



ANNUAL REPORT 2017

This is the 16th 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 2017 to 31 December 2017.

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. The public officer is Bill Rowlings of that address. Further information about CLA and its activities, including its Constitution, policies and its office-bearers, is available at: www.cla.asn.au (see *About CLA*)

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

Office-bearers:

Dr Kristine Klugman	President
Timothy Vines	Vice-President
Bill Rowlings	CEO/Secretary
Sam Tierney (from 170820)	Treasurer
Frank Cassidy	Director
Richard Griggs	Director
Rajan Venkataraman	Director
Mark Jarratt	Director
Jennifer Ashton	Director
Margaret Howkins (from 170820)	Director

Highlights/objectives of 2018

Objectives for 2017:

- Carry Better Justice campaign forward
- Put genes issues-laws back on the agenda
- Right-to-Appeal law in more states
- Campaign for more Human Rights Acts
- Publish 'Civil Liberties in Australia' online

Civil Liberties Australia (CLA) achieved most of our objectives for 2017 mentioned in last year's annual report, with the prime success coming when Australia adopted the Optional Protocol to the Convention to Torture.

Now Australia is required, by law, to create a regime of independent inspections for all places of detention, and to facilitate regular international monitoring visits to jails by the UN Subcommittee on Prevention of Torture. Ratifying OPCAT was one of the 10 aims of our 10-year Better Justice program, announced in January 2016. Nine to go.

We continue to work behind the scenes, as apparently the only 'honest broker' with no financial rewards in prospect, to background brief and lobby on the need for a new law in Australia to cover the rapidly-changing field of gene technology. Civil Liberties Australia drafted such a Bill five years ago which could be taken up by MPs. Virtually every day there is a new announcement in medical or rural business of gene breakthroughs. But there is no boundary, and no safeguards for Australians in relation to health, superannuation, life insurance and privacy when it comes to genes. America has a safeguards Act: Australia doesn't.

We hold positive hopes in 2018 for a double extension of the right-to-appeal law, which gives wrongfully convicted people jailed for murder, rape and other major crimes the chance for a second appeal if they can produce fresh and compelling new evidence.

South Australia passed the first such law in mid-2013. Civil Liberties Australia was primarily instrumental in Tasmania 'mirroring' the law in late-2015*.

Now WA and the ACT are actively considering introducing the same law this year. If operating in four jurisdictions, it will be senseless for the other jurisdictions to refuse to bring it in.

* The Tasmanian 'right-to-appeal' law is what is allowing Sue Neill-Fraser to appeal against her conviction for murdering her husband, Bob Chappell, on Australia Day 2009. Civil Liberties Australia believes that she is innocent, and that the island state's "justice" system, including the Tasmanian police and prosecution services, have suffered severe confirmation bias and tunnel vision in presenting a flawed case to a jury bewildered by inappropriate evidence and questionable witnesses.

* Incidentally, in 2017 CLA members Mark and Noor Blumer – to their great credit – brought to the stage in Hobart a play they funded to highlight the plight of Ms Neill-Fraser. "An Inconvenient Woman" was very well received, attracted large audiences and has been nominated by awards. The concept of producing a play about the case was a CLA-idea first mooted some two years earlier.

In terms of human rights acts, the good news is that the current Queensland government is committed to introducing one: if the promise is kept, this should happen in 2018.

In Tasmania, CLA Director Richard Griggs is the face and foundation of the current campaign for a Bill of Rights in that state. He has gathered a group of 20 like-minded organisations who are campaigning for all candidates for the 2018 Tasmanian state election, expected in March, to make a public commitment that they will vote for a Bill of Rights if elected. The Labor Part and Greens have committed to a Bill of Rights, so there is a strong prospect of success if there is a coalition government of some sort.

The Human Rights Acts in the ACT (2004) and Victoria (2006) are operating smoothly, without the world ending because the "little people" now have a baseline document to measure whether or not they are being treated fairly and equitably.

We failed to achieve the fifth of our targets for 2017, publishing a book on Civil Liberties in Australia. We made progress, particularly in gathering more information during a formal executive visit to WA, but other demands have seen the editing and publishing process put on hold until 2018.

Photo: Ch 8 of the book, on the NT, tells of police trying to take over civil liberties.



One of the reasons for slow progress on the book was excessively fast progress on boosting civil liberties in WA, under new Director Margaret Howkins. The details are contained in her report - see later.

We were bedevilled during 2017 by database problems, and with false notices to many members that their subscriptions were overdue. The Board, in apologising for the confusion and inconvenience caused, decided to allocate funds to a major overhaul of the database, which was under way at year's end. We expect our database problems to resolve early in 2018, so we can concentrate on more fruitful relationships with members...and with gaining new members.

New members are the lifeblood of a community organisation like CLA, and we ask each member to engage friends, colleagues and family in discussions with a view to gaining at least one new member per current member during 2018. While all new members are prized, it would be ideal if every member could introduce a new member under the age of 30 during these 12 months.

Refreshing an organisation is a constant task, and this year we were honoured to have two new people join the Board of Directors. Sam Tierney, a man with initial economics/accounting training who then did a law degree, became Treasurer, while Margaret Howkins, a dynamic self-starter with experience in the teaching and psychology fields, made our forward strides in WA possible. We are extremely grateful for the six-year service as Treasurer of Phil Schubert, a Canberra lawyer who stepped down at the start of 2017.

Major activities in 2017:

It is a major task to prepare a submission to government, usually to a committee of the federal parliament, to improve the rule of law and the state of justice in Australia. The 20 submissions by CLA in 2017 meant that we produced one every two-and-a-half weeks, on average. That is a great achievement by and under Director Rajan Venkataraman, and all those members who contributed during 2017 can be proud of their efforts. Contributions from members are welcome, even if it is only one or a couple of sentences to be incorporated within a lengthy document.

The range of matters we covered can be seen in the 'Submissions' report below.

Australia Day letter: CLA wrote to the Prime Minister and the Attorney-General asking for a long-term national inquiry into the state of justice in Australia. We received no meaningful response, other than the AG's patently false claims that he had initiated change during his term, notably with the 'Freedom's Inquiry' undertaken by the Australian Law Reform Commission. At year's end, the excellent reports of the ALRC had simply been referred to government departments "for their consideration". Progress on that front is highly unlikely.

Biometrics and centralised data: We continued to write and rail against the creeping central storage and control databases of personal identity records, but to little avail. The federal government is committed to using facial and/or iris scanning for passengers in and out of Australia, and the Australian Criminal "Intelligence" Commission has already built a photo ID database of the vast majority of Australians...and is adding to it at the rate of some millions every year while doing national police checks (4.75m people checked in 2016-17). During the year, the federal government admitted it had no idea of, and no control over, the location of some of this private data when stored under commercial arrangements. Use of such technology is inevitable, but so far there are no commensurate personal rights to photo checking and

verification, personal records checking or public monitoring and auditing by the community.

Consultations with NGOs: CLA took part as usual in the annual non-government organisation consultation held jointly by the Attorney-General's Department and the Department of Foreign Affairs and Trade. We were also part of smaller DFAT consultations involving bilateral agreement countries, such as Vietnam, Laos and Iran.

Euthanasia: CLA provided a submission to the WA inquiry into end-of-life choices and, at the end of the year, was preparing a similar submission to an equivalent inquiry in the ACT. In Tasmania, a vote in parliament was lost. Meanwhile, the Victorian Parliament courageously opted to introduce euthanasia legislation, after a long inquiry to which CLA contributed a submission. The Victorian campaign was jointly led by CLA member Lesley Vick, as President of Dying With Dignity Victoria, and supported in the Upper House by MLC Fiona Patten, also a CLA member.



Left: CLA President Dr Kristine Klugman and Dying With Dignity Victoria President Lesley Vick at a planning meeting in October 2017.

'War' decisions: We continue to campaign strongly, and to join a growing number of groups and people, who want the power to decide to go war or into warlike situations (other than in an emergency) taken out of the hands of the Executive and given to the Parliament. During 2017 the proposal for a parliamentary veto over 'go to war' decisions was publicly supported by constitutional expert and Dean of Law at UNSW, Prof George Williams, a CLA member.

ICAC: In background briefings and lobbying, we are pushing for the federal government to introduce an 'independent commission against corruption'. We will be campaigning in 2018 for all major parties to make an 'ICAC' an election promise in the next federal poll.

Objectives for 2018:

- People's liberties and rights in aged care
- Justice/legal system reform in Australia
- Carry Better Justice campaign forward
- Campaign for more Human Rights Acts
- Improve CLA's own electronic capabilities
- Publish 'Civil Liberties in Australia' online

Aboriginal juvenile justice: There appears to be an emerging national alignment to end the travesty that is the over-representation of juvenile Aborigines in detention. During 2017 we continued to lobby for better education of police officers in rural and remote areas, particularly of WA, after the Don Dale detention centre inquiry in the NT produced its findings. Keeping young Aboriginal people locked up in Australia for years in appalling conditions, without proper education and training, is a blight on the nation.

Forensic reform: The prevalence, and domination, of forensic evidence in criminal cases is a major issue we are continuing to watch closely, and compile research on. There have been huge failings in Australia in forensics: SA, with errors in possibly 400 cases, and in WA, where a senior forensic scientist was sacked. Question marks continue to hang over protocols used in cases in Queensland. As well, there is grave doubt that juries made up of 'average' people have much idea about what is described as evidence put before them. Reform in the forensics area is part of what is needed under CLA's 10-point, 10-year Better Justice program.

CLA's Wrongful Conviction Table: In November, at a Mis-carriages of Justice conference in Adelaide, CLA released the results of a three-year investigation into errors in major criminal cases – like murder, rape and violent assault. The study drew heavily on 20-plus year statistics from England, Wales and Northern Ireland's Criminal Cases Review Commission. It reveals that the 'raw' mistake rate in senior courts in Australia over major crimes is probably about 7% (which would mean about 300 people are wrongly in jail today for major crimes). The likely error rate in lesser crimes is thought to be much higher. Anyone who would like a copy of the table can contact the CLA CEO on E: secretary@cla.asn.au

For 2018, our concentration will be on these matters:

Submissions:

CLA made 20 submissions in various forms in 2017 on a range of issues across several jurisdictions.

We are becoming more selective about where we focus efforts around submissions, direct advocacy to ministers and members of parliament and engagement with the media. In particular, we concentrate on issues where we believe we have a chance of having our opinions respected and seriously considered and those that may not already be well-covered by other civil society groups.

CLA Director Rajan Venkataraman manages the submissions process, and CEO Bill Rowlings is the central point for lodging them. Other CLA members contribute to writing submissions where they have particular interests or expertise (we would welcome more members volunteering to help).

For example, this year CLA member Felicity Gerry QC took the lead in preparing submissions on federal anti-slavery legislation and appeared before the relevant parliamentary committee. Tasmania-based Director Richard Griggs led the Civil Liberties Australia Inc, A04043

drafting of submissions to Tasmanian enquiries and WA-based Director Margaret Howkins did the same in WA. The President, Dr Kristine Klugman, took the lead on a submission about the unacceptable rate of locking up Indigenous Australians, and VP Tim Vines made substantial input to the more legislation-based subs.

Many individual members also contributed, either slabs of submissions, small paragraphs or just ideas. We welcome member input to all subs.

In 2017, CLA's advocacy efforts, both alone and in partnership with other groups, were particularly successful. After years of lobbying, the federal government finally ratified the Optional Protocol to the UN Convention Against Torture (OPCAT) which means that all prisons and other places of detention within Australia will now be subject to independent monitoring.

Both Queensland and Tasmania passed legislation that will allow historic convictions for homosexuality to be expunged from people's criminal records. And the Tasmanian Parliament rejected a government proposal to water down anti-discrimination legislation. In WA, CLA Director Margaret Howkins was pivotal in the campaign to achieve an Independent Police Complaints Tribunal, which may happen in 2018.

Federal

Select Committee on Exposure Draft of Marriage Amendment (**Same-Sex Marriage**) Bill: submission, January 2017

The status of the human right to **freedom of religion or belief**: Joint Standing Committee on Foreign Affairs, Defence and Trade, March 2017

National Integrity Commission: Select Committee on a National Integrity Commission, April 2017

Constitutional Recognition of Indigenous People: Referendum Council, April 2017

OPCAT implementation: Consultation by the Australian Human Rights Commission (submitted jointly with other civil society NGOs), July 2017

Modern Slavery Act: Joint Standing Committee on Foreign Affairs, Defence and Trade, April 2017 (NB: Submissions, then supplementary subs; CLA's Felicity Gerry QC lectured to committee members in London, and appeared before them at a hearing in Melbourne)

Non-consensual **sharing of intimate images:** Submission to Australian Government, June 2017

ALRC Inquiry into **Incarceration Rates** of Aboriginal and Torres Strait Island Peoples, September 2017

Proceeds of Crime legislation: Senate Legal and Constitutional Affairs Legislation Committee, December 2017

State

Historical Homosexual Convictions Expungement Bill (Queensland): Letter to Qld Attorney General in response to request by AG for confidential consultation, January 2017

Court Security Bill 2016: letter response in request for comment by the Officer of Strategic Legislation and Police, Department of Justice, Tasmania, February 2017

Historical Homosexual Convictions Expungement Bill (Queensland): Submission to Queensland Parliament Legal Affairs and Community Safety Committee, June 2017

Legislation to **expunge historic gay sex convictions** (Tasmania): Tasmanian Department of Justice, March 2017

Anti-consorting laws (ACT): Letter to ACT Police Minister, March 2017, rejecting the laws (successful)

Legislation on **mandatory minimum sentences** for certain child sex offences (Tasmania): Dept of Justice, April 2017

Unexplained Wealth Laws (Tasmania): Independent Review, May 2017

ICAC-style body (Northern Territory): Submission to the NT Attorney-General, July 2017

Phasing Out of **Suspended Sentences** (Tasmania): Tasmanian Department of Justice, August 2017

End of Life Choices (WA): WA Joint Select Committee, September 2017

Crimes (**Police Powers and Firearms Offences**) Amendment Bill 2017: letter/submission to the A-G and Police Minister of the ACT, November 2017

– Rajan Venkataraman, Submissions Director

Treasurer's report

CLA ended the 2017 financial year with growth in its net financial position of just shy of 10% over the 12-month period.

Income over the period remained steady, driven by a pleasing number of renewing memberships and a steady number of new members replacing those who decided not to renew their membership. An aim for CLA in the coming 12 months will be the conducting of a thorough review of the membership database and particularly with a view to targeting an increase in renewing memberships.

In terms of expenses, the biggest increase was in additional printing expenses over the period. This arose mostly from the additional printing of material to support the profile increase of the Tasmanian CLA operation. These expenses were largely offset by a significant reduction in travel expenses over the period such that expenses remained largely stable over the 12 months.

It is anticipated that expenses are likely to increase over the coming 12 months with a potential change and upgrade of the membership database and a potential increase in marketing expenditure as CLA looks to expand its profile nationally. As noted, it is hoped that this increase will be, at least in part, offset by an increase in the ability of CLA to retain an increased number of renewing members as well as concerted push to continue to drive new memberships particularly through CLA's online platforms, social media and a soon-to-be revamped website.

Travel expenses may also increase slightly as the organisation moves into the third year of CLA's "Better Justice" initiative and as the executive continues to maintain, promote and grow the organisation's contacts with its increasingly important interstate links in both the private and public spheres.

Overall CLA has finished the 12 months in a sound financial position. It is particularly pleasing that the financial position of CLA is such that we are able to fund the new and exciting initiatives enabling CLA to move forward. Finally, thanks must go to CLA's members for their continued support and we look forward to that continuing support as CLA continues to work to promote and protect the freedoms of all Australians.

– Sam Tierney Treasurer

Financial statement: see P10

Membership

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
2010	304
2011	259
2012	267
2013	302
2014	264
2015	297
2016	329
2017	269

Media report

In 2017, the War on Terror celebrated its sweet 16th. Sixteen years of hastily enacted emergency laws and having to "temporarily shift the balance" between security and liberty, between security and privacy and between security and human rights.

Born the same year that *Big Brother* launched in Australia and digital TV rolled-out, the War on Terror is now older than the Euro, YouTube, an independent East Timor and the iPod (RIP, 2017).

Raising a child is expensive, and the War on Terror has been no exception. The US alone has spent US\$2.1 Trillion to date and the next few years look pretty expensive as well. We've paid in Australia too, financially, in blood and through the loss of a few fundamental rights, including (in no particular order):

No arrest without charge	Freedom of the Press
The right to a lawyer of one's choice	Freedom of speech
The right to silence	Open courts
Right to confront one's accusers – know the	Probable cause as basis for warrant (warrant
The separation of powers	Freedom from mass-surveillance
Presumption of innocence	Reversed burden of proof

The devotion of the government to the War on Terror has come at the expense of the Rule of Law and key mechanisms for holding the government to account. The control order regime designed to combat terrorism has inspired similar regimes for domestic law and order issues, such as bikies. Emergency powers introduced for the G20 and APEC have now become permanent powers for our police commissioners, corroding rights further.

From fear (seemingly more imagined than real) our politicians lock themselves away; the 'People's House' is now ringed by a 2.6m high security fence, part of more than \$126m in future upgrades (on top of work already done). Each new law is 'balanced' not against where we were in 2001, but where we are now. Rights already lost are not included in the weighing. After 16 years we are entitled to ask: when will this "war" be over and what more will it cost? After 16 years we are right to demand: enough! No more.

It is past time for a full, public reassessment of our current laws. Through our submissions to Parliament over 2017 (as in years past) Civil Liberties Australia continues to request that Parliament initiate a full review of all laws passed since 2001, with 'emergency' measures repealed, and the incrementalism of terrorism laws reversed. But this debate should not occur only when a new security law comes before Parliament or there's a new grab for power by spooks, police and our new Department of Home Affairs.

We know that the language of 'balance' is a lie and that so-called 'sunset provisions' are never allowed to actually take effect. Even expert reviews by the government's own Security Law Monitor are ignored. Parliament itself must reassert its right to hold the whole of the Executive to account, including Ministers and the intelligence community. It cannot remain in thrall to the language of the War on Terror.

In 2017 CLA fought to prevent the corrosive effects of the 'War' spreading to other parts of government and to protect both the public right to information and the rule of law.

A small media request illustrates this trend. CLA provided comment on a Canberra Times article on the refusal by the AFP to release an internal report into the behaviour of three officers whose conduct (in the words of the journalist) 'botched the prosecution of a Canberra property developer'.

The reason for not releasing the documents? That, if the report were released, it would be likely that AFP officers would potentially break the law by refusing to cooperate with the internal police accountability mechanism in the future. In essence, it admitted that a culture of secrecy was the only thing that encouraged officers to participate in internal reviews into their behaviour.

Other media work was driven by growing concern over the increasing prevalence of the tools of surveillance. Industries that have grown up alongside the War on Terror look to new markets to sell their products. We spoke out against the creation of a new, national government facial recognition system (ominously called 'The Capability').

In 2018 we will not only be fighting for privacy, we will be fighting to protect that more ephemeral freedom – obscurity. The freedom to go about your business without having to identify yourself or always be 'identifiable'. A freedom to not have a system record and analyse your facial expressions, gait, emotions or movements as part of a risk-matrix.

Through our media work in 2017, CLA warned against the loss of practical obscurity as both governments and businesses roll out more CCTV systems and deploy facial recognition systems as part of real-time surveillance.

In our media work we try to tie small stories – like the privacy concerns of drones (a favourite topic in 2017) – to the use of similar technologies by governments and police forces.

'Closed with a rainbow'

CLA's public presence is the result of the dedicated work of many volunteers. This year we welcomed ACT Lawyer and CLA Board member, Sam Tierney as a media spokesperson. Sam's extensive experience in criminal law and applying the ACT's Human Rights Act enhances our credibility with media and policy-makers alike. Rajan Venkataraman continues his excellent work in Tasmania and through our Facebook page to raise the profile of CLA and engage with new communities, as does Richard Griggs speaking out about the need for Bills or Rights. Meanwhile, in the name of combating paternalism, CLA Board Member Mark Jarratt has defended smokers from laws that would ban them from open public areas.

The year 2017 closed with a rainbow – the passage of marriage equality in Australia and a progressive win for LGBTIQ+ communities.

Even this win came at a cost: the plebiscite was only lawful because of a High Court decision that weakened Parliament and strengthened the Executive. The decision showed (if any further proof was required) that it will only be through the action of you, our members, and other organisations like CLA that we will stop the War on Terror and its consequences before it's old enough to order its first drink.

– Vice-President and National Media Spokesperson,
Tim Vines

Key activities in WA for 2017

There's been modest political progress in WA during 2017 despite the state reeling from horrendous debt and leftover anti-freedom policies passed during one side of politics long rule. For example remote Aboriginal communities are not going to be forced into mixed townships due to a series of passionate objections. Following the March election, the incoming Labor government has promised an independent anti-corruption body (mainly at the urging of WA's CLA Director: ed), and the WA Police are implementing minor internal reforms. New Attorney-General John Quigley's department is actively tackling the almost impossible task of stemming the flow of incarcerated black youth using reforms and new justice systems (supported by CLA).

But WA is broke. A generation of WA's youth are sacrificed to corporate mining gods digging vast wealth out of WA's dirt. People with brown skin – refugees, immigrants, Aborigines – are experiencing overt racism. Under-employment is endemic, shops and offices have closed and government jobs have been slashed to cope with WA's highest debt ever.

Against that background, a boost in CLA membership in WA has been a spin-off from pushing for an Independent Police Complaints Commission to address historic and systemic police and DPP ineptitude. A petition to the Legislative Council, which has gained wide multi-partisan support, is due for tabling in February 2018.

Steady recruitment of new CLA members followed the visit to WA in May of President Kris Klugman and CEO Bill Rowlings. They launched the draft WA chapter of a 'Civil Liberties in Australia' book at a public meeting and took part in 40 meetings with influential people around Perth. CLA's Better Justice objectives were shared widely and new ideas from participants welcomed. I agreed to be Convenor, then Director.



Law student Sam Coten (photo) accepted the role of WA Youth Media Spokesperson and published an article in Murdoch University's 'Metior' magazine entitled 'WA's Youth Detention Centre Crisis'. He quoted Chief Justice Wayne Martin's 2017 statistics revealing that WA has the highest rate of Aboriginal imprisonment in Australia and asked

why and how it had come to this. He questioned what was being done to recruit Aboriginal custodians. Were convicted youngsters and those on remand being assessed mentally & educationally? Were appropriate rehabilitation programs being implemented? CLA engaged with Neil Morgan (Inspector of Custodial Services) and Fran Logan (Minister for Corrective Services) to ask these questions directly, providing them with a newly-simplified 'Charter of Rights' for adoption in Banksia Hill youth detention centre. After receiving one letter of response which spoke of a policy to train more Aboriginal custodians, other questions remain unanswered.



Above: CLA President Dr Kristine Klugman and Director WA Margaret Howkins during the Perth visit.

Photo: CLA Member Melissa Parke

NB: The photographer – former MHR Parke – is in 2018 part of a three-person expert group appointed by the UN to investigate human rights abuses in the Yemen.

Five CLA members attended an Australian Lawyers for Human Rights discussion evening at Curtin University in September. At question time CLA member Robert Cunningham highlighted that existing WA legislation was available immediately to tackle human rights issues, while waiting for the state to enact a formal bill of rights.

CLA members later decided to initiate a WA Bill of Rights campaign in 2018, building on the CLA BoR promotion expertise gained in Tasmania.

In November we made a submission to state parliament on proposed 'end-of-life choices'. We based our recommendations on those in CLA's previous submission to the Victorian Parliament, which has adopted a new 'euthanasia' law.

Between August and November, CLA members successfully collected hundreds of signatures on same-sex marriage petitions, adding to the positive support that came from WA in the final count.

In December we instigated the forming of a pressure group to repeal section 73 of the Equal Opportunities Act 1984 (WA). It allows religious schools to discriminate against employees whose lifestyles contradict religious teachings...for example, being divorced, born out of wedlock, living with rather than being married to a partner, having beliefs or behaviours that contradict a religion's beliefs. Being an excellent employee and/or an outstanding teacher can be overlooked completely.

As the year closed CLA members in WA planned to demand an Inquiry into the Lloyd Rayney debacle. Rough justice creaks forward despite criticisms of police from five Supreme Court judges. Nobody in policing has been disciplined for the appalling human damage caused or \$13 million of public money wasted. Apparently nobody's is responsible. ..while Corryn Rayney's murder is no closer to being solved.

– Margaret Howkins, Director WA

Key Tasmanian activities during 2017

Tasmanian CLA members began a three-year campaign for a Tasmanian Human Rights Act by launching a parliamentary petition in December. The petition at www.tashumanrightsact.org quickly collected hundreds of signatures. It will run until the next state election, due in March 2018. Under the management of Director Richard Griggs, supported by Director Rajan Venkataraman, CLA is forming a cross-NGO campaign committee to support the petition widely across society. There is great benefit to CLA in being the core and conceiver of such a widely-supported public process.

As well as a submission to the Tasmanian parliamentary committee inquiry into donor conception practices and donor anonymity, CLA gave evidence before the committee.

In another petition campaign, CLA was the prime mover in the parliamentary petition urging repeal of the Anti-Protest Laws [formally the Workplaces (Protection from Protestors) Act 2014]. The petition, open for six months, received 619 signatures and was tabled in parliament in May. On the same day parliament debated a Tasmanian Greens bill to repeal the Act. The proposal was defeated 14 votes (Tasmanian Liberal Government) to 10 (Greens and Labor Opposition).

CLA made a submission to state parliamentarians on proposed amendments to the Anti-Discrimination Act. As part of that activity, CLA lodged a Right to Information (RTI) application on the results of the consultation process leading to the amendment bill. The government's response to the application disclosed that 80 submissions were received, with one (1) being unequivocally supportive, 65 being unequivocally opposed and the remainder partly supportive/partly opposed. The extent of the opposition, discovered by CLA's initiative, was a revelation.

After CLA's successful advocacy in 2015 for Tasmania to adopt a scheme for expunging historic convictions for homosexual activity, we had substantial input into the drafting of the Bill. In light of that input, the Tasmanian Government is revising the draft legislation. As well, Director Rajan Venkataraman was able to translate experience with the Tasmanian process into advising Queensland and its process.

CLA took out an advertisement with the *Tasmanian Times* online newspaper, which has highlighted our presence in the state in the first six months of the 12-month contract.

Web/database report

Austin Ngo was our webmaster at the beginning of the year. Having completed his ANU commitments, he decided mid-year to move to Dandenong and become a winemaker! His move and new business venture took much of his time, just as longer-term effects of missing software upgrades also bedevilled our database. By the November Board meeting, it was obvious major renovation and updating was needed. Civil Liberties Australia Inc, A04043



Above: CLA Director Richard Griggs (left) was one of the key speakers at an Amnesty debate at UTAS in July. Other speakers included MHR for Denison Andrew Wilkie (also a CLA member) at right and former Tasmanian Premier Lara Giddings (third from right, in coat).

In December former Director and founding webmaster Lance Williamson came on board as a consultant to restore equilibrium. We expect big improvements in 2018.

– Bill Rowlings, CEO

Selected feedback during 2017

(Thanks for) the Letter + Annual Report via post. It's so packed with information it needs re-reading at least 3 times. You articulate perfectly where Australia and the rest of the world is headed right now. It's reassuring and hopeful for people like me who at times feel so isolated. So many people are feeling beaten, betrayed and bewildered by our hopelessly self-serving politicians. But as you point out, a reaction will build before long of fury, outrage and ACTION.

– CLA member, Perth WA Feb 2017

Congratulations to all of the elected officials – well done and keep up the excellent work!

– James Grenfell, Spence ACT, March 2017

This is an excellent submission (CLA on same-sex marriage).

– Judy Aulich (marriage celebrant), Canberra ACT, Jan 2017

Thank you very much for your kindness and support. I wish I could tell you how much it actually means to me.

I genuinely don't have anyone to talk about our daughter. We will forever be grateful for all that you have done to help us. Thank you for caring.

– father of a daughter with severe medical issues to whom we provided ideas for fresh options in dealing with government, Sydney NSW, September 2017

(Thank you for the) "outstanding" CLA Newsletter...the best newsletter (I have) ever read".

– Margaret Coten, Shelley WA, Sept 2017
ANNUAL REPORT 2017 – 8

This* is very important work. The longer I have exposure to the criminal justice system the more I am appalled by how brutally risky it is.

*Miscarriage of justice statistics, drawn up for Australia for the first time in table form by CLA.

– leading barrister

Thank you for your guidance and mentorship this semester for the law internship course.

– ANU student, graduating with Honours, ACT, Dec 2017

History of Civil Liberties Australia:

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 for a decade. 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. 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, which was consolidated and became fully operational. Civil Liberties Australia Inc, A04043

tional in 2011. In the same year, CLA held its second (two-yearly) e-ballot for Board positions, and the third eAGM, making us probably the leading incorporated entity in managing its formal business electronically.

The year 2012 saw appointment of the first non-ACT-based Director, Rex Widerstrom of WA, and consolidation as the enterprise began to enter its first ‘matured’ phase. Also, the Board planned for an expansion phase through 2013 by way of marketing and promotion.

In 2013, CLA’s second director from outside Canberra, Richard Griggs, joined the Board, and the Tasmanian CLA group was refreshed and reinvigorated. On 10 December 2013, CLA celebrated its first decade in existence. That same month, for the second time, the organisation reached more than 300 members throughout Australia (with a few overseas), from 17 members at the same time, only in the ACT, nine years earlier. In June CLA’s official Secretary, Public Officer and CEO, Bill Rowlings was awarded an OAM for ‘services to civil liberties and human rights’. Mr Rowlings was also honoured as ACT Senior Australian of the Year in 2010, in both cases for his work with Civil Liberties Australia. The webmaster entirely revamped the CLA website, giving it a improved ‘look and feel’ while converting to a software system easier for non-specialists to work with.

In 2014, fees increased for the first time. This move launched CLA on to a firmer financial footing, allowing planning for bigger projects in future. In 2015, a second Director from Tasmania, Rajan Venkataraman, joined the Board, which suffered the loss of eight-year-Director and founding Webmaster Lance Williamson.

In 2015 also we succeeded in the solely-CLA-inspired campaign to ‘mirror’ South Australian Right-To-Appeal provisions in Tasmania, (the start of a round-Australia campaign) and the President and CEO received the National Award for Civil Justice from the Australian Lawyers Alliance, accepting it on behalf of all CLA members. Two CLA members, Ann Symonds in NSW and Brian Tennant (photo) in WA, received national AM honours for their work in the liberties and rights field.



The year 2016 was noted for CLA’s launching the 10-year ‘Better Justice’ campaign.

In 2017, the first of CLA’s 10 aims under ‘Better Justice’ was achieved, ratifying by the Australian government of OPCAT, thus opening up jails for regular external inspection. We also welcomed the first Director from WA, Margaret Howkins.

Financial Statement 2017									
		2017		2016		2015			
BALANCE B/F			40,356.98		36,731		23,979		
INCOME									
Memberships			9,700		8,537		10,520		
Donations	General	2,060		3,095		3,273			
			2,060		3,095		3,273		
Interest	Working	6		5		8			
	Cash reserve	156		252		263			
	Term Deposit	136		433		250			
	Total								
Total			298		689		521		
TOTAL INCOME			12,058		12,321		14,314		
EXPENDITURE									
Communications	Ink & Stationery	414		764		657			
(with members & public)	Printing	2,571		326		125			
	Website	784		365		725			
	Postage	359		997		1,126			
	PO Box	267		126		115			
	Parking fees	442		128		106			
	Functions	400		12		38			
	Travel	1,050		4,038		370			
	Publicity/other	855		1,214		68			
			7,141		7,970		3,329		
Sponsorships		-		500		nil			
General Administration	Bank Charges	166		226		256			
			166		226		256		
TOTAL EXPENDITURE			7,307		8,696		3,585		
Surplus/Deficit			4,751		3,625		10,728		
BALANCE C/F			45,108.05		40,355.98		36,731		
Comprising Bank Balances									
Working Account			6,074.12						
Maxi Direct			26,835.43						
Term Deposit			11,848.80						
Total Bank Accounts			44,758.35						
	<i>add Moneys not Credited</i>								
	<i>less Moneys not Debited</i>		40.00						
Net Financial Position			44,718.35						

Statement by Auditor:

I have examined the books of Civil Liberties Australia Inc. and report that they appear to be a true, honest and fair reflection of the financial dealings of the organisation for the period of the organisation's financial year, calendar 2017.

Signed

(Phil Schubert) Date..... 7/2/18.