

## President's report for CLA annual report, on the year 2015

In the day to day work of CLA – submission research and writing, parliamentary committee hearings, networking meetings with allied groups, membership contacts, media interactions, oversight of issues in Australia and around the world – we tend to get bogged down.

But just occasionally, we lift our eyes to imagine a better system for justice, a fairer go for all Australians.

Such an exercise was the 12-month planning, followed by the launch of our **Better Justice** strategy, an ambitious 10-year plan covering many aspects of the criminal justice system.

We encourage all members and interested people to comment on this forward-looking CLA project and to help advance it's objectives. To help members, there's a one-page overview document which sums up the aims. It outlines the strategy across 10 points, with the aim one positive achievement a year for 10 years, not necessarily in any order:

- eJustice: start to bring legal procedures and practices into the electronic age, just like banking has been transformed.
- lower costs in innovative ways to cater for the 'aid v paid' gap, where most ordinary Australians sit in relation to legal matters.
- create formal learning systems for magistrates and judges, and a reporting/monitoring system for their decision.
- develop a system to measure the output/quality of magistrates, judges and DPPs.
- undertake a 100-year review to create common national laws, rules and guidelines for bail, remand, sentencing, parole, etc.
- build on the Freedoms Inquiry and the Qld Bill of Rights debate to create a BoR campaign for Australia (include specific activities for juvenile Indigenous justice and trafficked people).
- mirror the SA and Tas 'Right To Appeal' law in all jurisdictions, and create a system of criminal case review.
- establish a rolling inquiry (or Royal Commission) into federal security/crime agencies and police forces, so each agency/state police force is thoroughly reviewed every 10 years.
- implement OPCAT, the torture convention, which introduces external inspection every two years of all Australia's jails and detention centres.
- introduce a 'Blue paper' system, like green/white papers, so parliament is required to undertake detailed, extensive and public examination of any new terror or security law.

We're preparing a PowerPoint presentation, so that Board Members – or members – can give an address on these points in local communities and among law students/academics and firms/societies. *(Contact the Secretary if you would like a copy of the presentation).*

While all the above points are important, I believe it is time particularly to resurrect the drive for the nation to adopt a bill of rights. Never was a benchmark against which to evaluate new laws more necessary than now.



*CLA President Dr Kristine Klugman held discussions with the Independent National Security Legislation Monitor, Roger Gyles, during hearings in 2015.*

## On civil liberties groups in general

I have some reflections and have drawn some conclusions from the research I have been undertaking to write a history of Civil Liberties in Australia:

- that the substantive work always falls to a few dedicated people, no matter how big the entity;
- that when CL groups become too identified with a political party, they lose credibility and effectiveness;
- that attempts to form a national organisation with entrenched state groups is as successful as herding cats;
- that the environment for CL groups in 2016 is entirely different and far more challenging than in previous decades – because of anti-terror laws, privacy incursion of IT, and increasing centralisation and power to the executive;
- that networks of influence take years to build up but bear results when CL groups are respected and “punch above their weight” (as Sen John Faulkner once said of CLA); and
- that the future depends on young enthusiastic people: CLA is fortunate to have such people, but we could do with many more, both young and old. Please talk with friends and colleagues as we always need more members.

In summary, our efforts bring to mind a passage from *Through the Looking Glass*, by Lewis Carroll:

*"Well, in our country," said Alice, still panting a little, "you'd generally get to somewhere else—if you run very fast for a long time, as we've been doing."*

*"A slow sort of country!" said the Queen. "Now, here, you see, it takes all the running you can do, to keep in the same place. If you want to get somewhere else, you must run at least twice as fast as that!"*

## Achievements in 2015

Undoubtedly, one of the most pleasing successes in the past year was the passing of the new Right To Appeal law in Tasmania.

While we built on the work of Dr Bob Moles, Bibi Sangha and many others in passing the first such law in South Australia, it was CLA who first proposed the new law for Tasmania. We did so as a fall-back: in early 2013, when we began our campaign, it was expected a Petition for Mercy would see Sue Neill-Fraser out of jail within 12 months or so. That wasn't to be.

As time passed, and Sue's own preferences crystallised, it became clear that achieving the passage of the law was critical to getting another shot at justice for someone jailed for 23 years with no body, no weapon, no eyewitness and no believable motive. Her appeal papers were due to be lodged in the first weeks of 2016.

I hope justice will prevail in 2016, and she will be free this year.



– Kris Klugman, President