



CLA Civil Liberties Australia Inc.
A04043

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This is the seventh 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 2010 to 31 December 2010.

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

Office-bearers: Office-bearers during 2010 were:

Dr Kristine Klugman OAM	President
Lance Williamson	Vice-President/ Webmaster
Bill Rowlings	CEO/Secretary
Kevin Popple	Treasurer
James Staples (resigned 22 Feb 2010)	Director
Jessica Mohr (resigned 25 Mar 2010)	Director
Anthony Williamson	Director
Timothy Vines	Director
Noor Blumer (appointed 6 May 2010)	Director
Frank Cassidy (appointed 6 May 2010)	Director
Phil Schubert (appointed Director 20 Dec 2010: elected to be Treasurer from 1 Jan 2011)	Director

Three new Directors joined the Board during 2010: the President appointed, under s10.5 of the CLA Constitution, Noor Blumer and Frank Cassidy midway through the year to replace two Directors who resigned, and Phil Schubert at the end of the year. Noor brings extensive experience in national legal councils in general and particularly representing females, and Frank adds his talents and experience in the media, both print and web, as well as knowledge of the public service throughout Australia. Phil is expected to make a major contribution as Treasurer from 2011.

Two Directors resigned during the year, due to pressure of work/studies in the case of Jessica Mohr, and of his own self-assessed diminishing ability to contribute to deliberations due to advancing age, in the case of James Staples. CLA thanks them for their valued contributions.

The Board met four times in 2010, in February, May, August and November.

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

Two highlights of the years were CLA's success in raising the issue of the undemocratic way in which COAG, SCAG and Ministerial Councils operate (see below), and the major administrative improvement to CLA's member and financial database and the ease with which it can be used and administered. This latter was a major achievement of the Webmaster, Lance Williamson, and the Treasurer, Kevin Popple, but is one of those essential activities whose positive impact is understood only by a few. The Board is extremely grateful to both of them for their application and dedication to getting the new system right.



Another highlight was the awarding to CLA Director, Anthony Williamson, of the ACT Young Lawyer of the Year award. He is pictured (*left*) receiving the award from Supreme Court judge Richard Refshauge.

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. The Board refined and simplified goals and objectives: in particular, new emphasis has been put into expanding into areas not served by civil liberties groups, targeting writers of letters to the editor for membership, and securing back-ups for key Board and management people.

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

Overall, the CLA Board agreed the priorities for CLA focus during 2010 would be liberties and rights issues around mental and aged health, water rights as climate change debate intensified, and the worrying trend towards even greater dominance by the executives of the federal and state/territory parliaments (the 'COAG/SCAG' issue - see below).

Of the 2010 priorities, we were able to move the COAG/SCAG issue along considerably and to advance our mental/aged health concerns with key players, but the issue of water rights as they relate to human rights is not yet gaining traction.

Other issues where we had some success, often in partnership with other groups, were:

- War Powers: continue the campaign for decision-making by, and reporting to, Parliament;
- Human rights: Bill/Charter? Prepare for a PR campaign by federal government; and

- Prisons: Indigenous youth particularly, but the increasing cost to the taxpayer.

It continues to be a major struggle to put CLA issues on the national agenda, rather than reacting to the agendas of other people. However, we keep striving. We also act in response to requests, making submissions to governments to improve legislation/treaties, commenting on proposals, and putting forward ideas in response to department and agency request, etc.

In 2010, CLA made major submission to legislative bodies and agencies on 23 separate topics, six in the ACT jurisdiction, one in Tasmania and one in WA. The previous year, CLA made 20 submissions.

In 2010, we formally declined to make submissions on another 12 topics where we were invited to do so, and informally declined on at least a dozen more.

The escalating number of requests for CLA research, analysis and expert commentary points to how much government relies on the "free" services of bodies like CLA and other legal, civil liberties and human rights groups. Our volunteer members – often experts in their own field of law and/or society – provide detailed, quality commentary to improve draft legislation and regulations at no cost to government. CLA estimates that each submission, on average, would cost about \$10,000 at minimum to produce if done on a consultancy basis for government.

Based on this estimate, CLA has provided \$230,000 worth of value-added knowledge and expertise to governments (mainly the federal government). It is entirely inequitable that the federal government provides no support or subsidy or recompense to CLA, or similar bodies, for the massive amounts of free, expert counsel and advice the government receives...in fact, expects and depends upon to make its legislation better.

CLA believes, strongly, that the federal government should commission a study to determine how best to provide recompense to such civil liberties and human rights organisations who serve and service the government, and are self-funding. CLA would be happy to accept a paid consultancy from the federal government to undertake the task.

The Board once again thanks the lawyer and non-lawyer members of CLA who contributed to drafting, editing and finalising submissions and who, by so doing, contributed greatly to the better operation of national, state and territory laws, regulations and codes throughout Australia.

Submissions made by CLA in 2010:

- Bail law provisions (Tasmania): CLA made direct request to Tasmanian Attorney-General for a referral of the issue to the Tasmanian Law Reform Commission
- Crimes Legislation Amendment (Sexual Offences Against Children) Bill 2010

- Criminal Code Amendment (Misrepresentation of Age to a Minor) Bill 2010
- Developing a Model Dispute Management Plan: National Alternative Dispute Resolution Advisory Council
- Further independent review of Part 1D, Crimes Act 1914
- National DNA Database: Forensic Procedures Review ('The Ford Review')
- Healthcare Identifiers Bill 2010
- Human Rights (Parliamentary Scrutiny) Bill 2010 and the Human Rights (Parliamentary Scrutiny) (Consequential Provisions) Bill 2010
- Joint Select Committee on Cyber-Safety: safety of children and young people online
- Legal Costs Committee, Department of the Attorney General of WA, on the Legal Profession Act 2008
- National Drug Strategy 2010-2015 Consultations
- National E-Health Transition Authority
- National Security Legislation Amendment Bill 2010 and Parliamentary Joint Committee on Law Enforcement Bill 2010
- R18+ video: should the Australian National Classification Scheme include an R18+ classification category for computer games?
- Reform of the Australian Federation
- Scrutiny of Bills Committee: future direction and role
- Universal Periodic Review (UPR) of Australia at the 10th Session of the UN Human Rights Council in 2011: contribution to Australian NGO submission.
- Civil Dispute Resolution Bill 2010 [Provisions]
- Corporations Amendment (Sons of Gwalia) Bill 2010
- Family Violence Inquiry (Australian Law Reform Commission)
- Inquiry into the adequacy of protections for the privacy of Australians online (we supported the Australian Privacy Foundation's submission)
- Inquiry into Freedom of Information Amendment (Reform) Bill 2009 and Information Commissioner Bill 2009
- Inquiry into Telecommunications Interception and Intelligence Services Legislation Amendment Bill 2010
- Review of the ACMA guidelines for broadcasters
- Reviewing the Police Powers and Responsibilities Act 2000 (Queensland)
- Inquiry into Sex and Age Discrimination Legislation Amendment Bill 2010 [Provisions]
- Crimes Legislation Amendment Bill 2010
- Inquiry into the Civil Dispute Resolution Bill 2010

Submissions CLA made to the ACT Legislative Assembly:

- Access to Justice Initiative (introduction of a 'virtual' District Court, and other cost-saving measures)
- Crimes (Surveillance Devices) Bill 2010
- ACT Assembly's inquiry into the operation of the Freedom of Information Act 1989
- Review of ACT Mental Health Legislation
- Review of Police Criminal Investigative Powers
- Road Transport (Drug Driving) Bill 2010 (several sections interfere with human rights)
- NOTE: In many cases, ACT legislation is similar to legislation in other states and the NT, and allows CLA to determine a national position on 'mirror' laws.

A selection of submission requests NOT responded to:

- ACT Standing Committee on Justice & Community Safety: Inquiry into Campaign Finance Reform
- Aviation Crimes and Policing Legislation Amendment Bill 2010

Board members carried much of the workload, particularly Tim Vines, Lance Williamson, Anthony Williamson, Kris Klugman and Bill Rowlings.

Many members provided special assistance, including Canberra's Arved von Brasch on internet and censorship issues, Rhys Michie in Melbourne (*pictured*), Liz Murray and Rex Widerstrom in Perth, and Michael Hodgman and Greg Barns in Tasmania.



CLA is frequently asked to take up individual cases of people who feel they have been treated poorly or unfairly by 'the system'. Mostly, they are seeking some form of legal redress: as CLA is not a law firm, we are not licensed to give legal advice, and we do not do so. However, we can often point out options to these people that they may not have considered, and we can steer them towards community and/or similar legal services which may be available to them.

Rarely, we feel there is no assistance available to the disadvantaged person and we believe a useful public civil liberties/rights lesson could be learned by following the matter through. The constitution allows CLA to consider taking on the matter and seeking pro bono help or paying for legal assistance.

One such case is possibly in the offing, where police in rural NSW allegedly exceeded their powers and forced entry to premises without valid reason, intimidating and causing mental trauma to the husband and wife householders.

This case may go to court in 2011.

Successes:

Election 2010: CLA wrote to and emailed the major parties, seeking their statements on civil liberties and human rights issues, before the 2010 federal election in August: the results were posted on the CLA website five days before the election. See:

'ELECTION 2010: Where parties stand on liberties'

<http://www.cla.asn.au/0805/index.php/articles/2010/election-2010-lbr-g-where-parties-stand-on-liberties>

During 2010, we had success in convincing the Commonwealth Ombudsman to reverse that body's original stance, and to endorse CLA's contention that the Australian Federal Police are obliged to provide access to a lawyer to detained people before they are charged. The matter continues, with CLA attempting to access both Ombudsman and AFP documents under FOI. The issue is of such fundamental importance to access to justice throughout Australia that we will continue to focus closely on it. While CLA's dispute is with the AFP, the outcome will have an impact on how all Australian police forces operate.

CLA's campaign to raise the extremely worrying issues surrounding COAG, SCAG and 40 other 'Ministerial Councils' is starting to gather momentum. We expect to hear much more public debate on the matter during 2011. COAG (the Council of Australian Governments) involves basically the Prime Minister, Premiers and Chief Ministers acting as a supra-parliamentary, undemocratic body to make national decisions, almost invariably without full and transparent consultation. Similarly, SCAG (Standing Committee of Attorneys-General) operates in similar high-handed manner, with virtually only bureaucratic and police/security forces input, to make new, extended and more draconian laws without consulting appropriately with the Australian people.

There are 40 other such councils – transport, water, indigenous, health, and so on – which also act as peak councils of federal and state ministers who operate, decide and legislate mostly without consultation in a manner that is entirely beyond the Australian Constitution.

These mechanisms have been developed for the convenience of executive government. They do not operate to serve the best democratic, open and transparent interests of the Australian people. This is a major issue, identified and highlighted by CLA over the past few years, which needs national focus and debate to rein in the accelerating excesses of centralising governments.

Carrying over from last year's annual report, we continue to highlight the need for the federal government in particular to abide by Model Litigant Obligations to act honorably when dealing with the Australian people. In this CLA-led campaign, we continue to work with the Law Council of Australia (LCA), the Australian Lawyers Alliance (ALA) and the Institute of Public Administration Australia (IPAA).

Involving members in projects/activities

As usual, CLA benefited greatly from significant contributions by a number of members during the past year.

In WA, no member was more diligent in providing information to the CEO, in writing letters to the editor, or in following up on civil liberties and human rights issues than Brian Tennant. His dedication is extremely valued. Similarly, Rex Widerstrom and Elizabeth Murray provide consistent support, while other members have assisted with one-off projects.

In Tasmania, we hope during 2011 that the government will refer a thorough review of the state's bail laws to the Tasmanian Law Reform Commission. Several members are expected to become involved in making submissions and presentations, should the review go ahead.

As noted, members elsewhere throughout Australia have continued to provide detailed input when asked, especially with submissions and in response to specific requests. We are also very fortunate to have a wide range of expertise, legal and other, on call and members who are willing to give of their time and knowledge freely. As well, we have several members in key locations who are planning to develop and expand the organisation where no other civil liberties and human rights groups operate, particularly in the north of Australia. This will be a focus during 2011.



Phyllis Ives (*left*), as Manager Inquiries, assessed and directed the many and extremely varied questions coming into the organisation through the website –

<http://www.cla.asn.au/> – throughout the year. Members around Australia are on call to answer the inquiries she directs to them, based on their knowledge and expertise. The help of those people is greatly appreciated. (For a rundown on CLA's policy in dealing with such inquiries, please see the 2009 Annual Report).

In 2010, we continued to focus on trying to strengthen local groups. However, it is a tough task to find the right one or two people in each state/community who have the ability and time to devote to building a core group locally and raising local awareness in the media by being available for comment, and by offering articles and media releases on local and national issues. If any member can suggest someone in their neck of the woods who might take on a coordinating role, the Board would be delighted to hear about them.

The Board during 2010 continued to grapple with the difficulties of changing from a centrally-controlled body to one where there are more locally-generated initiatives. This is a problem we share with most other national bodies in like

fields to ours, such as the Australian Privacy Foundation and the Australian Republican Movement. During 2011 we will continue to work with these and other like-minded bodies to assess how we can all get 'better bang for our buck'.

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, and with the APF and ARM.

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) and the Attorney-General's Department. President Dr Kristine Klugman attended the DFAT/AGD annual briefings held in 2010.

Some key conferences/forums CLA attended in 2010 were:

- Discussions with the National Advisory Committee on Alternate Dispute Resolution Roundtable (armed with suggestions from 12 CLA lawyer members)
- Magistrates Court ACT for hearing high profile case involving a member
- Hearings (3) of House of Representatives Standing Committee on Indigenous and Torres Strait Islander Affairs, re Indigenous juveniles in criminal justice system
- Woroni student newspaper staff meeting: CEO gave talk on news production
- Forum on War Powers organised by Greens Sen. Scott Ludlam (WA): CEO gave address, spoke to submission
- ANU Centre for European Studies: launch 2010 program
- Department Foreign Affairs and Trade Non-Government Organisation consultation
- NADRAC (alternative dispute resolution)
- Former Parliamentarians' gathering Old Parliament House: 'Populate or Perish'
- Centre for International and Public Law's 20th anniversary forum, ANU
- Presentation by Dr Christopher Michaelson to the Australian Federation of Islamic Forums
- Friends and Families of Drug Law Reform AGM
- Australian Republic Movement AGM
- Australian Privacy Foundation, attended 'electronic' AGM and board meeting – observed technique
- ACT Law Society continuing professional development lecture by Tom Howe QC, Australian Government Solicitor, on Legal Service Directions and Model Litigants
- Conference: Two-day conference, Senate Committees and Government Accountability, attended by President and CEO (see website for report)

- Prof John Braithwaite, lecture Papua and restorative justice
- Book launch at National Library of Australia of CLA member Peter Stanley's book, *Bad Characters: Sex, Crime, Mutiny, Murder and the Australian Imperial Force*, published by Pier 9
- Sexual Assault Reform Program, community consultations, CLA representatives Noor Blumer and Kris Klugman

Some other key meetings during 2010 occurred with:

- Information Commissioner, Prof John McMillan
- ANU Chancellor Gareth Evans
- Senator Trish Crossin (chair of the Senate Legislative and Constitutional Affairs Committee), Senator Gary Humphries, Senator Bob Brown, Senator Scott Ludlam



Photo shows CLA President Dr Kristine Klugman and Senator Bob Brown meeting in his office in Hobart.

- MHRs Robert Oakeshott, Daryl Melham, Melissa Parke, Annette Ellis (now retired)
- Director, Aust. Institute of Criminology, Dr Adam Tomison
- UNSW, through member Dr Christopher Michaelson
- Law Council of Australia (Rosemary Budavari, Sarah Moulds)
- Supreme Court Justices ACT, Malcolm Gray and Richard Refshauge, ACT Bar Association, Law Society, Human Rights Commission, ACAT Appeal President Bill Stefaniak
- Speaker ACT Legislative Assembly Shane Rattenbury, Minister Stephen Corbell and MLAs Vicki Dunne, Jeremy Hanson, and Mary Porter
- Editors, metropolitan and regional newspapers, university newspapers
- Barristers John Purnell, Shane Gill, Dr Bernadette Boss, Clare Carnell.
- President, Australian Federation of Islamic Councils, Ikebal Patel
- Clerk of the Senate, Dr Rosemary Laing
- Dying With Dignity ACT President, Dr Beryl Rawson (deceased)

- Michael Curtotti, Australian Human Rights Council
- John Croll, CEO, Media Monitors
- Human Rights Law Resource Centre, Phil Lynch

CLA member Keith McEwan made a special-purpose visit to Townsville with a view to visiting Palm Island to assess first-hand the difficulties faced by island residents. He was unable to gain access to the island.

Lectures and outreach

Sponsorship:

For the first time, CLA helped sponsor a conference. We chose the National Indigenous Legal Conference held at ANU in early October. CLA agreed to a small sponsorship, and to support the attendance of some Aboriginal legal students from James Cook University, Cairns. While the attendance of the JCU students fell through for administrative reasons unconnected to CLA, the conference itself was a most rewarding exercise. The President and CEO chaired some of the NILC sessions, which were extremely educational and revealing.

Many CLA members attended the conference, at least in part, including Board members Noor Blumer and Tim Vines, and we were able to sign up new members to CLA.

Internships:

Also for the first time, CLA undertook supervision of an internship by a student, Auneesh Kishore (*right*), at the University of NSW. Sydney member Dr Chris Michaelsen, who lectures at UNSW, organised the internship, and was assisted in supervisory duties by CEO Bill Rowlings.



Auneesh's topic was *Restorative Justice in the Pacific*. At year-end, another UNSW internship program was being finalised.

At ANU, an internship began with Cate Le Mesurier in relation to the rule of law in Australia and France, with supervisor Asmi Wood.

The late-2009 internship paper of Kelly Haines-Sutherland, *Does the Pacific need a special charter?* was published in the 2010 ANU Undergraduate Research Journal in October 2010, organised by ANU internships supervisor Peter Ford. See: <http://www.cla.asn.au/0805/index.php/students/> Kelly received high marks for her work, which was supervised for CLA by ACT barrister Dr Bernadette Boss.

Interstate liaison

The main interstate activity in 2010 was a visit by President Kris Klugman and CEO Bill Rowlings to Melbourne, Launceston and Hobart and Bendigo.

In Victoria, the aim was to collect ideas and suggestions from members for closer cooperation with Liberty Victoria, and possible expansion into major centres outside the Melbourne Central Business District.

In Tasmania, the objective was to create interest and promote membership of CLA after the demise of the Tasmanian Council for Civil Liberties and collapse of its website after the death of principal organiser, Paul Storr. We made contact with another senior member of TCCL met on a previous visit to Hobart, who was ill and not in a position to carry on the work of the TCCL, but happy for CLA to fill the void.

There is a need for at least one active group in Tasmania, to network nationally and make the CLA executive and board aware of local issues and legislation which could have national implications. To this end, we met with a number of interested people, and with CLA members in Tasmania. In general, we found a great deal of interest and commitment to being involved, which was very encouraging.

In Melbourne, CLA members took part in an interchange of information on current civil liberties issues: Mary Walsh (voluntary euthanasia advocate and community activist, now deceased), Lyn Allison (ex-Democrats leader and active in a wide range of community affairs, particularly aged care), Lesley Vick and Ken Davidson (editors of *Dissent* magazine), Rhys Michie (law graduate, interest in shield laws), and Bob Sercombe (ex-MP and consulting to nations in the Pacific).

Topics covered included:

- power of attorney to protect privacy of computer personal information when someone dies;
- conditions put on NGOs by government funders re their operations;
- official visitors needed at detention centres;
- CLA project to review rules in prisons;
- nursing homes: the right of old people to be treated as adults, with rights, rather than as children (federal law disallows use of restraints, staff need constant supervision re quality of care);
- mental health in prisons;
- euthanasia legislation;
- current 'tough on crime' TV and print campaign of Victorian Opposition: how to provide a balanced message; and
- regional human rights body for Pacific nations.

The "tough on crime" campaigns pre-state election were worrying, and there was a clear danger the election rhetoric

would descend into what Bob Sercombe described as a 'race to the bottom'.

In Launceston, CLA met with Ross Story and Rod Synfield, representatives of the Tasmanians Against Pulp Mills (TAP) group, and offered help in framing strategies. We explained our interest was in the inequity of s11 of the Pulp Mill Assessment Act, which is an anti-individual rights section.



At night, we held a public meeting organised by local CLA member Jim Collier at an old church/hall called *Chalmers* (pictured), generously made available by owner Ken Partridge. Attendance probably suffered from a torrential storm with record rainfall half an hour before the appointed start time. In spite of the weather,

about 25 drenched people attended and enjoyed an Irish folk song from local folk singer, Brian Mooney, to open proceedings.

Following a brief explanation of the purpose of the visit and activities of CLA, various issues were raised, including:

- planning issues;
- forestry burning off (sinusitis, hay fever, asthma);
- nepotism in politics;
- SLAP writs;
- internet censorship/blacklist.

Several people joined CLA, and the atmosphere during the meeting and afterwards was positive.

We also had a long meeting with CLA member Jim Collier to discuss future activities, and met Don Wing, Independent Member of the Tasmanian Legislative Council, who is extremely supportive: he is very interested in prison reform, and curbing the powers of COAG, SCAG and the 40-plus federal ministerial councils.

In Hobart, we met with current and prospective CLA members: Margaret Reynolds (ex-Senator Queensland and now heading the disabilities organisation), Greg Barns (barrister, human rights activist and prison reformer), Senator Bob Brown (leader Greens), Kate Burton and Andrew Wilkie (focus of discussion on structure and liability insurance), and Prof Kate Warner (Law Reform Institute, University of Tasmania, student contacts).

Topics in meetings ranged over current issues in the Tasmanian parliament following the state elections and changes in balance of power. Of particular interest is whether this gave Civil Liberties Australia ANNUAL REPORT 2010 -

an opportunity to introduce a state bill of rights, following the federal failure to follow the recommendations of the community consultation process. Then Attorney-General, now Premier, Lara Giddings has since started the consultation process towards achieving such a bill. We had a phone conversation with former federal and recently-retired state MP, Michael Hodgman, who was unable to meet us for health reasons but who is very supportive.

In Bendigo, on the return leg, we met with long-standing CLA member Keith McEwan who reported on his recent trip to Townsville. Though he did not get to Palm Island as planned, he had valuable discussions on local Aboriginal issues and was able to provide a detailed rundown for future CLA activity in the area.

The annual interstate visit(s) by CLA Board members is a key component of building the organisation into an active national entity. In 2011, we expect to concentrate on the northern half of the country.

Presentations

We continue to make presentations to groups and in areas where we are not preaching to the converted. It is easy to talk with like-minded people, but it is more effective to try to convince sceptics of the veracity of our arguments.

Dr Chris Michaelsen presented to the Australian Federation of Muslim Councils conference in Sydney in May, speaking about the rights questions around wearing of the burqa.

Director/media spokesperson Tim Vines represented CLA, appearing on a workshop panel on youth privacy, at the fourth international Virtual Global Taskforce Conference in Sydney in November. The Australian Federal Police, in conjunction with the Virtual Global Taskforce, hosted the two-day conference of about 240 delegates from 23 countries.

Membership

A few members are switched on to helping to keep up membership numbers by working to retain existing members and secure new ones. The Board would be delighted if each member asked just one colleague, neighbour or acquaintance to join CLA during 2011.

Equally, there is always room for members to volunteer to help...on a project, with some administrative work, or by writing their own thoughts as articles or opinion pieces.

The Board would like to see a 10% net increase in membership in 2011, and a 10% increase in the volunteer activities of members. If you can help on either score, please do.

At 31 December 2010 CLA had 256 financial members, a net increase of 12 during the year, or an increase of about 5%. This was a pleasing rate of growth over what has been a difficult year for non-profit organisations.

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

Year	Financial Members at 31 Dec
2004	17
2005	62
2006	121
2007	169
2008	224
2009	244
2010	256

CLA has members in every State and Territory, and 50% of our members live outside the ACT, the organisation's birth-place. 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.

* members without email receive a printed copy, by post.

Finances and development

Finances

The audited statement that follows (*see last page*) is largely self-explanatory. Income of \$7238 was 4.4% higher than last year's income; expenditure of \$4066 was 23% higher than last year's. There was a surplus of income over expenditure of \$3172 leading to an accumulated balance of \$13725 to carry forward.

Income from membership fees was over 3% higher in 2010 than in 2009, though our membership fees have been held constant. Income from renewals was up, income from new memberships was down. Donations were also higher than for the previous year.

As covered elsewhere in this report, we commenced in late October a new system for handling membership records, fees and donations. Importantly, this offers members the option to join or renew on-line and then remain on-line to pay straight away using their credit card or debit card. Members' personal information is secured by password and at no stage does CLA have access to credit card numbers.

We expect the new system to substantially reduce the incidence of unidentifiable deposits to our account. However, there is one person out there who intended to pay a membership fee in November and has instead made an anonymous deposit!



Photo: Director and Webmaster Lance Williamson (left) and Treasurer Kevin Popple work up the new financial and membership system.

Under the new system, members are effectively updating our membership data-base directly. This relieves the Treasurer or Membership Secretary of a tedious and exacting task and reduces the chance of errors in the record.

So that CLA can fully reap the efficiency advantages of the new system, we urge members to use the new facility to pay by card. Of course, you still have the options of paying by direct deposit or by cheque or cash; but if you use these methods please remember to tell us who is paying. The simplest way to do this is to quote the invoice number that you receive when you select "join" or "renew" on the website and nominate your method of payment.

As usual the bulk of our expenditure has been on communications with members and the public. As was foreshadowed in last year's report, the major increase in this category has been in web expenditure on the implementation and operation of the new on-line system for handling membership records and income.

Travel has become a more important expenditure item in the last couple of years because a small proportion of the travel undertaken by office holders on behalf of CLA has been charged to the account.

The Sponsorship item is a one-off sponsorship of the National Indigenous Legal Conference in Canberra.

– Kevin Popple, Treasurer

Website:

CLA during the year continued to improve its website offerings to its members and the public. There was a host of minor changes to layouts, presentations and workings of the website, but like many things these improvements go unnoticed* but are essential for website performance and security.

On average the website has 5,000 unique visitors a month who make an average two visits each month to the website. The website is particularly busy between 9-11am each day with a strong overseas following. Firefox is the preferred

browser of visitors with a very small iPhone user base; the website is SmartPhone (iPhone et al) and iPad (and similar device) compatible.

Most members will have noticed that in November 2010 CLA implemented its on-line membership and donation system which enables joining and renewing membership on-line using credit/debit cards and the old-fashioned cheque and direct bank deposit options. Membership renewal notification is now by email and you are encouraged to keep a lookout for our reminder email.

While the on-line system enables ease of payment by members, it also facilitates CLA's administrative processes.

The take-up rate for payment by credit/debit card (62%) has been popular and pleasing. The on-line site is secure, uses a 'third party gateway' process and retains no card details.

Access to main website articles has also been improved with Facebook and Twitter added to the RSS feed options for alerting members to new content.

Following the last federal election and its focus on internet censorship, the Board decided that the public was sufficiently informed on the censorship issue to warrant a change in emphasis in our campaign. The CensorFree website was incorporated into the mainstream CLA website following a successful two-year operation.

The eAGM last year attracted a 57% participation rate which was similar to the first year it was undertaken (2009). The high participation rate is very pleasing and is justification for the extensive and extended effort required in preparing for an 'electronic' element of the eAGM.

* The changes may go unnoticed, but they can be tracked, because the National Library of Australia archives the CLA site on a yearly basis.

– Lance Williamson, Director and Webmaster

Administration

Funding

CLA has adequate funds for its current way of operating which depends heavily on community volunteerism. Like most organisations, we expect to grow in what we tackle and what we achieve. The key transition will be from a totally voluntary organisation to one with part-paid staff, then eventually a fully-paid operation.

As mentioned earlier, were the federal government to pay – even at 50 per cent – for the service it receives, then the initial growth step for CLA would be fully funded. Beyond that, we are looking for a number of individual or corporate members who could guarantee sufficient funds for the first three years of a gradually expanding program, costing about \$125,000 a year. In three years, the professional staff would

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be expected to secure their own funding beyond that timeframe.

A start to securing these funds requires a change of emphasis at Board level. We need to allocate more resources to fund-raising, and to broaden the base of members working on lobbying, networking and membership tasks.

Management

Management systems have been improved significantly over 2010, particularly by the work of Webmaster/Director Lance Williamson and Treasurer Kevin Popple. The new database system is a major development which allows relatively easy expansion of membership numbers and administrative efforts: while coping now with nearly 300 members, it could expand quickly to 3,000 or 30,000 if the need arises suddenly.

The challenge continues to be balancing growth in core business – civil liberties and human rights work – with the business of doing business, which running any busy and growing organisation demands.

Media and communications

2010 communications overview

Media work in 2010 covered a multitude of issues, including:

- The rights of bloggers and citizens to comment anonymously on state elections;
- Standing up against 'anti-bikie' legislation which restricts freedom of association and civil liberties based on secret evidence;
- The growing reliance on secret, unchallengeable, police evidence by administrative boards (eg. liquor licensing boards);
- Discrepancies and unfairness in sentencing federal prisoners;
- The privacy of nightclub and bar patrons and international travellers; and
- The right to use the internet free from unjustified and unlawful police surveillance.

On some fronts our media and campaigning work brought success. For example, during the SA elections CLA and other online rights groups were successful in changing the state Attorney-General's position on anonymous online election comments, with the ultimate promise of achieving a change of legislation. We also issued a joint press release with Digital Tasmania about similar restrictive internet blogging laws during the Tasmanian election.

While 2010 could have been the year Australia adopted (or at least fully debated in Parliament!) a Charter of Rights, the Rudd/Gillard Government, and Attorney-General Robert McClelland, swept the issue under the carpet. Read our media release in response to this political cowardice here: <http://www.cla.asn.au/0805/index.php/media/2010/australia-ns-lose-over-rights> .

If 2010 demonstrated anything it's that the 2011 election in NSW won't be a debate of ideas but a flea market of our rights and liberties. Up for sale in 2010 in the SA, Federal and Victorian elections was the right to a fair trial (SA's introduction of 'propensity' evidence), freedom from government electronic surveillance (Minister Conroy's misguided internet filter and ISP dob-in-a-client law) and even the protection of what few rights we have won after a long hard fight (the new Victorian Government is 'reviewing' that state's five-year-old Charter of Rights and Responsibilities).

This is just a small list of the many policies which were hidden away in each party's platform. To help CLA members and public determine which party was the most human-rights friendly we wrote to all major parties (and significant independents and minor parties) involved in the Commonwealth election with a series of questions. Their answers were placed on our website before election day. We will do the same for the NSW election in March 2011.

Media spokespeople:

During 2010, we began a program of expanding the number of people who can speak out on CLA's behalf:

- Greg Barns is now CLA spokesperson for Tasmania on relevant issues.
- Also in Tasmania, Jim Collier is convenor and local spokesperson for Launceston.
- Rex Widerstrom is convenor in WA and local spokesperson in Perth and has contributed greatly to CLA's work on WA prisoner and parole issues this year.

Other key 2010 media work included:

National:

- ABC TV *Lateline*: Extended interview with media spokesperson Tim Vines on discrepancies between States in sentencing on federal crimes; Nonee Walsh, ABC journalist, regarding Bryce case and reforms to federal sentencing legislation.

- Online news blog about airport security (backscatter x-rays) and general civil liberties;
- Email briefs for Ross Bennett, journalist for *Photography* magazine, about onerous restrictions on commercial and non-commercial photographers in Commonwealth and State national parks (and council land).
- DNA and privacy: newspaper and radio interviews in several states.
- Online article (CLA website) on sunset clauses, function creep and broken political promises in war on terror search laws.

States/Territories:

- Radio SA: restrictive blogging laws.
- Radio Adelaide: Julia Gillard's proposed student registration scheme.
- Interview with Sarah Mennie (*Sunday Times*, SA) about nightclub ID issues.
- Extended interview Radio FIVEaa South Australia on civil liberties generally.
- Radio ABC Canberra: on the Surveillance and Serious and Organised Crimes bills, introduced into the ACT Legislative Assembly.
- Radio 2CC ACT Mark Paton: death penalty and Tony Abbott's wavering remarks on ABC radio.



- 2XX ACT with Bill Tully (*left*), on elections and the failure of governments to live up to promises.

- Airport scanners: early page lead in *Sunday Canberra Times*, with quotes from Tim Vines.
- Radio: Interview City Park Radio, Launceston.
- Interviews re Tasmanian bail laws, and need for reform.
- Consultations re media approach with Hobart lawyers.
- Byron Vale of *Sunday Courier Mail* Qld about online privacy, specifically regarding Facebook and Google.
- WA: Random Roadside Drug Testing and concerns over 1 in 8 false positives.
- Nova FM radio, Perth: Reforms to Liquor Act allowing the Police Commissioner to ban 'quarrelsome' patrons from local pubs for up to a year and to place their name, photo and suburb on a 'name and shame' website.
- *West Australian*: Proposal to introduce WA Anti-Social Behaviour Orders (ASBOs) and the reforms to Liquor Act.

- *Radio Atticus* (Law program, 2SR) on NSW Anti-Motorcycle Club Laws
- Responses to student inquiries: NSW student on proposal to ban the burqa; SA student T. Walker about the Evidence (Propensity Evidence) Amendment Bill 2009 (SA); SA students on SA Anti-Motorcycle Club Laws and Propensity Evidence; WA journalism student's questions on Journalism and Democracy in Australia.

– Tim Vines, Director and Media Spokesperson

Public communication:

Australia Day letters: On the eve of 26 January annually, we release CLA's Australia Day letters. They are the exclusive annual 'signature' activity of CLA, on Australia's annual special occasion, usually aimed at airing issues not currently in mainstream discussion. The topics for 2010 were:

- *Are young Australians still at risk of facing the death penalty in Bali because of the AFP's continuing intelligence-swap policy?* (to Home Affairs Minister Brendan O'Connor);
- *What is Australia doing, actively, to persuade Pacific Island and Asian countries to abolish the death penalty?* (to Foreign Minister Stephen Smith); and
- *Will the Labor, Liberal and Greens in the ACT commit to earlier consultation on major issues, rather than burying decisions in short, hidden Budget deliberations* (to the three party heads - this letter is intended as a model for other states on future Australia Days, just before elections).

On the matter of the intelligence-swap policy, the AFP and the government continue to obfuscate and to hide behind weasel words. There is nothing surer than a Bali 9-like situation will emerge again unless clear and transparent changes to information exchange policy are made, and committed to publicly.

The response to the death penalty letter was along the lines that 'Australia is doing all it can' to influence its neighbours. CLA does not believe this is true. Australia is not actively campaigning to abolish the death penalty in the region, which is its obligation under international protocols.

The CLA letter to the ACT party heads anticipated, to some extent, the outcome of the federal election, where there was a nation-wide cry for more consensus-based political decision-making.

CLArion:

During 2010, we receive some criticism, and many compliments, for *CLArion*, the regular newsletter sent by email on the 1st of each month. Perhaps the best compliment this year was:

"What a great and ballsy newsletter !!!!!"

CLArion usually covers about 14-16 A4 pages, and is sent out in three different versions: the email version goes to members as email text; a second version is available in PDF format; and a third 'print' version, collated into two columns and with photos and illustrations, can be sent electronically but is designed to be printed duplex (back and front of the one sheet) to allow easy mailing.

The print version is mailed to about 12 members and some six other key allies who prefer their newsletters the old-fashioned way, rather than electronically. It is also a leave-behind item to read when we visit MPs and other key influencers as part of our lobbying efforts.

About two-thirds of *CLArion* covers topical civil liberties and human rights matters in Australia, while the other third carries significant items from overseas plus dates of upcoming events in Australia. CEO Bill Rowlings edits the publication, with help from many people but particularly director and media spokesperson Tim Vines and members Robert Briggs, Roger Clarke, Brian Tennant and Liz Murray. Many non-members also help by sending in items of potential interest. The work of member Rosemary Jennings (*right*) in proof-reading the final draft of *CLArion*, and of other main CLA publications, including this annual report, is enormously valued.



Looking ahead to 2011:

In 2011, CLA is expecting to tackle new and emerging issues. Some to keep an eye out for include:

- Ongoing concerns over the use of backscatter (aka. naked) x-ray scanners at airports or invasive pat-downs;
- Continued growth in laws in several states allowing a police commissioner to declare an area 'high risk' with the effect that police no longer need 'reasonable suspicion' before conducting a search or strip search of individuals in that area (these declarations are unchallengeable and can last for up to a year);
- The review of Australia's censorship/classification laws is expected to heat up with big impacts on digital rights and Minister Conroy's filter;
- Continued calls for 'stronger' police powers to enter property, seize and sell goods or tap your communications without the need for a judicial warrant;
- Health privacy issues as every Australian is given a unique Health Identification Number, to be linked to their doctor's files;

...and the never-ending grab for personal information by private businesses. like phone companies for example, who have no need to hold it and who are likely to lose it.

VALE:

Several CLA members died during 2010:

Michael Firestone: mental health worker and campaigner, who fought a long battle with the ANU about student rights. Died February.



Mary Walsh: Outstanding campaigner in Melbourne for individual rights, keeping local government councillors honest, and for dying with dignity, herself died in June.

June McEwan, wife of member Keith McEwan, nurse and carer for people, died in October.

Beryl Rawson, emeritus ANU professor and world expert on the children of Rome, died in October.

Audrey Croll, a member herself and wife of Richard, died in December.

Acronyms:

ACAT	ACT Civil and Administrative Tribunal
ACMA	Australian Communications and Media Authority
AGM	Annual General Meeting
AFP	Australian Federal Police
ANU	Australian National University
APF	Australian Privacy Foundation
ARM	Australian Republican Movement
ALA	Australian Lawyers Alliance
AusCheck	Australian Security Vetting Service/ Background Vetting Service
CEO	Chief Executive Officer
CLA	Civil Liberties Australia
COAG	Council Of Australian Governments
DNA	Deoxyribonucleic acid
'e'	(see e-Health) electronic method of delivering service
FoI	Freedom of Information (legislation)
Inc.	Incorporated
LCA	Law Council of Australia
MLA	Member of the Legislative Assembly
NADRAC	National Alternative Dispute Resolution Advisory Council
NGO	Non Government Organisation
pro bono	free of charge, for the public good
QC	Queen's Counsel
IPAA	Institute Public Administration Australia
SCAG	Standing Committee of Attorneys-General
TCCL	Tasmanian Council for Civil Liberties
UN	United Nations
UNSW	University of New South Wales

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 lapsed, being formally de-registered by the ACT Registrar-General in the early 2000s period.

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

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

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

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

In 2009, an electronic Annual General Meeting (eAGM) was held for the first time. In 2010, the organisation moved to a fully electronic database for membership and financial management.



Civil Liberties Australia

Box 7438 Fisher ACT 2611 Australia

Email: secretary@cla.asn.au

Web: www.cla.asn.au

CIVIL LIBERTIES AUSTRALIA ACCOUNTS FOR THE YEAR ENDED 31 DECEMBER 2010

		2010	2009	2008
		\$	\$	\$
BALANCE B/F		10553	6915	4671
INCOME				
	Memberships			
	New	1555	1645	1780
	Renewal	4565	4275	3010
	Corporate	0	0	0
		6120	5920	4790
	Cartoon Exhibition			
	Sponsorships	0	0	0
	Sales	0	180	0
		0	180	0
	Donations			
	General	917	680	1101
		917	680	1101
	Other			
	Keating show			
	Hicks T Shirts			
	Interest	201	151	126
	Censor-free campaign	0	10	0
		201	161	126
TOTAL INCOME		7238	6941	6017
EXPENDITURE				
	Communications			
	(with members			
	& public)			
	Ink and Stationery	361	741	927
	Printing	0	144	1028
	Web, Internet, Media	1150	622	333
	Postage	630	461	305
	PO Box	80	75	70
	Parking fees	78	36	0
	Functions	158	184	476
	Travel	815	539	
	Publicity	0	0	314
		3271	2803	3453
	Sponsorships/Donations	600		
		600		
	Cartoon Exhibition	0	70	0
		0	70	0
	Censor -free Campaign	24	274	137
		24	274	137
	General Administration			
	Bank Charges	71	3	35
	Other Admin	101	152	150
		171	155	184
TOTAL EXPENDITURE		4066	3303	3774
Surplus		3172	3638	2243
BALANCE C/F		13725	10553	6915
Comprising				
Bank deposits		13725	10553	6884
Cash in hand		0	0	31
		13725	10553	6915

Kevin Popple
Treasurer 2010
10-Jan-2011

AUDITOR'S REPORT

I have examined the financial records and documents supporting these accounts for the year ended 31 December 2010. In my opinion these accounts form an accurate record of the organisation's financial position.

Signed RD

Robert Digan , 16 Templeton Street Cook 2614
Hon Auditor
18 Jan 2011