

# ANNUAL REPORT 2009

**CLA** Civil Liberties Australia Inc A04043

Box 7438 FISHER ACT 2611

E: [secretary\[at\]cla.asn.au](mailto:secretary[at]cla.asn.au)

Web: [www.cla.asn.au](http://www.cla.asn.au)

This is the sixth annual report of Civil Liberties Australia Inc, registered association no. A04043, trading as and known as Civil Liberties Australia, or CLA. This annual report covers the period from 1 January 2009 to 31 December 2009.

**Registered office and register of members:** The registered office of CLA is 51 Ardlethan Street Fisher ACT 2611, where the register of members is kept. Public officer is Bill Rowlings, of that address. Further information about CLA and its activities, including its Constitution, is available at [www.cla.asn.au](http://www.cla.asn.au)

**Office-bearers:** Office-bearers during 2009 were:

Dr Kristine Klugman OAM	President
Lance Williamson	Vice-President
Jessica Mohr	Vice-President
Bill Rowlings	CEO/Secretary
Kevin Popple	Treasurer
James Staples	Director
Anthony Williamson	Director
Anne Cahill Lambert AM (resignation accepted 20 Sept 09)	Director
Melissa Hinson (resignation accepted 7 Dec 09)	Director
Timothy Vines (appointment accepted 30 Sept 09)	Director



The Directors, other than Mr Vines (*pictured*), took office as a result of the organisation's first electronic annual general meeting (eAGM, see later). Two Directors resigned during the year, both due to pressure of work/studies: CLA thanks Anne Cahill Lambert and Melissa Hinson for their valued

contributions, and their ongoing support. The President appointed Tim Vines as a Director late in 2009 under s10.5 of the CLA Constitution: since September, he had officially been CLA's main media spokesperson, after a period of training and practice which began in July.

No office bearer received remuneration from CLA, or had an interest in financial activities of CLA, other than in the proper, normal course of reimbursement of expenditure outlaid for the good governance, administration and promotion of CLA.

## Revised Business Plan

The Board updated the organisation's business plan, making only minor changes to the main philosophy of the organisation, which is to boost awareness and proactive efforts in rural and regional Australia and wherever the voice of civil liberties needs to be first heard, reinvigorated or supported.

This document reports against the primary targets of the Business Plan for CLA, 2008-2010:

## Making submissions to governments to improve legislation/treaties, etc

It is better to prevent Australia's law from containing errors rather than try to correct anomalies when a matter has reached the courtroom. For that reason, CLA makes submissions to the Australian Parliament, federal departments and agencies, and the ACT Legislative Assembly.

There is a saying that: "Go to the busiest person you can find; he/she will be the only one with time to do the job you want". CLA must have earned a reputation for being busy, because during 2009 we were overwhelmed by requests to make submissions. Those we responded to were:

- Crimes Legislation Amendment (Serious & Organised Crime) Bill 2009 [Provisions]
- Independent Reviewer of Terrorism Laws Bill 2008 (No 2);
- AusCheck Amendment Bill 2009
- Electoral Reform Green Paper – Strengthening Australia's Democracy
- Freedom of Information (Removal of Conclusive Certificates and Other Measures) Bill 2008
- 'Freedom of religion and belief in the 21st century Discussion Paper' (Australian Human Rights Council)
- Healthcare Identifiers and Privacy Submission
- Inquiry into Compliance Audits on Medicare Benefits (*CEO Bill Rowlings gave evidence before the committee hearing from Cape Willoughby Lighthouse on Kangaroo Island, SA*)



- Inquiry into the Machinery of Referendums
- National Human Rights Consultation
- Inquiry into the National Security Legislation Monitor Bill 2009
- Inquiry into Suicide in Australia
- Inquiry into Royal Commissions (Australian Law Reform Commission)

- Review into the procurement of Commonwealth legal services (Attorney-General's Department)
- 'War Powers' Bill: Defence Amendment (Parliamentary Approval of Overseas Service) Bill 2008 [No.2]
- Amendments to the Independent Commission Against Corruption Act 1989 (NSW)
- House of Representatives Standing Committee on Procedure
- Crimes (Assumed Identities) Bill 2009 (ACT)
- Inquiry into Crimes (Murder) Amendment Bill 2008 (ACT) - Nos 1 and 2
- Uniform Evidence Sexual Assault Counselling Communication Law

This last submission was to the Standing Committee of Attorneys-General (SCAG) at the request of the Justice and Community Safety Department of the ACT Government. Before being given the background documents in October to enable the making of the submission, CLA was asked to give an undertaking of secrecy. We did so to be able to analyse what SCAG believes to be 'consultation'.

CLA certainly does not believe that a behind-closed-doors commission to hand-picked community organisations who are forced to swear to maintaining secrecy is anything like the open, transparent process that should be undertaken by SCAG and its 42 other Ministerial Council brethren organisations. These entities are, in CLA's opinion, becoming the drivers of national philosophy, policy, law and regulation. They are doing so generally without consultation at all, or with the most secretive form of consultation (as noted above). The behind-the-scenes bureaucrats who drive the agendas of these organisations have, in fact, become the unaccountable mandarins running Australia. We will be having much more to say about this national dilemma in 2010.

The submissions outlined above total 20. This is an enormous workload for a volunteer-only organisation. Board members carried much of the workload, particularly Jessica Mohr, Lance Williamson, Anthony Williamson, Kris Klugman and Bill Rowlings. Ordinary members who provided special assistance included Rhys Michie in Melbourne, Novri Spagnoletti in Adelaide and Tim Vines in Canberra (before he joined the Board, as well as after).

The Bills/invitations we were unable to take up included:

- Crimes Legislation Amendment (Serious and Organised Crime) Bill (No. 2) 2009
- Inquiry into Australia's Judicial System, the Role of Judges and Access to Justice
- Tax Laws Amendment (Confidentiality of Taxpayer Information) Bill 2009
- Extradition and Mutual Assistance in Criminal Matters Legislation Amendment Bill 2009

Civil Liberties Australia

- Inquiry into the Telecommunications (Interception and Access) Amendment Bill 2009
- Crimes Amendment (Working With Children - Criminal History) Bill 2009
- Council of Australian Governments (COAG) Senior Officials and Heads of Treasuries Working Group review of the Report on Government Services (ROGS)
- Inquiry into Independent Arbitration of Public Interest Immunity Claims
- Crimes (Assumed Identities) Bill (ACT)

In 2010, we plan to reduce the workload of submission writing: submissions are largely the result of requests from Parliaments, government departments and agencies or statutory authorities. By reacting to requests, we lessen the time we have to be proactive and to put our issues on their agendas, rather than the other way around.



Beyond submissions, there are many other lesser exchanges of letters, provision of intelligence in relation to print articles, radio and TV reports, and attendance at consultations on behalf of CLA. The Board received enormous support from Diana Simmons in NSW, as well as great help from Vicki Osmond in SA, Brian Tennant (*pictured*) in WA, Lynne Bliss in ACT and several people in Victoria and southern and far north Queensland. There were a number of other helpers who prefer to not be named in public.

The review of terrorism legislation passed since 11 September 2001 ('9/11'), which CLA and other organisations had been seeking for a number of years, finally got under way in 2009. We await a positive outcome after making numerous contributions over the years.

CLA's campaign for 'proceeds of crime' funding to become available by way of project and administrative grants to civil liberties and human rights bodies continues, despite an initial rejection by the Minister for Home Affairs, Brendan O'Connor. The former Home Affairs Minister, Bob Debus, who agrees with CLA's stance on the matter, was at year-end preparing to ask the current Minister to reconsider.

### Monitoring agencies through annual reports, etc

Maintaining a watch on what is occurring in government departments and agencies is a crucial role which, in the liberties/rights/legal area, appears to be undertaken by no other external body like CLA. The lack of detailed supervision of federal – and state/territory – bodies is lamented as,

lying unwatched, they will become space vacant of intrinsic care for liberties and a wasteland for individual rights.

One of the most telling individual cases handled by CLA during 2008 and 2009 was that of a man originally from Tasmania, now living in Vietnam, who was seeking his pension rights from Centrelink. Eventually, but only after considerable effort on his part and ours, he succeeded. The manner of how Centrelink treated him and ignored its obligations under the Legal Services Directions (also known as the Model Litigant Obligations/Principles) is an ongoing matter in which both the applicant from Vietnam and CLA are seeking appropriate intervention by the Ombudsman, which at the time of reporting has not been forthcoming.



*Photo shows Attorney-General Robert McClelland with CLA President Dr Kristine Klugman at the University of Canberra Law Students Careers Night in 2009.*

The Model Litigant Obligations are basically a regulatory code, based on legislation dating from 1903 but updated frequently and recently, which obliges government departments and agencies to act honourably when dealing with the Australian people, particularly before the courts. CLA continues to keep a close watch on the Attorney-General's Department which is responsible on behalf of A-G Robert McClelland, as First Law Officer of Australia, for administering the 'rules'.

Unfortunately, the responsible area of the department, the Office of Legal Service Coordination, appears happy to permit the "35 established breaches" which occurred in 2008-9 as an annual benchmark – "The overall number of breaches remains relatively constant and relatively low" – even though its published target is to conclude only 30 alleged breaches of the Legal Services Directions each year (statements quoted taken from the 2008-9 annual report of the A-G's Department).

CLA believes the benchmark should be zero. That is, no government department or agency should breach Australian law...which is what a breach of the LSD/MLO is. We will continue to campaign on this issue until the A-G's Department changes its attitude.

Our networked allies in the CLA-led campaign are the Law Council of Australia (LCA), the Australian Lawyers Alliance (ALA) and the Institute of Public Administration Australia (IPAA).

In relation to the Ombudsman, we are also exploring a worrying trend, evidenced in two complaints CLA was forced to make in 2009, that some staff within the Ombudsman's office appear to lean towards believing comments received from the bureaucracy, sometimes seeking comment and background information on a lodged case from one side – the government – only. One of the matters related to the Centrelink case mentioned above, to which the final response is still outstanding.

The second matter is of even greater importance. It involves the Ombudsman's office endorsing a stance by the Australian Federal Police when they refused a person they had locked up access to a lawyer. Using spurious legal references, the AFP are attempting to argue that they do not have to allow people whom police have detained access to a lawyer...until the person is formally charged. The matter is of fundamental importance to how Australia's legal system operates, and CLA will continue to pursue the matter with vigor. We await the Ombudsman's review of its officers' own actions as the first step in obliging the AFP, in this case operating as ACT Policing, to abide by Australian law.

The Board encourages CLA members to volunteer to analyse the annual reports in the September-November period each year. Mostly, the analysis involves a couple of hours reading and the writing of an A4 size report – and you'll be amazed at what abstruse information you glean from the tortured bowels of department and agency reports.

## **Involving members in projects/activities**

As well as major contributions from Directors, the organisation benefited greatly from significant contributions by a number of members during the past year.

Phylli Ives continued as Manager Inquiries to assess and direct the questions coming into the organisation through the website <http://www.cla.asn.au/> By the end of 2009, we were averaging about 3.5 requests/comments a week. Responding to these is sometimes the work of just a few minutes, but it can involve detailed research and a week-long exchange of information, plus ongoing help in circumstances selected for their generic impact. To help Ms Ives, there is a panel of members around Australia who take on the challenge of answering the inquiries. The help of those people is greatly appreciated.

NSW: Dorothy Ferdinand

Vic: Lesley Vick

SA: Raffaele Piccolo

WA: Brian Tennant

ACT: Anthony Williamson, Kristine Klugman

National: Bill Rowlings, Phylli Ives

For the historical record, it is worth outlining CLA's policy on how we deal with such inquiries. Firstly, they must be in writing (usually email), and no longer than the equivalent of two A4 pages, summarising the issue in a way that CLA people can understand. The reason for this requirement is that people who are very close to issues sometimes quite emotional for them can tend to cloud the core facts with lengthy asides if there is no limit on length.

Secondly, our responses are offered as commentary/support on the situation, and not as advice. In particular, there is a disclaimer that CLA is not licensed to offer legal advice, and does not do so. Thirdly, we try to provide options for seeking further action/support – legal aid, ombudsman, appeal for support to MPs, etc – where people who are remunerated by the community can provide the help they are paid to give.

After about four years of maintaining a quality website, the number and range of questions have reached a stage where they and the answers are a resource in themselves. We're working on developing a Frequently-Asked Questions (FAQ) website 'button'. It will allow people to see quickly whether their query has been asked and answered previously.

Marilyn and Charles Nelson, two members who joined in 2009, are managing this project. The work involves developing a simple but sensible index system, then collating the inquiries/responses appropriately and de-identifying names and particular locations or circumstances. We hope to have the FAQ button on the website during 2010.

The year will also see the development of small groups of people in capital and regional cities coming together to undertake local initiatives. Over the past five years, the focus has been on building an organisation represented Australia wide with credibility at the highest level of federal and state political and community deliberations. Within modest limits, this has been achieved: the task is now to further enhance CLA's standing locally in cities and regional centres where there are no established civil liberties bodies.

Transitioning from a centrally-controlled body to one where there is more locally-generated initiatives is not without danger as to reputation and credibility, which is why the Board is approaching the development carefully.



*Photo shows Special Minister of State Joe Ludwig, Prof Clarke and Australian Privacy Commissioner, Karen Curtis, at the Privacy Medal award handover.*  
Civil Liberties Australia

As part of expanding reach, the Board is investigating the option of holding some or all of Board meetings using Skype or similar computer-aided conference technology.

Members have made unusual contributions: words of a "freedom" song written by President Dr Klugman were set to music by composer member, Geoff Carroll. The tune is expected to be heard in public for the first time in 2010.

## Creating and nurturing partnerships

CLA aims to build strong relationships across the academic, legal and community sectors. As mentioned above, we have built a close relationship over the Legal Services Directions/ Model Litigant Obligations with the LCA, ALA and IPAA. We have close ties with the Australian Privacy Foundation and with several excellent members of the APF Board. Chair of the APF, Prof Roger Clarke, who is also a CLA member, was awarded the Australian Privacy Medal in 2009 for services to privacy over many decades.

We cooperated closely with numerous non-government organisations which work in the human rights sphere and with the Department of Foreign Affairs and Trade (DFAT). President Dr Kristine Klugman attended the DFAT annual briefing in February.

Other meetings during 2009 occurred with:

- Senator Gary Humphries
- Senator Steve Hutchins
- Senator Ursula Stephens, Parliamentary Secretary for Social Inclusion and the Voluntary Sector
- Member, House of Representatives, Bob Debus
- MHR Annette Ellis
- Former MHR, Warren Entsch
- National President of the Institute of Public Administration Australia, Andrew Podger
- Sibylle Krieger and Tony Blunn, Review of C'wealth Legal Service Procurement, Attorney-General's Department
- Marc Mowbray d'Arbela, Branch Manager, Legislative Review Branch, Department of Finance and Deregulation
- Director, Aust. Institute of Criminology, Dr Adam Tomison
- Supreme Court Justice ACT Richard Refshauge
- ACT Bar Association Stuart Pilkington
- Speaker ACT Legislative Assembly Shane Rattenbury, Minister Stephen Corbell and MLAs Vicki Dunne, Jeremy Hanson, and Mary Porter
- Uni of Canberra Vice Chancellor Prof Stephen Parker
- Director of Military Prosecutions, Brigadier Lyn McDade
- ACAT President Bill Stefaniak
- Barristers John Purnell, Shane Gill, Dr Bernadette Boss, Ken Archer
- President, Australian Fedn of Islamic Councils, Ikbal Patel

- Clerk of the Senate, Harry Evans
- President, ANU Students' Association, Tully Fletcher
- Deirdre Pearce, Dean of Residents, Bruce Hall, ANU
- Ex- Police Chief Seattle USA and drug deregulation campaigner, Norm Stamper
- Vice-Chancellor, Australian Catholic Uni, Prof Greg Craven

## Lectures and outreach

### Internships:

ANU Law student Shane Svoboda completed an internship through the ANU program which involved analysing whether/how constitutionally protected civil liberties in Fiji, which had been in place post-independence, could be reintroduced after coups.

Kelly Haines-Sutherland (*pictured*), also a Law student at the ANU, analysed whether a Charter of Rights for the Pacific would require special clauses and considerations to take account of cultural and community issues unique to island nations.



CLA member, barrister and Army Reserve officer, Dr Bernadette Boss, supervised the projects of both students. Her professional approach and commitment is reflected in the quality of the students' output. Both papers maintained the high standard of CLA internship reports over many years, and received good marks. The papers are on the CLA website, under the '@ Uni' button.

At year-end, three students from the University of Canberra were planning to undertake Honours in Law by way of a 6,000-word essay, with CLA mentoring help. Their topics (though not finally defined) were along the lines of:

- When/how does water stop being a commodity and become a human right, and what are the consequences in law;
- Analysis of Reasonable Doubt in key cases; and
- Analysing coronial inquests in Australia and conceiving a possibly better system.

During 2009, CLA was represented by the President and CEO at a Careers' Night, with Attorney-General Robert McClelland as guest speaker, at the University of Canberra.

### Interstate liaison

One of the most significant initiatives during 2009 was a formal CLA visit to Adelaide, due to Board concern that there were too few voices speaking out against government excessives, particularly over anti-motorcycle club legislation (the "bikie" laws). President Klugman and CEO Rowlings met

with key CLA members as well as with leading members of the SA Bar and Law Society, including President John Goldberg.

An option was to escalate CLA's activities in South Australia; however, after discussion with influential members of the SA Council for Civil Liberties and supporters, the best approach decided upon was to help resuscitate the SACCL. Barrister Claire O'Connor took over as President of that body. CLA's support for its resurgence helped forge strong and ongoing ties between the two organisations.

Importantly, the SACCL is now effectively speaking out against the worst excesses of a fanatical and unrestrained Attorney-General, Michael Atkinson. Because the Standing Committee of Attorneys-General (SCAG) operates in a way (including a blackball veto provision) that produces the least-preferable legislation, it is vital that bad state law is exposed and given air nationally at the first opportunity to try to avoid it becoming the basis of SCAG-agreed model legislation.

Among the people with whom CLA held discussions in Adelaide were:

- Radio Adelaide
- President SA Law Society, John Goldberg
- Member SA Legislative Council, David Winderlich (phone)
- Member SA Legislative Assembly, Frances Bedford (phone)
- Stephen Kenny, barrister
- Brian Deegan, lawyer and former magistrate
- Vicki Osland
- Raffaele Piccolo
- Novri Spagnoletti

The opportunity was taken while on a non-CLA visit to Cairns to explore the possibility of a civil liberties group gaining momentum there. The principals of two law firms, who are personally dedicated to maintaining a close watch on individual liberties and rights, joined CLA and there is hope that a leading academic lawyer will be able to free sufficient time to anchor a local civil liberties group.

Often, the whittling away of liberties and rights initially occurs in places far removed from the capital cities. In the case of Cairns and similar "frontier" regional towns, governments sometimes try to impose rules and regulations that might receive shorter shrift in a capital city environment. As well, there is a need to ensure important business freedoms, in industries such as fishing and farming, are not trampled on by bureaucrats "interpreting" laws and regulations in far-off Canberra. Nowhere is more vigilance needed against bloated

bureaucracy and public service pettiness than in rural and regional Australia.

In Perth, local CLA members have been boosted by some newcomers with excellent experience in dealing with Ministers and Parliamentarians. We hope to benefit in WA during 2010 by combining the talents of older members with street savvy and new people knowing their way around the halls of power. The aim will be to anticipate issues, and be more influential in setting state agendas, rather than reacting to them.

### Presentations

There were two major presentations during 2009:

President Dr Kristine Klugman appeared as a panellist on a 'Hypothetical' filmed for TV as part of the inaugural National Squalor Conference in Sydney. During her appearance, she coined the term "Prosperity Index" as being a desirable counter-indicator to the "squalor index" used by welfare groups. The PI would indicate wealth, ostentation and over-consumption, by measuring such things as house 'footprint', number/cost of cars/vehicles owned, and numbers of computers and TV sets in a household. The index needs developing, if any member would like a project.

CEO Bill Rowlings was a speaker at the Forum on Federations conference, at Parliament House, convened to analyse how parliamentary democracy was working in Australia. His address highlighted, for the first time, the way organisations such as COAG, SCAG and 41 other national "Ministerial Councils" have started to usurp the role of federal and state/territory parliaments in deciding philosophy, policy and laws in this country.

### Other outreach meetings/activities of note

- CLA's cartoon exhibition was shown at the National Europe Centre at ANU;
- Meeting with Chief Executive Officer, National Film and Sound Archive, Dr Darryl McIntyre, in relation to holdings of Australian civil liberties and human rights film and sound material;
- Meeting with Chief Justice of NSW, Jim Spigelman, re a song/presentation initiative for the future associated with the NSW Freedom Ride of the 1960s; and
- Development of lyrics and music (by Kristine Klugman and composer member Geoff Carroll) with a 'freedom' theme.

These initiatives are aimed at combining sound, music, film, video and cartoons in innovative ways in the future to further the awareness and impact of civil liberties and human rights principles in Australia. We will continue to explore these and other art forms: we would welcome fresh ideas from members.

Civil Liberties Australia

members on how to broaden liberties/rights considerations into the mainstream public consciousness.

## Membership

Maintaining membership numbers and encouraging members to volunteer to become more active when they choose are prime aims of the Board.

At 31 December 2009 CLA had 244 financial members, a net increase of 20 during the year. The proportion of student members remains at about 13 per cent. It seems that the early joiners are also stayers: almost one-third of present members joined in the three years to 2006. The loyal support of these people is appreciated, as is the enthusiasm of many who have joined in more recent years (about 31% of members joined during 2009).

### Financial memberships at 31 December 2009

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

Year	Financial Members at 31 December
2004	17
2005	62
2006	121
2007	169
2008	224
2009	244

CLA has members in every State and Territory, and 40% of our members live outside the ACT, our birthplace. It was to cater for this far-flung membership that CLA instituted the electronic Annual General Meeting (eAGM). We continue to send the monthly CLArion newsletter electronically to most members, and to operate – and keep people informed and able to contribute – by email and website. The Board hopes that, wherever they live, members will increasingly use the internet to be active in policy development, preparation of submissions and general involvement in CLA matters.

## Finances and development

*(Audited financial statement follows at the end of document.)*

The Treasurer reports:

Our accounts are simple enough to be pretty well self-explanatory. Hence these comments can be brief. Once again we had a healthy surplus of income over expenditure. Our bank deposits continue to grow and have exceeded \$10000 for the first time this year, notwithstanding that membership fees have been held at the same level from the

beginning. In part, this result reflects the fact that a number of members do unpaid work and make considerable contributions in kind. We are proud that we punch well above our weight.

While we are presently well able to meet our needs from membership subs we still hope that at some time not too far off CLA will be able to make a quantum leap to tackle activities now beyond our resources. We dream of a full-time office with ( a few) paid staff and volunteering lawyers on call with a correspondingly wider range of activities.

In the meantime we can expect to incur more expense as the organisation grows and such things as membership records and financial records are put on a more sophisticated basis. This sort of development will require the purchase of computer software and possibly some paid professional help.

We continue to have problems identifying some member deposits into our bank account. This arises from inadequate bank processes and in some cases a failure by members to properly identify their deposit. There were thirteen instances during the year and the Treasurer was put to some trouble to sort them out. In two of these cases we still do not know who made the deposit. There are two people out there who think they are paid-up members and are not – or perhaps have paid twice without knowing it. The longer-term solution probably lies with use of BPay and the more sophisticated record keeping (and associated expense) mentioned above. In the meantime we will ask members to send an e-mail when renewing by bank deposit.

Taxation is another live financial issue. At present CLA is liable for income tax if its taxable income exceeds a laughably small limit (\$416). Fortunately, membership fees do not count as taxable income and so far we have not incurred an income tax liability. However, this does seem to us to be an anomaly and if there is a suitably qualified member out there who would like a project, please let us know!

*– Kevin Popple, Treasurer*

### **Website:**

During 2009 CLA continued to maintain web sites for [CLA](#) and also [CensorFree](#), under Webmaster and CLA Director Lance Williamson.



*Photo shows Webmaster/Director Lance Williamson at work on a CLA document.*

The CensorFree web site has provided the opportunity for CLA to collaborate with other like-minded organisations to oppose the censoring of the internet under the plans of Communications Minister Stephen Conroy. The CensorFree site has also attracted a significant number of visitors during the year.

The main web site was rebuilt during 2009 to improve readability and visual appearance.

The site continues to attract a diversity of visitors including a wide range of overseas visitors. There were some 11,000 hits on the site in December 2009 from 85 countries. The top 10 articles viewed on the CLA site to date are:

1. On trial: Australian media for undermining Schapelle (Jul 08);
2. Dec 08 Newsletter: CLA launches anti-filtering campaign (Nov 08);
3. Compassion should underpin our new response to refugees (May 09);
4. What does rule of law mean in Australia? (Aug 08);
5. Our two-faced zeal on sex and kids (May 08);
6. CLA welcomes human rights report, calls on MPs for bipartisan action (Oct 09);
7. Freedom of speech (May 08);
8. Respect rights of all (Oct 08);
9. Divided we stand...but where are we headed? (Jun 08);
10. New Bill would strip 400-year-old right (Jul 08).

Interestingly, no article from the 2008 list has retained a spot on the 2009 end-of-year top 10 list.

Efforts to improve the discoverability of the sites by major search engines and blog aggregators have continued to ensure that articles are widely available. CLA members and the public can also access automated advice of web site content update via the Desktop Alerts feature or share content with a friend via the Share This Article feature.

Improvements to the main site this year have included:

- The introduction of improved security features for on-line contact and the membership forms;
- Cross promotion with the CensorFree site;
- The successful introduction of eVoting for the first electronic AGM in 2009;
- Both CLA and CensorFree are included in CLA's Facebook page; and
- Improvements in the back-office management of files and documents.

CLA continues its support of open source standards compliant software and is now providing limited support to older versions of Microsoft Explorer browsers.

## **Administration**

### *Funding*

An initiative aimed at raising a significant amount of funding was put on hold due to the financial downturn of late-2008 and 2009. Instead, during 2009, we sought extensive counsel from people experienced as fundraisers and chairs of foundations, as well as major donors to groups with similar aims to CLA.

We feel we're in a better position to plan and implement a fundraising program when the time is right. As a result of the sage advice received, our initial target will be much lower, and more easily achieved...but this will put pressure on an expanding organisation to continue delivering outcomes while ensuring sufficient income to continue operating.

### *Australian civil liberties (and other) bodies:*

We communicate with other civil liberties bodies throughout Australia by making our newsletter available free to them. The *CLArion* each month contains a rundown of what CLA has done for the preceding month, which enables other bodies to be well aware of what we are doing.

NSW and Queensland Councils for Civil Liberties reciprocate by providing their journals, which are much less frequent, free of charge to CLA. This allows us to keep across their activities, but in a much-delayed manner.

During 2010, we plan a brief trial of a more effective way of keeping other civil liberties and human rights bodies aware of what we're planning and doing in terms of media releases and commentary. With the Australian Privacy Foundation, we may also be in a position to help initiate more joint activity where interests are common throughout Australia.

As well this year, the national human rights consultation provided the opportunity of interacting with a much wider range of "human rights" bodies than usual. We were able to meet physically, and to correspond by phone and email, enhancing the prospects of more cooperative activity in future.

### **Media and communications**

One of the difficulties in responding to media queries is having one key person as THE spokesperson for the organisation. It is not easy to find someone with the unique spread of talents required: presentable, knowledgeable, flexible, responsive in a very short time frame, able to condense complex legal and social concepts to short radio and TV grabs, quick on their feet with difficult interviewers, and resilient enough to know that you always feel let down after an interview, in that you think you could have/should have done a better job...when those "killer quotes" pop into your head 30

minutes later, after the TV crew has gone or the radio station is on to its fourth topic and fifth record after your interview.

Tim Vines volunteered for that tough assignment during 2009. Unlike previous occasions, we took a couple of months for him to practise and settle into the 'system' of how we go about generating coverage, and responding to requests. The slower development, and his natural ability and qualities, have allowed us to enter 2010 with the potential to be more often seen, heard and read. We will be concentrating more on the media this year.

Because of the quality of his contributions over the past six months, in terms of submissions, conceptual and media work, President Dr Kristine Klugman invited him to become a Board Member from the December meeting. There is great advantage in having an organisation's media spokesperson a member of the Board, and we hope to benefit from that during the year.

It is also a truism of the media spokesperson's role that turnover is unfortunately often rapid. For that reason, we expect Mr Vines will be starting to train one or two potential successors this year.

### *Public communication*

**Australia Day letters:** One highlight each year is the release of CLA's Australia Day letters. Released the day before Australia Day, these have become the exclusive annual 'signature' activity of CLA, on Australia's annual special occasion. The letters in 2009 covered:

To the Prime Minister, Mr Kevin Rudd, proposing that there be a Joint Standing Committee of Parliament on Liberties and Rights, to review legislation. Response: no action so far, but we expect that a Human Rights Committee of Parliament will eventuate...eventually.

To the Minister for Defence, Mr Joel Fitzgibbon, asking for details of numbers and final detention situations of prisoners captured in Iraq and Afghanistan by Australian troops, and whether Australia provided any logistical or electronic support to the UK/US base at Diego Garcia in the Indian Ocean, through which US military and CIA detainees had been transited while being "renditioned". A ministerial adviser provided a long and detailed response, which is on the CLA website.

To the Attorney-General/Minister for Corrective Services in WA, Mr Christian Porter, asking that he make a personal commitment to reducing the percentage of Indigenous prisoners in WA jails from 43.2% to under 40% by Australia Day 2010. The Corrective Services Department, under the signature of the Minister, provided a long and detailed response which amounted to continuation of the status quo.

To the four Members of Parliament from the ACT, asking them to, individually and collectively, take action to:

- stop the veto which the government Executive can exercise over the democratically-elected ACT Legislative Assembly's decisions; and
- overturn the gerrymander under which an ACT vote for Members of the House of Representatives is worth half that of a vote from the NT (and less than the value of a vote in every other Australian lower house electorate).

Response: zero, other than platitudes. It is surprising that Senators, in particular, seem more concerned to represent their political party rather than the Territory which elects them and to which, under the Constitution, they owe the greater allegiance. If citizens cannot engage their Senate representatives' wholehearted attention on Territory rights matters, then it is not immediately apparent whose interests the Senators represent.

**CLArion:** We published the monthly newsletter *CLArion*, on time, in time for the 1st of each month. The newsletter continues to be well received. People comment on its comprehensiveness and usefulness as a check to ensure that people interested in civil liberties and human rights are kept abreast of what is happening in other states and territories of Australia, and nationally, and of important developments in overseas jurisdictions.

We will continue to refine and adjust *CLArion* and its content. In the meantime, it can be searched as part of the online CLA website "Search" panel, which is an excellent mechanism for finding out about that news item that you vaguely remember...what precisely it was about, and when it was published,.

### **ENDS Annual Report**

VALE:



It is with great sadness that we record the death of a most valued long-term member of CLA, 'Mac' West (*photo at left*), in June 2009 after a long battle with depression. Another member of long standing, Anne Gollan, also died during the year.

### **Acronyms**

ACAT	ACT Civil and Administrative Tribunal
APF	Australian Privacy Foundation
AusCheck	Australian Security Vetting Service/ Background Vetting Service
CLA	Civil Liberties Australia
COAG	Council Of Australian Governments
LCA	Law Council of Australia
IPAA	Institute Public Administration Australia
SCAG	Standing Committee of Attorneys General

Civil Liberties Australia

### **History:**

An organisation concerned with civil liberties (Council for Civil Liberties of the ACT Inc) existed in the ACT in the 1970s, 80s and 90s. Mostly, it was organised and managed by Mr Laurie O'Sullivan, a barrister at the Sydney and Canberra bars who also had extensive involvement with the Australian Public Service Board over many years.

In the late 1990s, the organisation's management changed and Mr Jon Stanhope became prominent as president. He went on to a political career, and to be Chief Minister of the ACT at the time of this report. After Mr Stanhope went into politics, the organisation died and then was formally de-registered by the ACT Registrar-General in the early 2000s period.

A new organisation with a different name to distinguish it from the earlier body – Civil Liberties Australia (ACT) Inc. – was created when a properly constituted meeting of the interim board resolved to apply for registration under the Associations Incorporation Act 1991 of the ACT.

The Certificate of Incorporation was stamped by the ACT Registrar-General on 10 December 2003. Dr Kristine Klugman OAM was the inaugural President.

At the 2004 AGM, Mr O'Sullivan was voted the first honorary life member and patron of CLA. He died in October 2004. Mr John Marsden, a former president of the NSW Council for Civil Liberties and of the NSW Law Society, later became patron. He died in May 2006.

In March 2007, the AGM agreed to change the organisation's name to Civil Liberties Australia Inc. (dropping 'ACT' from the name) to reflect the reality that the organisation was having an impact and drawing a response in other States and the Northern Territory of Australia. The AGM also agreed that voting on important issues like board positions and constitutional change could be handled electronically. CLA was therefore one of the first organisations to come to grips with the electronic age for membership/voting.

In 2009, an electronic Annual General Meeting (eAGM) was held for the first time.



**Civil Liberties Australia**

Box 7438 Fisher ACT 2611 Australia

Email: [secretary@cla.asn.au](mailto:secretary@cla.asn.au)

Web: [www.cla.asn.au](http://www.cla.asn.au)

**Audited CLA Accounts, Year Ending 31 December 2009 (\$)**

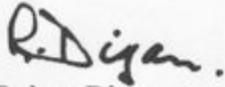
	<b>2009</b>	<b>2008</b>	<b>2007</b>
<b>BALANCE B/F</b>	<b>6915</b>	<b>4671</b>	<b>1844</b>
<b>INCOME</b>			
<b>Memberships</b>			
New	1645	1780	1730
Renewal	4275	3010	2125
Corporate	0	0	250
	<u>5920</u>	<u>4790</u>	<u>4105</u>
<b>Cartoon Exhibition</b>			
Sponsorships	0	0	2280
Sales	180	0	2390
	<u>180</u>	<u>0</u>	<u>4670</u>
<b>Donations</b>			
General	680	1101	1450
	<u>680</u>	<u>1101</u>	<u>1450</u>
<b>Other</b>			
Keating show			161
Hicks T Shirts			264
Interest	151	126	1
Censor-free campaign	10	0	
	<u>161</u>	<u>126</u>	<u>426</u>
<b>TOTAL INCOME</b>	<b>6941</b>	<b>6017</b>	<b>10651</b>
<b>EXPENDITURE</b>			
<b>Communications</b> (with members & public)			
Ink and Stationery	741	927	950
Printing	144	1028	750
Web, Internet, Media	622	333	327
Postage	461	305	338
PO Box	75	70	65
Parking fees	36	0	38
Functions	184	476	291
Travel	539		
Publicity	0	314	227
	<u>2803</u>	<u>3453</u>	<u>2986</u>
<b>Cartoon Exhibition</b>	70	0	4487
	<u>70</u>	<u>0</u>	<u>4487</u>
<b>Censor -free Campaign</b>	274	137	0
	<u>274</u>	<u>137</u>	<u>0</u>
<b>General Administration</b>			
Bank Charges	3	35	106
Other Admin	152	150	244
	<u>155</u>	<u>184</u>	<u>351</u>
<b>TOTAL EXPENDITURE</b>	<b>3303</b>	<b>3774</b>	<b>7824</b>
<b>Surplus</b>	3638	2243	2827
<b>BALANCE C/F</b>	<b>10553</b>	<b>6915</b>	<b>4671</b>
<b>Comprising</b>			
<i>Bank deposits</i>	10553	6884	5273
<i>Cash in hand</i>	0	31	86
<i>Expenditure liability</i>	0		-687
	<u>10553</u>	<u>6915</u>	<u>4671</u>

Kevin Popple, Treasurer  
Robert Digan, Auditor  
20-Jan-10

## AUDITOR'S REPORT FOR THE YEAR ENDED 31 DECEMBER 2009

I have examined the financial records and documents supporting the 'Summary of CLA Finances' up to 31 December 2009.

In my opinion the Summary Record of Civil Liberties Australia accounts, presented by the Treasurer, is an accurate record of the organization's financial position.



Robert Digan  
Hon. Auditor  
18 January 2010



September 2009 Board meeting, standing: President Kristine Klugman, Bill Rowlings, Anthony Williamson; seated: Tim Vines (then observer, later Board Member), Melissa Hinson, James Staples, Lance Williamson.



Absent: Treasurer Kevin Popple (at left)



– Main photo by Jessica Mohr (at right), Board Member