

## President's report for 2013: Dr Kristine Klugman

10 December 2013 marked 10 years of Civil Liberties Australia. Members and Board Members over that time can be proud of what we have built together. I am certainly honoured to have been able to lead CLA for all that time.

As the Annual Report for 2013 shows, we have achieved quite some success over that period in organisational terms, in a very difficult decade for rights, freedoms and liberties. At some stage, we will need to start regaining ground we lost to the "terrorist threat": in Australia, the threat is mainly evidenced by the loss of traditional liberties and freedoms under draconian laws designed against so-far imagined foes, rather than for the citizens of Australia. It is unlikely we will be able to achieve significant change on our own: the time for a concerted effort nationally by like-minded groups is nigh.

The new Coalition government elected in late-2013 appears likely to provide even more challenges than did its Rudd/Gillard Labor predecessors. CLA has challenged the new Attorney-General, Senator George Brandis, to live up to his oft-repeated words defending freedom of speech and expression. He could start by winding back the more draconian aspects of the terror laws – but when CLA suggested this in a letter to the new AG, we received a pro forma response which did not address the central issue.

The AG has commissioned work by the Australian Law Reform Commission which could lead to better-established liberties, rights and freedoms in Australia. However, there is a danger that we end up with only Brandis-endorsed liberties and rights, which may be overturned when a Labor government comes back into power. It is not in the interests of the average Australian to have "ping-pong" liberties which change with the colour of the government. I suspect the battle throughout 2014 will be to maintain focus on liberties and rights in general, not some interpretation of them from one "wing" or other of political thought.

Sometimes, we in Civil Liberties Australia underplay our achievements. For example, right now we are all involved in the process of holding our electronic Annual General Meeting (eAGM). CLA in 2013 continued its unique eAGM process, with a 58% 'turnout' in the April virtual meeting. Members re-elected the same Board, a sign of confidence by members in CLA's direction. We also received many favorable comments on CLA's activities during the year (and comments from one member who would prefer a physical AGM, a virtual impossibility with our membership domiciled throughout Australia and, indeed, now overseas as well). What is not well known is that we believe we are the first organisation in Australia, of any size, to hold our entire AGM process electronically. We are aware that other organisations hold parts of their AGMs electronically, but not one meets only in the e-world, as we do, we believe. That in itself is a quite remarkable initiative that the Board and the Members contribute to each year.

During 2013, the Board decided that we would deliberately reduce the number of CLA submissions to parliamentary committees...because for the most part the committees do not listen. We will continue to make submissions where it suits us, and where we can achieve reasonable media coverage due to the submission. For example we made about a dozen last year, federally and to the states and territories, but this was down from a peak of 39 two years ago. Our new Board-directed approach is to concentrate more on the media mileage we can get, rather than simply assisting well-paid politicians and public servants to refine their draft work for them. The approach is starting to work, with more coverage coming in longer articles requested by online outlets in the main.

Personally in 2013, I have been moved by the plight of Sue Neill-Fraser, the woman jailed for 23 years in Tasmanian for allegedly murdering her husband. I believe she is innocent. The lack of learning from the



*In August 2013, I inspected the CLA Liberty Tree at the National Arboretum. It is doing well.*

Lindy Chamberlain case 30 years ago, is profound: the Yacht No Body case features almost identical inappropriate treatment of forensic material, police tunnel vision and a legal system more focused on process than reality. It takes only a few key people to take a set against someone for a citizen to become victim: we are all potential victims when the justice system is allowed to become skewed. Once the state has 'ruled', overturning inequity becomes like scaling Mt Wellington with one hand and one leg splinted together, in that the state holds all the material, all the power and all the keys to all the gates that might lead up a rock-strewn path of righting wrongs. Barrister and teacher of courtroom craft, Hugh Selby, has put it well: *"The legal system has checks and balances on how the system works. This is fantastic...unless you are actually innocent."*

In this regard, we are pushing hard to extend the Right to Appeal law, innovatively introduced in South Australia in 2013, to all other states and territories. This law at least gives a wrongly convicted person a chance to get another hearing if material and/or data emerges – as it often does, with dubious forensics – which was unknown at the trial, or wrongly interpreted. We have written to every AG in Australia, and are hoping the Standing Council of Law and Justice will agree to "mirror" the Right to Appeal law when it holds its first meeting in April 2014.

As the 2014 year develops, we are expecting to put effort into three main issues:

- lifting the veil of secrecy surround the Trans Pacific Partnership (TPP) trade negotiations;
- trying to wind back surveillance on Australians; and
- resisting the jingo-isation of the Anzac 100th anniversary, because of its potentially dangerous and excessive, nationalist flag-waving and belligerent overtones.

I close my report for this year with two observations:

The first is that civil liberties groups will only achieve to their full potential in Australia when they combine their limited resources. In the spirit of building cooperation, CLA President, CEO, V-P Tim Vines and Director Saskia Vervoorn attended the 50th anniversary dinner fund raiser for the NSW Council for Civil Liberties in 2013. We congratulated Cameron Murphy on his 13-year tenure as president, and welcomed Stephen Blanks as the new president and Dr Lesley Lynch as the new secretary: CLA agreed to work cooperatively on matters of mutual interest.

Secondly, in reviewing the histories of civil liberties groups around Australia in recent months, it has become apparent that the bulk of work of all these groups has relied on a very few people. Further, when those people die, the groups usually wane. There are several lessons in these histories. Every group requires growing membership numbers, in order that key positions are filled. Sustaining membership is a constant job, increasing it even harder.

I believe CLA (and other liberties and rights groups) performs vital work in our democracy. I further believe CLA cannot continue to rely on purely voluntary workforce. It is too precarious an existence. It is my aim to secure major funding from private sources, in order to employ a CEO, full time, with secretarial assistance, in a formal office location. This person can be buttressed by volunteers, often retired people, uni students and new graduates (sometimes provided from the offices of major law firms).

Please give me any ideas you have: help build Civil Liberties Australia in its second decade.                      ENDS



*At the NSW Council for Civil Liberties 50th anniversary dinner, CLA President Dr Kristine Klugman (right) with High Court judge Virginia Bell (left) and the night's guest speaker, former President of the NSWCCCL and now NSW Supreme Court judge, Carolyn Simpson.*