up to war. The WA Committee held a public meeting and helped distribute the national leaflet, *The Case Against the National Register*. The ACCL's principal objection was to giving the government power to conscript labour with no provision for conscientious objection. The joint Australian Council of Trade Unions (ACTU) and ACCL campaign succeeded in influencing the government to modify its original draconian proposals.



The looming world war turned governments reactionary, proposing stringent restrictions on freedoms around the nation. The WA Advisory Committee called a public meeting in November 1939 to discuss the National Security Act. Speakers were Margaret Battye (photo) and Roy Nevile⁵, members of the legal committee, and Orm Cook of the Fremantle Lumpers Union⁶. (It is said of Battye that she “worked for the Council for Civil Liberties”⁷, but the accuracy of the entry in the Australian Dictionary of Biography is something of a mystery, though it is credited to a 1939 *Civil Liberty* journal).

A leaflet explaining citizens' rights under this legislation was published, entitled *National Security and the People*. In it, Nevile (photo) drew parallels with Nazi Germany, and said:

*“..the Parliament handed over to the Federal Government dictatorial powers as wide as those possessed by the ruler of any totalitarian state...power to govern by regulation is absolutely unlimited...”*⁸



With war formally declared in 1939 in the famously melancholic statement of Prime Minister Robert Menzies⁹, by April 1940 the federal government

⁵ Then a young lawyer; later Crown Solicitor 1947-55 and Supreme Court judge 1955-70.

⁶ op cit McKenzie p258

⁷ <http://adb.anu.edu.au/biography/battye-margaret-9454>

⁸ ibid

⁹ “Fellow Australians, it is my melancholy duty to inform you officially that, in consequence of a persistence by Germany in her invasion of Poland, Great Britain has declared war upon her and that, as a result, Australia is also at war.” 3 Sept 1939, National Film and Sound Archive Title No: 387919 <http://www.nfsa.gov.au/>

had brought in new censorship regulations against newspapers (See Ch 4 – Victoria). In Perth, the Advisory Committee held a public protest meeting, with speakers including both communist and conservative speakers. From this meeting, a letter was sent to the *West Australian* newspaper on 1 May 1940, signed by prominent church and academic figures.

The new regulation subsequently banned a number of newspapers and confiscated their plant, equipment and stock. The censorship also affected radio broadcasts, and Canon John Bell was required to submit his sermon prior to broadcasting. He refused, declaring:

*“The Christian can never allow the dictates of the State to take precedence, even in times of war, over liberty of conscience...Is there anything at all to be said which prohibits the teaching of the gospel?”*¹⁰

The Advisory Committee printed a statement in support of Canon Bell.

In May and June, well known Perth communists were prosecuted and jailed and on 15 June 1940 the Communist Party and a number of other bodies were declared illegal. Police raided the homes of the president and vice presidents of the Advisory Committee, and confiscated copies of an obviously dangerous and subversive ACCL publication, *Civil Liberty*. There was no further action against the WA organisation.

Nationwide, police were raiding private homes to confiscate books, and the WA Advisory Committee called on people who had lost their books to the long arm of the law to apply for their immediate return. The committee issued a leaflet urging voters to question candidates in the forthcoming general election about whether they favoured restriction of search and seize powers.

The WA Advisory Committee wound up in late 1941, probably a direct casualty of the growing fear of war in Australia. People forget three-quarters of a century later just how close the war was: the *HMAS Sydney* and German auxiliary cruiser *Kormoran* battled to dual deaths on 19 November 1941 about 100 miles (about 200km) off Carnarvon WA, and on 3 March 1942 Japanese planes strafed and bombed Broome, killing 70-100 people, injuring 40 and destroying 24 aircraft.¹¹

By 1943 even the original ACCL had closed down, ceasing to claim it was a quasi-national body. For more than 20 years, no formal civil liberties group existed in the young, vibrant and developing capital of WA. No doubt such a group might have been useful, but there was apparently no-one in the community prepared to put in the hard yards that running community organisations require.

¹⁰ *ibid* p260

¹¹ <http://www.australia.gov.au/about-australia/australian-story/japanese-bombing-of-Darwin>

The new body which emerged in November 1965 was WA Civil Liberties Association (WACLAssn), formed by Jim Kane. Kane said:

“The association, I believe, should be an instrument for the little people who suffer injustice or a threat to their liberties: people who do not have the protection of industrial law”.

Kane’s final phrase makes it obvious that the driving force behind forming the civil liberties group was unionism, and unionists. It was to be an organisation for the little guy, the worker, not the big end of town. In that regard, newspaper clippings show that the new body had impact, with a new and distinct voice frequently being raised and reported in the community.

Kane, a lecturer at Perth Technical College, was an intrepid founder. In May of that same year, 1965, he had founded the Humanist Society of WA...

“...at a meeting held at Perth Technical College on Sunday, 2 May 1965. It was convened by James A Kane, a lecturer at the college and two colleagues, Ray Pinkerton and R G Robinson. Jim Kane (as he was known) was the chief protagonist in the formation of the Society and remained a leading, if at times controversial, figure until his death in 1980.”

...some of our members were also involved locally in the establishment of a Council of Civil Liberties.”¹²

In 1967, a local paper reported that:

A growing appreciation of the work of the Council for Civil Liberties in this State was revealed at the last annual meeting of the organisation by increased membership figures and by the Council's activities and the interests of individual freedom over the preceding 12 months.

What are Civil Liberties?

Some restrictions on the freedom of individuals are necessary for the good of society and do not conflict with civil liberties. Laws relating to traffic, health, and the imprisonment of convicted criminals are a few examples. Some actions by the State, however, do infringe civil liberties. It is too often necessary for citizens to uphold: Freedom of speech; Freedom to publish; Freedom to read; Freedom of association; Freedom of assembly; Freedom from arbitrary arrest and confinement; Freedom to

¹² <http://www.hswa.org.au/the-history-of-hswa/>

know reasons for administrative decisions, and the right to appeal; Freedom to choose one's own way of private behaviour.

Why do we Need a Council for Civil Liberties ?

Although Australia is a democratic country, modern governments do tend to bear down on the rights of the citizen. Bureaucracy grows, along with an increase in legislation by regulation. The individual who wishes to protest finds himself without sufficient channels of redress. The Courts, the Press and Parliament do not cater for his needs.

There is a need for a voluntary organisation which dedicates itself by watching over our civil liberties. A Council concerned with the preservation and extension of civil liberties can do what individuals cannot hope to do. Its very existence is a deterrent to the arbitrary use of power.

The Council for Civil Liberties in Western Australia was formed in November, 1965. It is attracting to its ranks members of the legal profession, lecturers from University and Technical College, teachers, writers, journalists, trade union officials, housewives, and an ever widening cross section of the people of Western Australia.¹³

The report indicates that union officials were still heavily involved – and the “working man’s liberties group” was to run foul of the “bosses” in the near future, but not before the emergence of the best known, most dogged and longest serving civil liberties person ever in WA.

Brian Tennant emerges

In mid-1971, a seminal photo appears in the media. Featuring in the *WA Weekend News* on 31 July is the profile of a young, dark-haired man in a leather coat, signing a paper. Brian Tennant, president of the Miscellaneous Workers Union, was shown at the railway ticket office organising an on-the-spot petition protesting a sudden and arbitrary increase in rail fares.

This reported action was characteristic of the



¹³ The Beverley Times Fri 24 Feb 1967 p6

man, a dogged defender of workers' rights and civil liberties in WA from the mid-1960s until the late-2010s. A tenacious fighter for social justice, Tennant suffered physically for his outspoken convictions (as did other civil liberties people). He was hospitalised in 1985, following a bashing which fractured his leg and collar bone and left him concussed and badly bruised. He said it was a beating by a just-released criminal, ordered by a then-serving police officer. (See '*The man who chased justice...*' later in this chapter).

Around the time Tennant appeared on the scene, the WACLAssn group was starting to become embroiled in the state's greatest ever Battle of the Blue. It was one senior cop against the rest, as Superintendent H E 'Spike' Daniels decided the containment policy being run by Detective Sergeant BB Bernie Johnson and a range of allegedly corrupt cronies over prostitutes and gambling was un-lawful. The unwritten "policy" said that Perth was better off having crime under the control of bribed police than left to the free market. Some brothels were allowed to operate under police patronage. The crims made money, and so did the cops, while bashings, shootings, muggings and murders to boost or dissuade trade, which blighted other Australian cities, wasn't needed in the orderly West.

So the theory went.

Supt Daniels, who suffered from serious mental health problems according to his detractors, started raiding police-protected premises and highlighting the number of ads for girls to work in brothels which appeared in the local media. He upset the Perth crime and drugs mafia, the madams and the political mandarins as well as the magnates undertaking the boom-bust machinations for money-making which plague Perth and WA from time to time. He also upset the Consorting Squad, run by DetSgt Johnson. After too much public comment had hit the fan of the news media, the government ordered a quick, short inquiry¹⁴ under QC Peter Blinsden. It found there was no major corruption, as alleged.

Supt Daniels became completely fed up. He unloaded in a speech to a Rotary club in 1974, delivering verbally a manifesto of his concerns. But the police hierarchy and political leaders would not take any notice.

On the rainy night of 22 June 1975, one or more people fired four .22 bullets at the closest of ranges to the back and side of the head of noted madam Shirley Finn on the manicured grass of Royal Perth Golf Club. She was dressed in a glittering, flowing ball gown, wore flashy and large real jewellery, and was behind the wheel of her showy Dodge Phoenix car.

Her partner (or partners) that night in the dance of death has never been discovered.

¹⁴ '*Dirty Girl*', Fontaine Press, p157

Suspects over the years include everyone from top politicians, police and lawyers to jealous rival sex workers and even hitmen for hire from across the continent or the world.

In August 1975 Supt Daniels spoke at a Humanist Society of WA meeting at the Perth Town Hall on the subject of prostitution. One¹⁵ of the talks by Supt Daniels was tape-recorded. Jim Kane (a former civil liberties president and former Humanist president also, see earlier) gave a tape of a Supt Daniels' address to then-WACLAssn president Archie Marshall, who immediately rallied to Supt Daniels' side. Together they searched for more evidence of corruption, taking recorded messages on a phone line into Marshall's car saleyard business.

Marshall interviewed the murdered woman's father, Jo Shewring¹⁶, who alleged that Mrs Finn had set out the night she was murdered to meet an MP who had influence in the Eastern states and who could fix a major problem she allegedly had with the federal tax office. But other stories circulated of fights in the brothel business, falling out with protecting police and of a jealous lesbian lover. It's all outlined as tidily as any speculation about a messy murder can be in Juliet Wills' book, *Dirty Girl: The state-sanctioned murder of brothel madam Shirley Finn* (Fontaine Press, 2017).



When these and other allegations became public, Premier Charles Court ordered a Royal Commission, and called in his old Army buddy, John Gerald Norris, a former Victorian Supreme Court judge.

The Royal Commission (into “Matters Surrounding the Administration of the Law Relating to Prostitution”) basically twisted 180 degrees to examine Supt Daniels' mental health, allowing it to dismiss his allegations against fellow police. Too many people had too much illegal skin in the game for details of the “administration of the law” in Perth to be closely examined. Even though Supt Daniels was represented by barristers Peter Dowding (later a Premier of WA, and in 2020 a Civil Liberties Australia member) and by barrister Robert French (later to sit on the High Court as Australia's top judge), the RC penetrated millimetres only into the murky blanket of corruption that settled each night on the seedy city.

When the police association withdrew backing for Supt Daniels, Marshall's and the civil liberties body's support was vital for the besieged policeman, financially and morally. It was a correct, proper thing for Marshall to do, but the decision effectively put the WACLAssn completely offside with all the the powers-that-be in Perth.

¹⁵ The Norris Royal Commission, which eventuated from these events, said the tape was recorded at the Rotary Club talk. But Kane's involvement in the matter indicates it was much more likely to have been recorded at the Humanist Society talk.

¹⁶ Jo is correct.

Marshall was involved in interviewing a lot of people, anonymously by phone, and therefore reporting claims they had made to the RC.

Judge Norris castigated Marshall personally: He commented on Marshall:

*“His behaviour...I regard as dangerous and mischievous.”*¹⁷

*“These things, and his behaviour... satisfy me that he (Marshall) can at times present a very real danger to the reputation of decent people.”*¹⁸

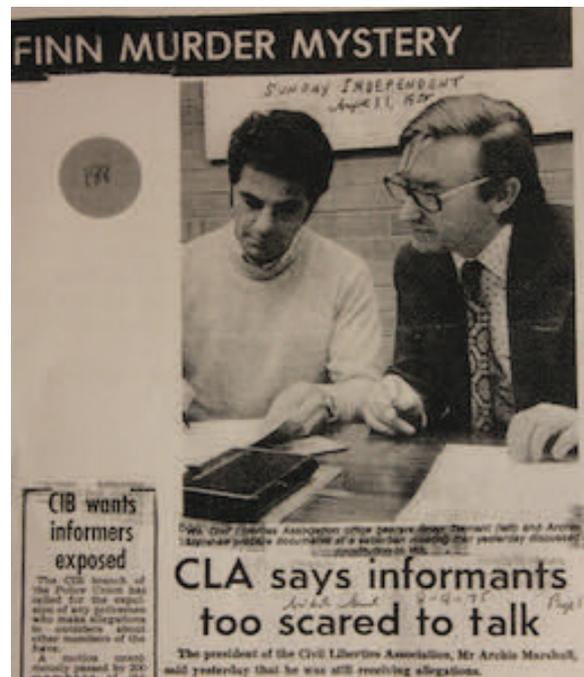


Photo: In 1975, the Finn case was a major issue for Brian Tennant (left) and then CLAssn of WA President Archie Marshall.

Royal Commissioner Norris exonerated the police in May 1976:

“The discretionary but not capricious manner of enforcement adopted has kept the State of Western Australia relatively free from the evils which may be associated with prostitution.”

No better formal imprimatur has ever been given by an Aussie judge to corrupt cops.

The police, criminals and the power elite’s dislike of the civil liberties movement lasted for decades, possibly being partly to blame for the subsequent naming as a murder suspect of a CCLWA president in the 1990s (see later).

Obviously, when a president is so roundly skewered by a Royal Commissioner, his position becomes untenable. Tennant became president, but the big end of town had the organisation in its sights.

The status quo in the civil liberties body was upset in 1978 when the *Daily News* reported ‘WA Civil Liberties clash sparks move for new body’¹⁹. Tennant was ousted as president of the WACLAssn, and failed in a bid to be elected secretary. John Spire, the incoming president, rejected the claim that he (Spire) was part of a right wing coup or that he was a plant to blunt the teeth of civil liberties activity in WA.

¹⁷ Norris, John Gerald (Commissioner) (1976). [Report of the Royal Commission into matters surrounding the administration of the law relating to prostitution](#). Perth: Government of Western Australia: para 185, p115

¹⁸ *ibid*, para 213, p134

¹⁹ 31 Jan 1978

Tennant subsequently resigned from the Association, because it stayed silent on the State Government's proposed Electoral Act amendments, which he believed particularly disadvantaged vulnerable sections of the community. The Law Society of WA also criticised the proposed changes to the Electoral Act.

Tennant charged the Association with becoming a mouthpiece of big business, abandoning his preferred vision of the body as champion of the rights of the individual and minority groups. It appears the root of the disagreement was the way unions were regarded: Tennant and Kane accused the Association led by Spire of being engaged in union bashing and strike breaking. Kane said it appeared that the Association was now being used to attack the trade union movement and support non-union labour²⁰. Tennant's criticisms in particular were widely reported, demonstrating his skill then and since in utilising the media to put his own views across.

The Civil Liberties Association WA was certainly getting up to some strange stuff: there's a letter on the internet from the "President of the Civil Liberties Association of WA, Bruce Bell, to the District Mayor of Bezirksamt Zeblendorf, Berlin, Germany" endorsing "Narconon Drug Rehabilitation Therapy":

"It is my experience that Narconon, which used the technology developed by L. Ron Hubbard, is one of the few programmes to have shown over many years of operation that it can effectively rehabilitate drug addicts so that they once again become valuable and contributive members of our society.

We in Western Australia are fortunate to have recently had a Narconon organization establish itself here. As is the case in many other areas of the world Perth has its own drug abuse problem. In its short time of operation, Narconon Perth has already demonstrated its competence in rehabilitating drug addicts."

Mr Bell goes on to suggest Narconon "can only benefit your country".

Following the takeover of the WA Civil Liberties Association at the AGM, Tennant organised a small meeting of invited participants to form a new body, a WA Council for Civil Liberties (or, Council for Civil Liberties in WA). The new council had trade union support and several lawyers as members²¹.

For four years, 1978 to 1982, there were rival civil liberties groups in WA, the old WACLAssn and the new WACCL...or CCLWA (the organisation was, and is, often listed both ways). NOTE: No matter what the formal name, 'lay' people frequently use the title of Council for Civil Liberties, or CCL, for any civil liberties group).

²⁰ *Daily News* 3 January 1978.

²¹ *The West Australian* January 1978 p11

Tennant's success in securing press coverage during 1978 obviously annoyed some people. *The West Australian* received one belligerent letter spurred by Tennant's frequent letters to the editor on civil liberties issues, entitled *Who is this Mr Brian Tennant?* In reply, the newspaper's letters editor wrote:

Mr Brian Tennant, an over 30 bachelor of Subiaco, is a former state ward and resident of St Joseph's Orphanage, Castledare and Clontarf Boys Town. He has been a self-appointed social and law reform campaigner for more than 8 years. He has no academic qualifications.

He has been president of the WA branch of the Federated Miscellaneous Workers Union and one of its WA Trades and Labour Council delegates for the past 10 years, and works as a factory hand in a paint works.

He is secretary of the 120 member WA Council for Civil Liberties, which he helped form early last year and is former president and secretary of the WA Civil Liberties Association. The Council of Civil Liberties has a nine-member executive, which meets monthly and holds general meetings quarterly²².

Another contributor wrote:

Brian Tennant is simply one of those rare and usually maligned men who have developed a social conscience and who care – care enough about injustice, who care enough about the underdog, who care enough about the principles that our country and others in the free world have gone to war about...²³

It was not plain sailing for the group which had branch-stacked and taken over the WA Civil Liberties Association. An executive member rebuked Spire for lack of consultation in writing a letter critical of federal Community Relations Commissioner Al Grassby (photo) in June 1981, and because the association had not held an AGM the previous year.



The Grassby issue was over racial discrimination: Spire said that the Association was split, with some members opposed to any racial discrimination, but others believing that it infringed an individual's civil liberties if they were not able to discriminate against a person on their racial origin. Spire urged caution, warning that the issue could promote tension and conflict.

²² *The West Australian* 8 January 1979

²³ *The West Australian* 24 January 1979

Grassby in his reply expressed ‘deep shock’ that anyone associated with civil liberties would condone depriving another person of their liberties because of his racial background.

The WA Council for Civil Liberties – Tennant’s new body – quickly jumped in with support for Grassby’s views. Support also came in a letter to the editor from the NSW Council for Civil Liberties’ president, Malcolm Ramage, in the name of the Australian Council for Civil Liberties (which nominally at that time comprised NSW, Victoria, South Australia, Queensland, and Tennant’s group, the WACCL). Ramage (photo) recommended that the members of the moribund association, the WACLAssn, should transfer to the genuine and active body headed by Mr Tennant²⁴.



The “bosses-based” WA Civil Liberties Association wound up in October 1982. Spire was reported as saying:

“We never get (sic) anyone to come along to the meetings. I handed over as president about 3 years ago and I have never heard a whisper of a meeting since then.”²⁵

There has never been a mass of people who will commit money and their name to civil liberties anywhere in Australia.

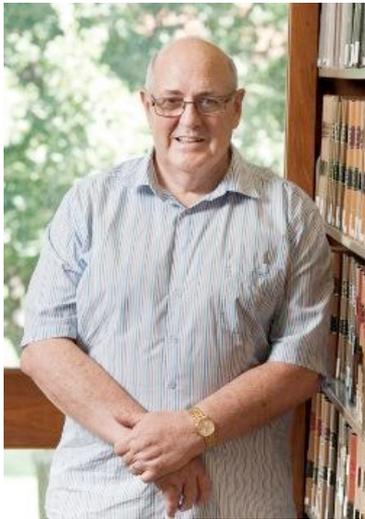
Usually a small group is prepared to attend a gathering once in a while or, nowadays, to commit to a similar discipline through electronic correspondence and “meetings” so as to organise and run civil liberties organisations. Frequently, a handful of people (sometimes 2-5) do most of the work. Typically, they are bodies where a person can rocket up the hierarchy by failing to step backwards quickly enough. Also typically, they have an unfortunate tendency to infighting, as has happened in WA on a few occasions.

A symbiotic relationship always exists between civil liberties people and the legal profession. Most young people enter the law with a strong social justice bent, and some retain their liberties and rights conscience throughout their professional careers. In WA most notably it has been the barristers, as well as a relatively smaller number of solicitors and academics, who have helped to keep freedoms uppermost in people’s minds.

In the period from the late-1970s into the 2000s, there was a “diverse suite of cases... to vindicate human rights standards by engaging in litigation to defend, protect or

²⁴ *The West Australian* 1981

²⁵ *The West Australian* 30 October 1982



promote these rights,” as Dr Peter Johnston (photo) ²⁶ wrote in an article in UNDALR, Notre Dame University of Perth’s law journal, in 2013.

Usefully for the historical record, he lists “an ensemble of lawyers prepared to take on controversial and often unpopular human rights cases. They included Toohey QC, McCusker QC, Olney QC, Temby QC, Seaman QC, Robert French, Graham McDonald, Steven



Churches, Steven Walker, Peter Dowding and Phil Vincent” and later “McIntyre SC, Barker QC, Donaldson SC, Howard SC, Archer SC, John Cameron, Robert Lindsay, Hannes Schoombie, Richard Hooker, James Edelman, Karen Farley and Kathleen Foley (photo)”. To those he could have added Tom Percy and others.

This is a richly talented group, which includes people who were later judges at various levels, a State Premier, Legislative Councillor, State Governor, the first Commonwealth Director of Public Prosecutions, a Chief Justice of Australia and the youngest High Court judge. While the civil libertarians were fighting among themselves, rights and liberties were in good hands legally.

Presumably, the “ensemble” that Prof Johnston speaks of had one more member: Johnston himself. The 2016 Dean of Law at UWA, Prof Erika Techera, says of him:

“Peter is remembered as an inspiring mentor, a fine scholar and a passionate advocate for human, political and Aboriginal rights.”²⁷

One of the people Johnston praised, later Chief Justice of the High Court, Robert French, said of him:

“...a life given to the service of legal education and to the advancement of human rights and social justice through his involvement as adviser and sometimes but not always quixotic advocate”.²⁸

²⁶ *Litigating Human Rights in WA: Lessons from the Past*, U. Notre Dame in Australia Law Review (2013. 15). Prof Johnston is listed as Adjunct Professorial Fellow, UWA; former inquiry Commissioner, Human Rights and Equal Opportunity Commission; former Deputy President, Administrative Appeals Tribunal; barrister, Perth. He died in 2015.

²⁷ <http://www.law.uwa.edu.au/the-school/news/lawyered/lawyered-no.-8,-2016#section-dean>

²⁸ Chief Justice Robert French AC ‘Peter Johnston’s Contribution to Public Law in Western Australia’, UWA Law Review Vol 39(2), p11
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As occurred throughout Australia with the advent of the federal Whitlam Labor Government in the early 1970s,

WA got an Aboriginal Legal Service (ALS) for the first time in 1974. Prof Johnston pays credit to Ron Wilson, Robert French, Fred Chaney, George Winterton, Peter Dowding (photo) and Graham McDonald.²⁹



The Indigenous cases run by the ALS and friends included the Noonkanbah oil drilling rights case, the struggles to protect land, and deeply historical legal questions about whether 1% of revenue should be allocated for Aboriginal welfare, a British provision which had been abandoned in a local (state) amendment to the Constitution Act of WA, with purported British approval. These fights for historic justice raged all the way to High Court.

There were other battles over Indigenous dreaming and environmental rights, the right to protest from viewpoints as diverse as a minister of religion from Roebourne, and trade unionists with placards outside state parliament house. In a foretaste of the debates 40 years later, there were battles over the right to political communication, including over what did and did not comprise political donations.

The lawyers also ran cases testing both the right to vote (for prisoners) and the right to not vote for someone who claimed his Jehovah's Witnesses' religious beliefs meant he was not permitted by his god to vote. The result? Electoral Commission 1, god 0.

In another series of cases, arguments were led to bind the Crown – including the police force – to itself obeying the rule of law; and to try to force government to abandon the cruel and unusual treatment that is mandatory sentencing, aligning its application as against the rights of the child. The WA courts would not have a bar of it.

But, as Prof Johnston points out eloquently in his conclusion – though not in these words – the struggle itself sometimes changes the mindset of people in dominant positions sufficiently to let loose the constrictions of tightropes so that men and women and children can walk and talk a little more freely.

While these legal battles were going on, Brian Tennant was continuing as the main public spokesperson for civil liberties on other than formal legal cases. He had become the “go to” man for the media. Armed with no more than a telephone, a fax machine, and the letters JP (for Justice of the Peace) after his name, he had begun to adopt an independent role, away from any council or association.

²⁹ op cit 'Litigating Human Rights in WA...' p118 footnote 17

1987 - 2016 The Weygers era in civil liberties in WA

Peter Weygers JP (photo) became president of CCLWA around the mid-1980s, exact date uncertain³⁰. At first glance, he was an unlikely candidate, a man of Dutch background brought up in a conservative environment where civil liberties people were considered radicals. Weygers stumbled into the notion of people standing up for other people in society: he had been unjustly accused by the Education Dept of tapping phones, and so joined the Council for Civil Liberties WA, who took up his case. The Education Dept was later to allege other offences by him, of “misconduct” (undefined). After many years, Weygers successfully defended himself but it took until 2008 and, he says, hundreds of thousands of dollars in legal fees.



But the WA shadow minister, later Education Minister, in the early 2000s was Alan Carpenter, a former high profile *ABC* on-air journalist who went on to become State Premier in 2006-2008. In other times, in other states, the CCLWA might have looked to someone like Carpenter, with his media background and connections, to defend their president and the organisation’s stance on some issue, but Weygers’ dispute with the department only made him more susceptible to public attack, to his detriment later. Carpenter enthusiastically used his media skills against the CCLWA and him.

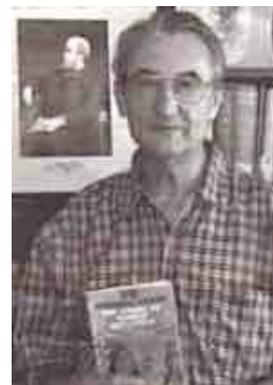
Weygers’ presidency ran at the same time as he gave years of service to local government. In 1983 he won a by-election to become a Claremont Town councillor. In 1985 councillors elected him as Mayor. He stood in 1986 as an Independent in the state electorate of Cottesloe. In 1988 he stood for the Legislative Council, the upper house, on a platform to introduce community-initiated referendums (CIR) with John Massam (see later).

He stood again in 1991 and 1997 for Mayor, serving a total of 12 years in the role. In 2006 he was nominated as WA Citizen of the Year for community service, proposed by CCLWA member Jennifer Mackendrick.

His eventual three-decade CCLWA service had begun when the handful of stalwarts still comprising the committee in the mid-1980s told Weygers that they were burned out, Tennant was doing his own thing, and the council was in danger of folding. Weygers was asked to take on the presidency. Reluctant, he was smoothly assured that he would learn and grow into the role, and so accepted the baton, as he recounts the tale.

³⁰ Comments in this section from a phone interview with Peter Weygers by co-author Bill Rowlings, April 2014

His first move in trying to revitalise the organisation was to put an advertisement in the paper, inviting people to a public meeting. A disparate collection of five people responded, instantly changing the traditional nature of the earlier Tennant-led organisation. Civil liberties had been regarded as a left/union/Labor pursuit. While Weygers had a foot in the left as a Trades and Labor Council delegate, he also had connections and contacts that were conservative-minded. John Massam (treasurer in 1987, photo), Mike Ward and Phil Burrows (secretary that year) helped form an interim committee. No-one else would commit – Weygers' view 30 years later was that conservatives were afraid of being discredited among their peers. Also, most people who had been helped by civil liberties groups wanted to put their unpleasant experience behind them once it was over. "A lean group" ran CCLWA, he said, holding meetings at Claremont Yacht Club.



CCLWA under Weygers adopted a two-pronged attack: individual cases were referred to an MP or government body, or taken up by the council, and the council undertook work on general issues, such as a bill of rights and citizens-initiated referenda. The group ran campaigns, published material and distributed it around Perth.

Over the next 16 years, the group produced a publication 'Freedom Today'... haphazardly. There were editions in 1987, 1989, 1991, 1994, 1996, 1997, 1998, 2001 and 2003. The publications carried old news, mostly clippings from daily newspapers. The 1991 edition featured a promotion for the CIR campaign and for treating AIDS (see below) "as an infectious disease rather than a social disgrace".

The 1997 edition noted that the AGM was addressed by Prof Patrick O'Brien and assistant police commissioner Bob Kucera. The 2001 edition, entitled 'Liberty and Justice', had an article entitled 'Where We Stand', outlining CCLWA policy on a number of issues.

In 2003, an issue numbered 18 advertised an AGM for 9 April that year, with barrister Phillip Laskaris as guest speaker. Office bearers were recorded as Weygers president, Mike O'Brien vice-president, Vicki Kiraly treasurer, Khaled Mustafa secretary, Ken Murray assistant treasurer, with a committee of Barbara Campbell, Mary Conner and Matthyas Kiraly.

Annual meetings were addressed by a wide variety of people: Thomas Lawson on his book 'Justice on the Edge' in 2000, the wrongly-convicted John Button and Ross Williamson in 2002, Barbara Campbell in 2004 on 'The abuse and misuse of power in politics' and Avon Lovell on his book, 'Litany of Lies' in 2011. Bret Christian spoke to a packed AGM after launch of his book, 'Presumed Guilty'...but these had been the heydays. Gradually, AGMs dwindled.

In its prime time CCLWA members held opposing opinions passionately. Originally started by the left of politics, it had come to represent left, right and strongly independent individuals. Such debates often make civil liberties groups fractious, because finely-balanced positions need to be argued out aloud, or nowadays by email and/or social media exchange.

In Perth in the 1980s and 90s, CCLWA peaked in membership, and collected tens of thousands of signatures, during the national campaign against the Australia Card, when membership reportedly reached 400. People from all sides were prepared to stand up and be counted in stating publicly that they did not want to carry a piece



of identifying plastic around in their pockets, as in a police state in the former Stalin-led eastern Europe. The council of the organisation was at this time a “strong group with high profile,” Weygers commented in 2014.

In the mid-1980s, the CCLWA were approached by Barbara Campbell and her husband, Alec, looking for a body to support a cause for AIDS prevention. The disease – human immunodeficiency virus infection and acquired immune deficiency syndrome (HIV/AIDS, or AIDS for short) was then a major and mushrooming problem. Spread primarily by unprotected sex (including anal and oral sex), contaminated blood transfusions, hypodermic needles, and from mother to child during pregnancy, delivery, or breastfeeding, the disease meant an extra and strong reason for society – and police – to pillory and look down on the gay community. Many people of good faith, some would say “do-gooders”, rallied to the help of a community struck down by disease and put down by prejudice: the Campbells were that type of people. They led the CCLWA’s Aids Prevention Campaign, a major part of which was a public forum at Perth Town Hall on 25 June 1989 to warn people about the AIDS crisis. As Weygers wrote in about November 2005 in a pamphlet extolling the Campbells:

“Barbara was later voted in as the CCLWA Secretary and Alex as the CCLWA Vice-President. Both devoted their time and expertise to help the victims of injustice, and protest against Government over their alleged abuse, misuse, and non-use of power.”

In the early 1990s, the council formed a committee, led by Barbara Campbell, to address complaints about, and reform of, the Family Court³¹. The principal case the committee chose to take up was the Family Court divorce involving lawyer Penny

³¹ That is, the Family Court of WA. In Western Australia. In 1988 the states agreed that children should be dealt with nationally under the same law. But WA did not enter into the agreement and has maintained its own separate Family Court which deals with federal legislation (such as the Family Law Act) as well as state legislation such as the Family Court Act (WA)

Easton (Barbara Campbell's daughter) and Brian Mahon Easton. Claims and counter-claims about the divorce action leaked from the court into parliament, hitting the headlines between 1992 and 1999 and becoming a major political scandal which eventually launched a Royal Commission and several perjury trials.

The Easton Affair began when a member of the Labor Party, then in government, tabled a document on 5 November 1992 in the WA Legislative Council claiming that confidential information was improperly released by the Opposition Leader, Richard Court, to one side of the divorce case which was then before the Family Court of WA. The claim attracted significant public interest, and intense media coverage: four days later Penny Easton committed suicide.

The government and, in particular, then Labor Premier Carmen Lawrence³², denied any prior knowledge of the petition. After Labor lost the 1993 state election, Liberal leader Richard Court, who had succeeded Lawrence as Premier, ordered a Royal Commission. In November 1995, the commission found that Lawrence had misled the WA parliament. She was charged with three counts of perjury, but acquitted in July 1999 after a jury trial³³.

As one might imagine, the CCLWA activity – led by the mother of a daughter who committed suicide – around the period before and during the Royal Commission, and then all through the subsequent Lawrence legal case, created great turbulence, internally and externally.

During this period of disruption, in 1993 former vice president John Massam (who was then treasurer) and former secretary Yvonne Fisher challenged the management and finances of the CCLWA led by Weygers. Acrimonious meetings and press coverage did not enhance the reputation of the council: the Weygers group prevailed.

With Weygers as president, the CCLWA also campaigned on issues including deaths in custody, rights of adopted children, free choice over bike helmets, and opposition to stopping jurors speaking out after a case. Subsequently, the organisation opposed the ever-increasing stop and search power of police, particularly in relation to the Northbridge entertainment precinct. Weygers personally was particularly concerned about the danger of terrorism by the state against individuals, citing the case of Gary Narkle, an aboriginal accused of rape, who was subsequently found innocent.

After a decade as president, Weygers himself became a victim of branding by police as a “person of interest” in relation to Perth's most mysterious serial murders, unattributed for at least 20 years (until late 2016, when a man was arrested and charged over two of the murders and other crimes). In the Claremont murders case,

³² It was Lawrence who introduced mandatory sentencing for repeat violent offenders to WA.

³³ https://en.wikipedia.org/wiki/Easton_affair; <http://www.abc.net.au/7.30/stories/s38678.htm>

three young women disappeared late at night after leaving entertainment spots in 1996 and 1997, with the body of one never found.

There is little doubt police targeted Weygers, then Mayor of Claremont, at least partly to destroy his public and media reputation because he was leader of the then main civil liberties body in the State. Police utilised a tenuous link over a quite usual house lease to spread their customary and unique “person-of-interest” mud.

WA Police’s publicly claiming Weygers was a “person of interest” in such a high profile murder case unfairly tainted the reputation of both Weygers and the CCLWA to the detriment of both. It turned Peter Weygers from a generally gregarious extrovert into a person extremely reluctant to trust people. Weygers said, in 2014, that he hadn’t

been able to find anyone to take over his civil liberties presidency, which he had by then been discharging for nearly 30 years (unstated was that the reputation of the CCLWA was permanently shattered by the wholly-unreasonable and irresponsible WA Police action³⁴).

Weygers’ reputation never recovered from the atrocious behaviour of the police. In early 2016 he was complaining publicly in the Post newspaper (photo).



Just one month before the late-2016

arrest of a suspect, Weygers was in the media expressing “deep concern” over “police surveillance” which appeared to be simply the Police Commission Karl O’Callaghan and Weygers by chance being in the same suburban location at the same time.

In 2007, Civil Liberties Australia undertook a ‘study tour’ of the civil liberties scene in Perth to assess whether there was a chance of cross-nation cooperation between the CCLWA and the then mainly eastern states-based CLA. The following report³⁵ is a summary of situation and status of CCLWA, as seen through CLA’s eyes, in September 2007: it is a useful point-in-time assessment:

On 29 July 2007, the Civil Liberties Australia president wrote to the ‘Council for Civil Liberties in Western Australia Inc.’ (CCLWA), suggesting a meeting in

³⁴ Two decades later, in September 2007 WA Police accused barrister Lloyd Rayney of being the “prime and only suspect” after his wife, Corryn, was murdered. WA Police have an appalling track record of disrespecting reputations, which has not helped their own.

³⁵ Available from email: secretary@cla.asn.au

September..in Perth. Peter Weygers...welcomed the contact, and offered accommodation help.

Between 15 and 24 September 2007, the president (Dr Kristine Klugman) and secretary (Bill Rowlings) enjoyed many contacts with CCLWA. They also interviewed numerous other people in the 'civil liberties-human rights' field in WA before, during and after this period, including current and former politicians, legal, academic and media figures, and past, current and potential members of civil liberties and similar organisations in WA.

The justice system at this time was under several clouds. Tough-on-crime laws included mandatory sentencing, which has had an adverse effect on Indigenous people in particular, and 'unexplained wealth' provisions, which do not appear to accord with human rights. (These issues continue, in a worsened state, at the time of writing (2020).

Police in WA appear to have been untroubled in terms of culture change by the Kennedy Royal Commission in WA Police Services 2002-2004 or any criticism since. Like most states, most of the 4500 WA police are probably entirely honest, hard-working and un-corruptible. However, some WA towns and certain functions of the WA Police Force (including the major crimes area) may contain disproportionate numbers of the possibly 40-50 police whose standards don't match those of their colleagues.

The media is mainly represented by The West Australian, a morning tabloid (in size and manner) with an idiosyncratic editor. There is strong cause to believe his greatest asset is accurately reflecting the community he and the paper serve. It is bold and brash, feasting on scandals among the polloi, and in public and private life. Critics describe it as no friend of liberties and rights, but the paper appears to feature freedom issues and to quote civil libertarians and associated groups and individuals when appropriate.

Television and radio vary. As is the case in the rest of Australia, TV news tends to take government and police handouts, reporting without much analysis. In terms of civil liberties, media reporting appears to indicate the police and legal system in WA is an inter-connected 'club' where justice is a possible by-product. There may be unhealthy links between the police/legal system and other sectors of society, such as politicians, media, entrepreneurs, organised crime, local councils and land developers. WA – and Perth in particular – is frontier country, where just about anything goes, especially if there's profit or increased power in it for someone.

So the CCLWA will always operate in a difficult environment. CCLWA's joining form says:

The Council for Civil Liberties in Western Australia is an independent group of people dedicated to the age-old principle of liberty and justice. Our mission is to serve as **Watchdog and Conscience** in a society in which abuse, misuse and non-use of power, at all levels of the legal system, law enforcement and government bureaucracy have drastic impact on individuals. To members suffering injustice, the Council provides support, time, effort and expertise, without charge.

– CCLWA_MF_Version 20060703

*The key to the CCLWA's operations lies in the last sentence above, particularly in the words "To **members** suffering injustice,..."*

Thus, it appears that CCLWA membership is drawn overwhelmingly from people who have made contact via the published and promoted phone number (of President Weygers), then paid money to join so as to receive help as members of the organisation. Some remain because their case continues; some remain out of gratitude, often personally to Mr Weygers, with whom they first made contact; a few are civil libertarians without a particular case focus.

(A similar approach is taken on the CCLWA's 'new' website³⁶:



NB: Please remember, the Council is a **volunteer organisation** and as such, with the volume of requests of assistance we receive, priority is given to members. To become a member, [click here.](#))

Over time, this method of recruiting members has produced these outcomes:

- *Membership is drawn largely from people at odds with mainstream society, for a variety of reasons, many of whom bear an open grudge against authority figures, particularly the police, the legal system and the WA government;*
- *Because of this, the membership is not ideally suited to an advocacy role in relation to generic and non-personal issues;*

³⁶ Viewed 20060703

- *CCLWA's work is largely confined to supporting people in police/court-related and government authority-related disputes. How much support is given to whom could not be established;*
- *There appears little activity to change laws, rules and regulations for the better (and) no structured program to monitor and report on government and bureaucratic activities, including those of police and law-makers;*
- *There appears to be few, if any, strong links to other organisations with similar aims and objectives; and*
- *There appears to be no links to youth, and no succession planning.*

While Mr Weygers mentioned a 10-person executive, CLA was able to identify only seven members. The CCLWA is clearly the extension of Mr Weygers. It would be odd if it wasn't, given his long presidency. For that reason, the credibility of the organisation is bound up with his personal credibility. It is fair to report that the CCLWA does not enjoy a good relationship with the State Government. The same appears to be the case with the police force and at least one government department.

In 1996-97, three young women in their early 20s were murdered in the Claremont area, for which no-one has ever been charged at the time of writing (one person is still 'missing', as no body has been found). The WA Police, during their investigation, named Mr Weygers as a "person of interest". There appears to be absolutely no justification for the police naming anyone in such a manner, and none whatsoever for naming Mr Weygers. The naming was and is widely seen by CCLWA members and some others as a punitive exercise by an out-of-control police force.

However, the police irresponsibility was widely reported, and the 'mud' has stuck. Ask almost anyone in Perth about the CCLWA and/or Mr Weygers, and his naming as a person of interest in the Claremont serial killer investigation will be brought up, usually in the second sentence and often with words to the effect of: "Of course, there's nothing to it, but did you know that Mr Weygers was a 'person of interest' in the murders of those three girls at Claremont....". Mr Weygers was a Liberal as a younger man. His current views appear to be largely towards the right of the political spectrum, and some detractors claim he joined CCLWA to run a League of Rights agenda. However, he appears to have a deep, genuine and abiding interest in civil liberties and particularly in the rights of "little people" in relation to police and the courts. His service to civil liberties in WA – albeit delivered in a unique style – is something that should be honoured by an award rather than pilloried.

Nevertheless, any fair assessment would conclude that the CCLWA's reputation is poor among the general population, and extremely poor among government, parliamentary, bureaucratic and most legal 'movers and shakers'. Consequently,

CCLWA's credibility is damaged, as largely is that of Mr Weygers, as a positive force for civil liberties in WA.

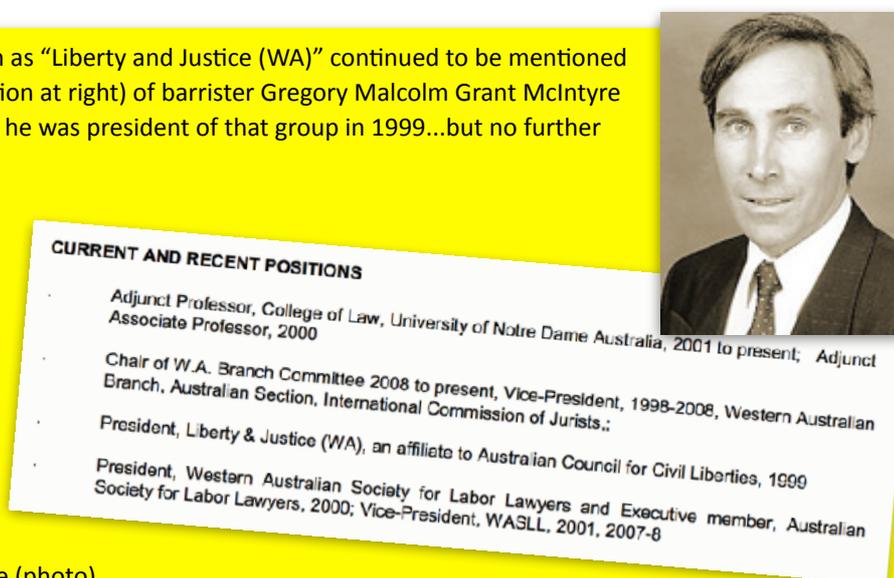
CCLWA approaches any interaction with the WA government from a negative perceptual position. This is unlikely to change unless there is radical reform of CCLWA. Even then changed attitudes towards CCLWA would not be apparent for years – at least two, possibly 5-10.

There have been various attempts to unseat Mr Weygers and/or take over the CCLWA and/or create another liberties/rights body in WA. Dr Carmen Lawrence (who confirmed it to the authors personally) was behind an attempt about 1991. A group of 30 people turned up at a meeting and tried to take over. Calling themselves 'Justice and Liberty', they later operated intermittently under barrister Laurie Levy.

Side note: A body known as "Liberty and Justice (WA)" continued to be mentioned in the online CV (illustration at right) of barrister Gregory Malcolm Grant McIntyre SC in 2017, where it says he was president of that group in 1999...but no further information is listed.

Presumably, this mention is a hangover from the Carmen Lawrence-led, alleged "raid" on the CCLWA, with the name of the "takeover" body lingering some 15 years later.

This is the same McIntyre (photo) mentioned in Dr Johnston's legal people to be praised for their efforts (see earlier).



Returning to the Civil Liberties Australia report on CCLWA:

The purported Australian Council for Civil Liberties (actually, a name with no corporate substance behind it) tried to 'muscle' the CCLWA in the 1990s. Claiming CCLWA was perceived as "anti-Labor", Terry O'Gorman of Queensland CCL and John Marsden of NSWCCCL met with Mr Weygers. The meeting was apparently unsatisfactory, and Mr O'Gorman has continued to speak badly of the CCLWA and Mr Weygers ever since, according to Mr Weygers, occasionally directly in the media. Mr O'Gorman and Mr Marsden purported to "deregister" CCLWA from the "national body", he said.

Former Premier of WA, Peter Dowding, is alleged to have tried to become a member and introduce other members with a view to taking control about 2005,

according to Mr Weygers. There has also been a recent (2007) renewed interest in the structure of the CCLWA, as a result of a clampdown by the WA Department of Consumer Protection, which required an update to the constitution.

Civil Liberties Australia's (CLA's) board in November 2007 resolved not to enter into partnership with CCLWA for the following reasons:

- *CCLWA's credibility is poor in general, but particularly with senior government and other people in WA and with WA representatives in the federal parliament;*
- *together, the CCLWA's credibility and Mr Weygers' undeservedly-poor reputation make up a significant negative which it is unnecessary for CLA to become involved with (like adding lead to the saddle bags, when no lead need be carried);*
- *CCLWA is not administratively sound (constitution, annual reporting, secretariat, treasurer arrangements);*
- *CCLWA is not functionally sound (prime method of operating is supporting individuals in individual cases: there is not a balanced approach more around generic problems and trying to anticipate and correct anomalies before they occur);*
- *CCLWA is not representationally sound (CLA can not be confident that CCLWA has sufficient people with the right range of skills to represent itself and/or CLA on national/state issues at high levels);*
- *the currency of CCLWA's website does not indicate a likelihood of quick future action, early and accurate posting, and timely updating.*

None of this comment is to suggest that CCLWA is theoretically inferior to CLA. It simply operates in a different manner, at a different level, on more individual cases; whereas CLA operates more on generic issues, at a different level, in a different manner. The reason the two cannot work in close partnership at present is the mis-match – it is simply two different cog wheels, which will not properly mesh.

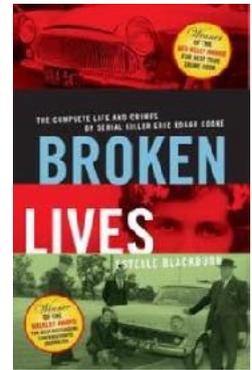
While the above was true in 2007, by 2016-20 the situation within the CCLWA had moved on – see later.

Journalists rescue justice

In societies where the police and the establishment are sometimes themselves questionable in terms of their commitment to proper justice, there usually emerges one or more groups who try to get those well-known scales in the hand of the figure 'Justice' in better balance. As discussed above, usually some of them are the "good guys" from the legal profession and academia.

Frequently though, the Don Quixotes of a Fair Go in Australia come from journalism. In WA's case, the prime examples have been Avon Lovell, Estelle Blackburn, Colleen Egan and Bret Christian (as well as Juliet Wills much later).

Estelle Blackburn's story is told succinctly by Saxton speakers bureau³⁷.



“(She) is a Walkley Award-winning journalist who spent six years researching and writing the book Broken Lives, published in 1998. Estelle's self-funded work exposed an injustice which led to the 2002 and 2005 exonerations of two men convicted of Perth killings in the '60s – the longest-standing convictions to be overturned in Australia. Her unfunded, determined sleuthing unearthed fresh evidence that prompted the Attorney General to allow the men new appeals after they had lost a combined total of seven appeals...



Photo: Estelle Blackburn with Darryl Beamish (left) and John Button celebrating the Beamish exoneration on 1 April 2005, 44 years after he had been convicted. Button was exonerated on 25 February 2002, 39 years after being convicted.

“Coming across the story by chance and persisting with it has turned Estelle's life around. From a journalism career with The West Australian, the ABC and the Government Media Office, Estelle has become a crusader for justice.

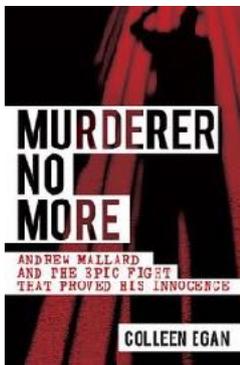
“Her work for justice has won Estelle an array of awards including an OAM in the Queen's Birthday Honours List, for community service through investigative journalism, a Churchill Fellowship, the prestigious national Walkley Award for the greatest contribution to the profession (in 2001), and the Perth Press Club Award for sustained excellence in journalism. Estelle has been included in the 25 Most Outstanding Western Australians, and won Western Australia's Woman of the Year. She has been the subject of three one-hour episodes of the ABC's Australian Story televised in 1998, 2002 and 2007, a 60 Minutes segment and an episode on the US Forensic Files program titled 'Dueling Confessions'.

“Estelle's ... book The End of Innocence tells her story of the years of research and writing Broken Lives, was launched at the Sydney Writers Festival in 2007.”

³⁷ <http://www.saxton.com.au/estelle-blackburn/>

At that Sydney Writers' Festival she was quoted as saying the jury system should be re-examined, particularly with regard to technical evidence and the adversarial system, which, she said, so often resulted simply in "the best man winning".

Blackburn said she was attracted to the model of the examining magistrate who supervises evidence collection. From 2011 to 2019 she worked in communications with the federal government in Canberra and the NSW government in Queanbeyan and south-east NSW. After retiring, she maintained her keen interest in righting judicial wrongs, and helping other crusaders, in 2020 taking on another mammoth task, proving Simon Gittany was wrongfully convicted and sentenced to at least 18 years in jail for throwing his fiancée Lisa Harnum to her death from the 15th floor balcony of a building near Hyde Park in Sydney in 2011.



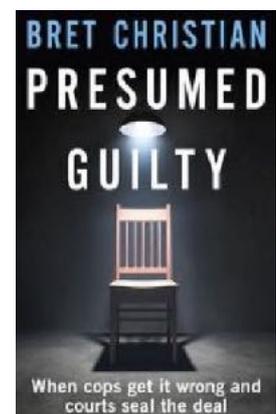
Wikipedia reported that Colleen Egan in 2017 was an assistant editor at *The West Australian*. She played the major role in obtaining the acquittal of Andrew Mallard, wrongfully convicted of murder.

*“Egan was approached in 1998 by the family of Andrew Mallard who had been convicted and detained in 1995 for the murder of jeweller Pamela Lawrence. Her subsequent investigations revealed that Mallard's conviction had been largely based on a forced confession. Her book on the case was published by Allen & Unwin in June 2010.”*³⁸

Like Blackburn, Egan won a Walkley Award for journalism, in 2006, for her role in the Mallard case. (In March 2017 she took up an appointment as the chief of staff to the Attorney-General, former barrister John Quigley, in a newly-elected Labor state government).

Most justice campaigners have at some stage called on the strong support of a former journalist-become-proprietor, Bret Christian. He and his then wife started their own weekly newspaper, *The Post*, in Perth's suburbs, in the mid-1990s. Christian was looking forward to a quieter, more sedate life away from the adrenalin of daily journalism. Instead, he had inadvertently inserted himself into the vicious “crime central” hub within notorious Perth and WA, home of crazed serial and sex killers as well as corrupt police and dodgy prosecutions. What emerged was a remarkable situation where the *Post* local newspaper was – and remains – the conscience of the community and a free, partial, last-resort insurance mechanism for a state's malfunctioning police and legal system.

Over a quarter of a century, Christian and the *Post* have stayed true to the historical honesty of journalism in treating everybody

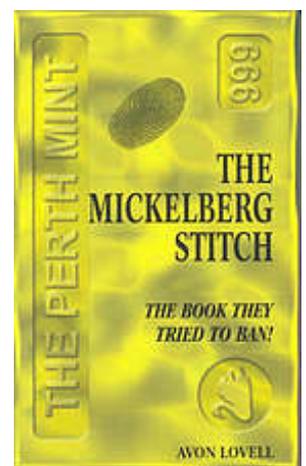


³⁸ https://en.wikipedia.org/wiki/Colleen_Egan accessed 170105

equally, and in concentrating on facts not fiction, propriety not public relations. In the process, maybe even as a by-product, Christian has built a suburban newspaper mini-empire, and become that rare beast, a loved and admired proprietor.

Having “outsiders” to the legal system and the state’s “justice” – in the way Blackburn, Egan and Christian have been prepared to sacrifice their lives to right wrongs – is vital when the rule of law is out of balance and there’s a local community noted for horrific and bizarre cops, crimes and criminals: Eric Edgar Cooke, David and Catherine Birnie, the “Claremont murders” of three young women (now officially “alleged murders” – a man has been charged over two of them in particular, decision in 2020). Other major cases are those of John Button and Darryl Beamish, Andrew Mallard and Corryn Rayney which all involved abysmal police behaviour and/or fabricated evidence and statements.

All these elements were also present in the cases against the Mickelberg brothers for allegedly robbing the Perth Mint of 49 gold bars in June 1982. Another dedicated journalist-investigator-author, Avon Lovell, who also suffered for his service to the non-corrupt section of the community, produced the definitive book on the brothers, *The Mickelberg Stitch: The book they tried to ban*. Not only did the forces of evil – police, prosecutors, the state – ensure the book was banned, the WA Police Association levied its then-5000 members \$2 a week to fund a legal fight against Lovell personally.



The Tasmanian-born Lovell, who also worked on metropolitan and other newspapers in Sydney and Adelaide, went on to write *Split Image* and *Litany of Lies*. In the 2020s, he was continuing to record how bad a state and society can get, with both *Killer Deals* and a form of autobiography, concentrating on the personal legal/justice/rights/liberties battles he fought, in draft form. Lovell’s crusades for justice pre-dated those of the other journalists: they cost him literally a fortune as he self-funded overseas investigations at the cost of selling houses and assets. Most journalists who crusade end up heavily impoverished, if not totally broke.

By contrast, the now-proprietor Christian, originally a reporter working for a Perth daily newspaper, had many good and capable police mates: he explains how things go wrong:

*“What seems to happen is that a terrible crime takes place, or a terrible event in this case, it might not have been a crime. A terrible event takes place, someone becomes fixated on an alleged perpetrator and the whole system closes ranks to make sure that they go inside.”*³⁹

³⁹ From *Something Rotten in the state of WA*, Justinian legal blog, 4 August 2006: <http://justinianarchive.com/727-article>

*“Massive question marks hang above crucial elements of the criminal justice system in which so many of us place our blind faith.”*⁴⁰

He also describes the haphazard nature of justice eventually delivered:

*“Victims of the police and justice systems with no access to a publicity machine have no cold-case reviews to identify the apparent real culprit...”*⁴¹

At the end of his 350-page excoriation of the police and justice system in WA, Christian spends a chapter – ‘A Jury of Our Peers’ – analysing why the jury system has become dated since its beginnings in the 13th century, particularly since technology changed the nature of inquiry and knowledge.

*“...all over the world, this ancient legal practice defeats common sense...It’s clear to me the opposite of the intended outcome of the closed-door jury-room policy is more likely – while most jurors do their duty diligently, the bad behaviour of the few will continue to be concealed and protected by unjustified jury secrecy, while temptations for jurors to break the law are exploding with each advance in technology.”*⁴²



Above: Bret Christian (left) with CLA CEO Bill Rowlings in 2007.

Christian and crew, along with Tennant, provided a civilian counter-balance to scales of justice tilted against innocent citizens of WA. Without such people and civil liberties and human rights groups, society quickly becomes more authoritarian; politicians assume powers they shouldn’t have; police believe their own myths, manipulations and PR; prosecutors selectively cull “evidence” possibly improperly gathered to bias juries and twist judges against accused who should never have been before a court in the first place.

The entire system of police-prosecutor-judge-jury-jail needs overhaul within Australia. WA would be a good place to start. Barristers and brave women and men continue to point out where the system is failing. It is beyond time an equally brave Attorney-General and/or Premier took decisive, positive action.

⁴⁰ *Presumed Guilty*, Bret Christian 2013, p6

⁴¹ *ibid*, p223

⁴² *ibid*, p304

In a perfect world, you wouldn't need the diverse range of citizens and civil liberties people like those mentioned here being forced to speak up, as in Perth and WA before and after the turn of the century, However, the indications are that more, not fewer, people will be needed in future than were needed in the past.

Growth of Civil Liberties Australia in WA

Since the above report to the CLA Board, completed in late-2007, Civil Liberties Australia has continued to gradually build up its own membership numbers in WA.

From about 2010, the numbers rose gradually in Perth mainly, though the southern part of the state and the Fly In – Fly Out northern mining towns were represented. The importance of at least one key person in growing a civil liberties movement and expanding its influence was highlighted.

In early 2010, a former journalist, TV presenter and marketing man based in Perth, Rex Widerstrom (photo), became a member of CLA. Like Peter Weygers, he had suffered unjust claims in public – under privilege, in the NZ Parliament – then repeated in Perth without the corrections which the NZ Parliament insisted on. Widerstrom was particularly interested in prison reform and policing matters, so that he was a good fit to become the linchpin for CLA in the west. In May 2012, he became a Director of CLA, the first based outside the ACT where the organisation began.



Family health matters in NZ meant that Widerstrom could not keep up the role after 2015, but in the four years of his service as a director he was able to concentrate on:

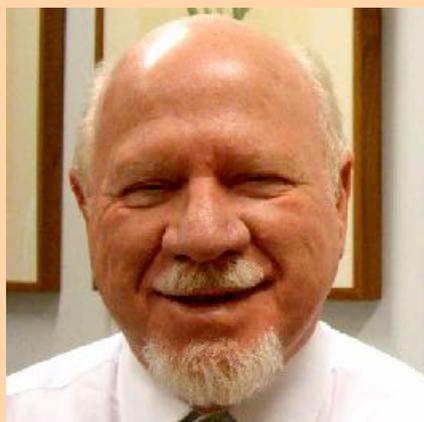
- *Police excesses:* he issued numerous media releases calling into question the action of WA Police. Despite royal commissions and a standing Corruption and Crime Commission in the West, attitudes within the police force do not appear to have improved to a significant degree.
- *Reforms to the JP system in WA,* particularly over granting of bail after Mr Ward died in the back of a prisoner transport van. Mr Ward was a well-known and respected local resident. In 2008 he was arrested for a traffic offence – hardly making him a high security risk. But the local JP denied him bail, so he was sent by private contractor, Global Solutions Limited (GSL), the 350km from Laverton to Kalgoorlie, to be held in custody. CLA was also concerned about visiting justices in the prison system needing specialised training for this difficult role.

- *Improvements in prisons* and treatment of prisoners: Widerstrom was particularly active in speaking up for prisoners, and notably female prisoners, at a time when what went on behind bars stayed behind bars (as it mostly continues to do). He and Brian Tennant also campaigned against a particularly repressive regime in the parole system which operated for some years.
- *Speed cameras*: the entrenched habit of WA Police hiding cameras behind bushes became an ongoing cause for his criticism. <http://tinyurl.com/my2ewbd>
The problem spawned a new online group, Speed Camera Crusaders, in 2016-17.

He also spoke out locally against nonsenses such as proposed anti-flag burning legislation, reversing the onus of proof, and the inevitable cyclonic “auction” build-up of “law and order” claims whenever politicians sniff an election in the offing. Widerstrom, a former radio and TV presenter and executive, was able to use his media skills to good effect. Unfortunately, through his parents’ ill health, he was forced to return to NZ.

In a different medium entirely, CLA member Peter Bowdidge used his photographic skills to start the building of a library of photos for CLA from Perth and southern WA.

Parliamentarians help the cause



While all WA members are valuable, two members in particular helped CLA in key areas of drug law reform and patent equity.

Then-MHR for Moore, medical doctor Mal Washer (Liberal, *pictured left*), headed the federal parliament’s drug law reform ginger group. Dr Washer was immensely influential in gaining cross-party support in the parliament and extending that broad-based support into the community.

Similarly, Melissa Parke (Labor, then MHR for Fremantle, *pictured below*) and CLA worked closely on drug issues, trying to safeguard the ABC’s funding and existence, and – especially – gene patent law reform.

The aim of the campaign run by and with Ms Parke was removing expensive costs for women to be checked for breast cancer problems by specialist gene testing, and for patients to receive life-saving pills protected by patents which sometimes apply in Australia, but not uniformly throughout the world, so that Australia can pay about 50 times or more what a pill costs in another country. The genes campaign was successful when the Australian High Court followed the lead of the US Supreme Court and ruled against firms wanting to patent human genes.

However, there remains an ongoing need in Australia for specific genes laws to protect people’s rights around genes: privacy, health checks, insurance, etc.. Unfortunately, Washer retired from federal parliament in 2013, and Parke in 2016.



Other members have contributed in special ways: Rhys Jones on mental health submissions, and Ben Pynt on human rights and refugee issues, for example.

Time again for generational change

Over the 2015-2016 period, a sea change took place in civil liberties in WA, though no one realised it at the time. Peter Weygers finally decided to leave the presidency of the CCLWA, which had become effectively defunct in that it was not holding meetings or undertaking any overt activity. And Margaret Howkins, a Perth tutor of senior high school students and mother to adult boys, decided to get serious about civil liberties, and sought out Civil Liberties Australia's help.

Two people were trying to resuscitate the CCLWA, David Pugh and Mattie Turnbull. As happens when organisations die a slow death, there was no current, updated paper trail of membership and formal business records of the past decade or so to follow. They were having difficulty tracking down people who had been interested in civil liberties. A decade earlier, CCLWA directors Anita Thick and Jeff Carroll were in 2007-8 engaged on writing a new constitution for the old CCLWA, but that endeavour had apparently fallen by the wayside. Ms Thick had died. Carroll was to join CLA, as Brian Tennant had done back in 2008.

The CCLWA held a meeting on 24 November 2016 at the Mount Claremont Community Centre, with Prof Augusto Zimmerman as guest speaker, and Bret Christian, managing editor of *Post Newspapers*, attending...but only eight people turned up. A meeting on 23 March 2017 apparently saw no improvement. CLA had formally invited CCLWA members to join the growing national body, with local Perth/WA management of affairs, to help in reinvigorating civil liberties in the West. But there was no rush of CCLWA members taking up the offer. From about late 2017, the old CCLWA apparently just deflated.



One of those trying to consolidate the efforts of civil liberties people in Perth and WA was Howkins (photo). She attended one of the above “Attracting New Members” meetings of CCLWA but was unimpressed with the organising: after speaking briefly, and personally inviting the members to join CLA, she left.

Howkins had been driven to fight for liberties and rights, when musclebound thugs ran her two sons, aged 19 and 22, off the road. One son, a car nut, believed he identified the vehicle that ran them off the road as a police asset.

Two men in plain clothes, not masquerading as police – but after sticking a blue, whirling light on top of their vehicle – kicked and stomped and

belted the two young men only: another man, in the back of the Howkins' boys' car, was literally left holding the cat as the boys were in the process of helping him move house to the Swan Valley. The thugs' final warning was: "If you report this to the police, the next time it will be baseball bats".

Nice town, sometimes, Perth! This type of behaviour had become a hallmark of the senior heavies 40 years earlier who controlled the WA Police and illegal rackets outside the formal structure. From long before the murder of Shirley Finn in 1975, newcomers to the town and state, as well as locals returning from a long absence overseas, have commented on how police appeared to run the show.

What apparently set off the thuggery was that the Howkins family was close to the family of barrister Lloyd Rayney, whom the WA Police were then trying to pin for the murder of his wife Corryn in 2007. She was also a lawyer, a registrar at the Supreme Court of WA.

Police went so far as to name Lloyd Rayney – in front of TV cameras at a major media conference – as the "only suspect" in the death. That extraordinary, ill-disciplined verbal vomit on the part of a then Detective Senior Sergeant eventually cost the WA Police and the WA Government (that is, WA taxpayers) \$2.62m in defamation awards⁴³. The judge said the DSS's statements "went beyond anything required to discharge any duty of the police to keep the public informed."

Margaret Howkins was the Rayney girls' tutor in their senior high school years at the time their mother died suddenly. Corryn Rayney's family sided with the police, leaving a huge hole in the lives of two young girls, who needed a mother figure. There were many visits back and forward between the houses of the Rayneys and Howkins.

The Howkins household came under enormous pressure as police hunted for evidence to convict the husband: their phone was tapped, computers hacked, cars followed and they were subject to surveillance. But when thugs not "dis-associated" with the police attacked her two boys, "the adrenaline ran through my body when I found out...it lasted a year". That was long enough for her to seek ways to rein in police excesses. (Earlier Perth civil liberties stalwart, Brian Tennant, was bashed in similar fashion about 30 years earlier – see page 7).

In 2014, she wrote two letters to *The West Australian*, highlighting flawed police conduct in their investigation of the Rayney case, and asking for an external, cold case review. She received more than 240 letters in response, from throughout WA and all very supportive and expressing sympathy for the Rayney family.

⁴³ As some people consider to be usual in the West, the "establishment" ensured Rayney would continue to suffer for being innocent when they rubbed him out from being a lawyer over minor lies as to surveillance devices and recordings. It is not unknown for a barrister in Perth to receive a small fine for offences seemingly much worse, like sending a man to jail wrongly for 12 years.

Howkins joined the Labor Party, spoke to high officials and MPs, and discovered she was by no means alone in her opinion that some police in WA were, once again, in a regular feature of the state's history, getting out of hand: the Rayney case was just one iceberg, and the police were just one ice shelf in a city where power has previously corrupted every type of big fish in the sea of greed. Support came from senior Labor MPs and the cross-benchers and, to her surprise, even from Liberals. She began a campaign, with the support of senior Labor figures, for the state to create an Independent Police Complaints Commission. By late 2015, she had succeeded in having an IPCC included as a future promise on the Labor Party platform.

Hers was not a lone voice. The journalist prime mover behind getting Andrew Mallard out of jail after nearly 12 years of wrongful conviction, Colleen Egan said:

“Perth is a small, isolated city. The prosecution (and) the police are interconnected and know each other. They made it a lot harder for Andrew to get justice in his own state.”⁴⁴

And Mallard⁴⁵ thought the same:

“I am very scared of ever having to appear before another WA Supreme Court judge. Perth is a small, isolated city where the people in power all support each other, even when blatantly wrong. When I meditate I also think of the WA Supreme Court judges who moved so firmly to back up the actions of the DPP and I think of them as a very sad, sorry old lot.” – p211, ‘Murderer No More’ by Colleen Egan.

Egan – who in 2020 as Chief of Staff to Attorney-General John Quigley was in a position to fix some of the long-standing problems – wrote in her book:

“My anger at those judges still burns deeply. In the first five years I worked on Andrew’s case, I kept promising the Mallards that all they needed was to get back to the Supreme Court; once they were in front of a judge, with a good lawyer, they would be fine. I will never forgive Parker, Wheeler and Roberts-Smith for ruining my faith in justice”. – p290, ‘Murderer No More’



Photo: Colleen Egan (Platinum Speakers).

⁴⁴ <https://www.smh.com.au/national/reluctant-crusader-20100626-zb2a.html> Interviewed by Liz Porter

⁴⁵ Andrew Mallard died when hit by a car in Hollywood USA on 18 April 2019.

Howkins realised she could do with some help in a city where Vested Interests is the top stock exchange performer: she Googled ‘human rights organisation’ in Perth, wrote to the CCLWA and phoned twice, but “no answers came”.

So she extended the search Australia-wide and found the name Civil Liberties Australia. She made a cold call in about October 2015 to CLA, explained her IPCC campaign, and asked if CLA could help.

“We were delighted to receive the call. Here was someone obviously committed and dedicated to liberties and rights. We’d been searching for someone like that in Perth since 2007,” CLA CEO Bill Rowlings said.

CLA provided background material on police complaints from other Australian jurisdictions and international sources. They pointed her to a law academic who might help, and went on to assist greatly in refining documents and submissions.

“I received a great morale-boost and loads of practical ideas and encouragement...That was what I’d needed,” Howkins said.

After sussing out both CCLWA and CLA for nearly a year, she and husband Tony became members of CLA on 30 March 2016. CLA asked her to check out a meeting of the CCLWA called “to determine the future and direction of the Council” on 26 May 2016, which she did. That CCLWA meeting, Howkins said, “reinforced my leaning to work with the eastern states-based CLA” (as CLA then was).



To find out how CLA operated, and to hone her own lobbying skills, she arranged to visit the Canberra HQ of CLA for two days in October 2016. In that jam-packed visit, she took part in several briefing/lobbying meetings with MPs and the President Dr Kristine Klugman and CEO Rowlings. They also attended a lecture by UNSW Prof George Williams at the ANU on the gender issue around barristers appearing before the High Court, and visited the National Liberty Tree at the National Arboretum (photo, President Klugman on right).

Howkins said, in 2020, when asked for her impressions of the crucial visit:

“We galloped, went like a train, for two days. It was wonderful to see the passion and endless energy at CLA HQ, how they took rudeness by politicians well and just manoeuvred around it. I got the gist of how to operate: go in well prepared, with an agenda, research the main person’s background and interests, have something to offer them as you asked them for help with something you wanted.”

Back in Perth, with friends Rika Asaoka and Christina Marruffo, she attended markets, street fairs and other gatherings, including demonstrations, to gather signatures for a petition to the WA Parliament. At all these events, people received CLA flyers and were urged to join. Gradually, the membership rose. Separately, she worked with longtime campaigner Brian Tennant on some of his issues, providing personal local support for him where previously he had relied on phone and email communication across a continent from CLA.

In May 2017, the CLA principals undertook a formal visit to Perth to hold a meeting of members, and to meet with potential members and high-powered current and former MLAs and MHRs from all sides of politics, academics and other people. There were several meetings with members of the CCLWA, to find out how that organisation was faring and to offer membership in CLA. One of the meetings, with former president Weygers, was also to ensure his story in this history was reported accurately and fairly.

The visit provided another impetus to progress civil liberties and CLA in the west, and produced several new members as well as connections of importance to future projects, such as Prof Richard Harding and his knowledge of prisons as the inaugural full-time Inspector of Custodial Services in WA between 2000 and 2009. The meetings provided a refining of the strategic direction in which to take CLA in the West. That proved useful, as several prisoners joined CLA mainly to be kept informed of what was happening in the areas of courts, appeals and prison developments.

In May 2017, Howkins was asked to become ‘Convenor’ for CLA in WA; in August 2017, she became a Director of the organisation, one of 10 people running it nationally.

Howkins’ main task in Perth and WA was twofold, to:

1. elevate civil liberties submission writing, lobbying and campaigning in the eyes of influencers to a reputable, respected organisation offering balanced views that deserved to be listened to; and
2. grow the numbers of members and the main areas where CLA could offer help and support that were not being looked after by other groups.

Police behaviour and culture, and prisons issues, comprised the primary areas, as well as Aboriginal people in jail and detention: but there were plenty more areas that needed attention, not least of which was education of the children and people of WA in terms of their inherent liberties, rights and freedoms while ensuring they continued to fulfil their responsibilities to their families, their community, their state and their nation.

Certainly, under Howkins' leadership, the first target is well under way. CLA is much better regarded by Ministers, MPs, federal members, police, prison officials and inspectors, universities and the community than any civil liberties group has been in Perth and WA for about 35 years. During 2019, CLA in WA undertook two main projects that announced its place on the stage alongside other influencers in the state.

At the ANZ Society of Criminology annual conference in Perth in December 2019, CLA produced a poster exhibition that was the talk of the meeting which attracts high-powered academic and police people, including the senior local people for the major aspects of the conference.

The CLA contribution was a poster (see photo), which summed up why police should not be investigating police from the same jurisdiction. The CLA presentation attracted enormous interest, far more than any of the dozen or so other poster presentations: the CLA 'stand', staffed through the key times of the conference, constantly attracted people, their broad range of questions and ultimately, mostly their support.



Above: At the Perth ANZSOC conference, December 2019: Howkins with CLA members Rika Asaoka (standing) of WA and Terry Flanders of NSW.

Also in late-2019, CLA in WA – with major input from CEO Rowlings and former WA Assistant Police Commissioner and CLA member Barbara Etter – produced a seminal document which can be used by police and similar forces throughout Australia, indeed throughout the English-speaking world.

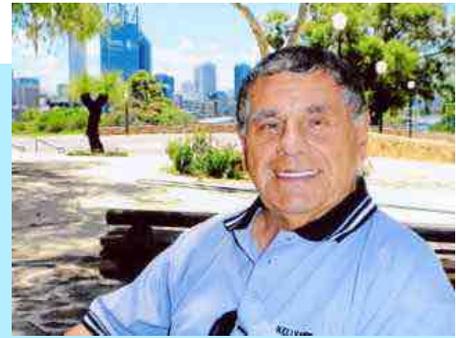


Translated, there's no reason it can't be used anywhere. It is titled: 'Principles of Independent Investigation'. It is subtitled: *These principles are designed to inform parliamentary draftspeople preparing a new Bill for WA.* In three short pages of dot points, the Principles document sets out the basic Requirements, Methodology and Cultural Change needed to prepare policing anywhere for demands in the mid-to-late 21st century.

Above: Working on the first draft of 'Principles': Christina Marruffo, Howkins, Warren Lance and Kathryn Harris.– pic: Anthony Howkins Jnr

The man who chased justice, until innocence won

Brian Tennant, Subiaco. That's how people read his name on thousands of letters to the editor. He campaigned for the abused, put-upon, maligned, defamed, cheated and screwed (often by government and bureaucrats) in Perth and WA for half a century.



Like so many without much formal education last century, it was unionism, activism and public speaking that taught him life lessons, encouraged him to have a go, and to keep walking until someone said 'Stop'. Or, actually, until a number of people yelled 'STOP', loudly, in Tennant's case. On one occasion, someone did stop him physically. He was laid up with two black eyes, a fractured cheekbone, and a broken leg after a savage bashing in his backyard. Six years later, WA police closed the bashing file when a known drug dealer who had been a physical fitness freak in prison died of a drug overdose in a motel overlooking Bondi Beach in Sydney.

Tennant (*photo, top right*) rose from the the man who stuck the labels on tins on a paint factory conveyor belt line to become State President of the Miscellaneous Workers Union. After 12 years in that role, he was awarded life membership.

After retiring, living on his pension and investments, he became more active, even though he still didn't know or use long words. Uni students helped write his letters to the editors, submissions to parliament and appeals to the courts. Child of an Aboriginal mother he didn't meet for decades, from 11 months old he lived for 15 years in WA Christian Brothers orphanages (and would not hear a bad word said against them). Later in life, because of his campaigning knowledge and experience, he was able to secure his mother's right to a deceased de facto husband's house so she could pass her final days free of want.

For 12 years in WA, he was the president or secretary of the then highly-regarded local civil liberties body, building for it an excellent reputation for advocating sound policies and trying to wind back the excesses of out-of-control police and prosecutors, politicians and bureaucrats. Justice could be wild in the 1970s in WA, as it can be still: the State Government has been forced to pay out many millions of dollars in compensation this century after police and prosecutor excesses of the 1980-90s.

In running the civil liberties organisation, Tennant was across it all: he wrote and spoke to Premiers, Attorneys-General, Police Commissioners, judges, lawyers and dozens of other officials locally. He extended his critiques and comments, proposals and suggestions to the national stage, as letters in his personal file from federal Prime and other Ministers, judges like Michael Kirby, lawyers like Ian Temby and others demonstrate. Many now very senior people counted him a friend: certainly, they continued to have enormous respect for him and his selfless work, including former WA State Governor Michael McCusker and leading barrister Tom Percy.

Tennant was that that rarity, a man of demonstrable conscience and courage. He was, from the 1960s for nearly 60 years, a supporter of the traditional rule of law and civil liberties. When Australians adopted the term 'fair go', the principles that Brian Tennant always lived by were what they had in mind. If only everyone in Australia was as keenly aware of the distinction between right and wrong as he had been, from birth. Brian Tennant died on 17 August 2019, aged 84. – Bill Rowlings.



MEMBER (AM) IN THE GENERAL DIVISION

Mr Brian George Tennant, Subiaco WA

For significant service to the community, particularly through advocacy roles for improved social justice, law reform and civil liberties. January 26, 2015.

Left: WA Governor Kerry Sanderson presents Brian Tennant with his AM at Government House in 2015.

CLA has reason to believe the ‘Principles’ played a main role in restoring fairness and justice into political review mechanisms in early 2020...but how much influence it had will emerge only with the passage of time, as the matters concerned were deemed secret.

Howkins was successful in her first three years with the second target, being able to boost membership threefold. More importantly, she brought to civil liberties in WA a range of people who could and would contribute to the many areas of demand in future. She introduced young members, and expanded the number of academic and lawyer members.

Conclusion

Any civil liberties group in Western Australia struggles to maintain members and influence, both because of the particular recent history of CL groups there, and because Perth is still very much a frontier town in Australian terms in relation to liberties and rights.

Our liberties and rights are very poorly guaranteed in Australia, and it is a constant fight to make sure those we have are not eroded, or instantly declared void in an “emergency”, especially at the interface between authority and personal choice and freedoms. Civil liberties is always a delicate balance...and achieving balance is not helped if the voices of those who care about and know about liberties, rights and freedoms are not full partners in the public consultations and debates.

After its first decade in WA, CLA now has the ongoing challenge to get more people thinking and talking more openly about liberties and human rights, along with responsibilities as citizens. But then, that’s the need of all society-changing groups everywhere: the fight against an antiquated status quo and a repressive society is never-ending.

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