

**Victorian Council for Civil Liberties Inc.
PRESIDENT'S REPORT 2011**

In 2011, Liberty has met multiple challenges with respect to the protection of human rights and civil liberties at both Commonwealth and State level. The work of the Policy and Management Committees with respect to these challenges has been extensive and, in my view, outstanding. At the end of the year I think it can fairly be said that Liberty has maintained and advanced its position as one of the most influential organizations in Australia in its fields of interest and operation. What follows summarizes the organization's work in this period.

1. Public Advocacy

Liberty has been immensely active in making public statements, issuing media releases and contacting relevant government ministers and agencies in relation to a diverse and extensive array of matters of public concern. A summary of the principal matters dealt with is as follows:

Privacy

- Protection of personal privacy in the context of the Federal Government's announcement of an inquiry into the conduct of the media, and its intention to introduce a new tort related to serious invasions of personal privacy.
- Protection of personal privacy in the context of more invasive personal searches at Australian airports
- Protection of personal privacy in the context of amalgamation of Commonwealth Government databases containing personal information
- Protection of personal privacy in the context of dramatic increases in police requests for telephone interception warrants and personal phone records
- Protection of personal privacy in the context of collection of electronic data by private hotels and clubs.
- Protection of Personal privacy in the context of improvements in facial recognition technology and the amalgamation of facial recognition technology with government databases containing personal information including photographic information
- Protection of Personal privacy in the context of collecting personal mobile phone information for the purposes of developing emergency warning systems
- Protection of Personal Privacy in the context of tracking information obtained through the Myki card transport system
- Protection of Privacy in the context of covert surveillance of drinkers and publicans in pubs and clubs.

Freedom of Speech, Assembly and Movement

- Freedom of Speech in the context of recent court decisions concerning racial vilification legislation and in particular the Andrew Bolt decision.
- Freedom of Speech in the context of Government action condemnation of the Wikileaks organization and threats of legal action against the organization and its founder.
- Freedom of Speech and Assembly in the context of the Occupy Melbourne protests
- Freedom of Speech in the context of Victorian Government anti-swearing legislation
- Freedom of Movement in the context of new regulations governing penalties to be applied for misbehaviour in pubs and clubs

Freedom of Religion

- Freedom of Religion in the context of public debate concerning the possible banning of the wearing of burquas.
- Freedom of Religion in the context of attempts by evangelical religious organizations to restrict or prohibit the use of public facilities for Muslim prayer sessions
- Freedom of Religion in the context of suggestions for the introduction of Sharia law in Australia

Law and Order

- Law and Order in the context of new initiatives with respect to Mandatory Sentencing of Minors, the abolition of Suspended Sentences, and a Herald-Sun public survey of attitudes to sentencing.
- Law and Order in the context of the proposed recruitment and training of Protective Services Officers to guard railway stations throughout Victoria
- Law and Order in the context of police management of people with mental illness
- Law and Order in the context of the use of Tasers
- Law and Order in the context of disputation between and dismissals of senior police offers in the Victoria Police

Human Rights

- The Protection of Human Rights in the context of proposals by the Federal Government to introduce off-shore processing of asylum seekers in Malaysia and Manus Island.
- The Protection of Human Rights in the context of new, retrospective legislation with respect to People Smuggling.
- The Protection of Human Rights in the context of the Federal Government's proposed introduction of a new Human Rights Framework, including the creation of a new

parliamentary committee to review legislation for human rights compatibility.

- The Protection of Human Rights in the context of the proposal by Commonwealth prosecuting authorities to pursue David Hicks under proceeds of crime legislation.
- The Protection of Human Rights in the context of the Victorian Parliamentary Committee on Legal and Constitutional Affairs proposals to abolish judicial review and constrain individual remedies under the Victorian Charter of Rights and Responsibilities
- The Protection of Human Rights in the context of the High Court decision in *Momcilovic* on the constitutionality of Victoria's Charter of Rights

2. Submissions

This year Liberty has made the following submissions to Parliamentary and other inquiries:

- *Response to Commonwealth Government Issues Paper: Statutory Cause of Action for Serious Invasion of Privacy*, Department of Prime Minister and Cabinet, November 2011
- *Submission to Senate Inquiry into 'Deterring People Smuggling Bill' 2011*, Senate Committee on Legal and Constitutional Affairs, November 2011.
- *Oral submission to the Federal Government Consultation with respect to the Recognition of Indigenous People in the Australian Constitution*, November 2011.
- *Submission to the Victorian Sentencing Advisory Council with respect to Victorian Government proposals with respect to Sentencing Reform*, November 2011.
- *'Inquiry into the Arrangement between Government of Australia/ Government of Malaysia on Transfer and Resettlement'*, Senate Standing Committee on Legal and Constitutional Affairs, September 2011.
- *Review of Registration of Sex Offenders Legislation*, Victorian Law Reform Committee, August 2011
- *Invited Submission to Review of the Activities of the Australian Press Council*, September 2011
- *Inquiry into Australia's Immigration Detention Network*, Joint Select Committee, August 2011
- *Submission to Victorian Government Consultation Panel: An Anti-Corruption Commission for Victoria*, July 2011
- *Review of the Victorian Charter of Human Rights and Responsibilities Act 2006 (Vic)*, Scrutiny of Acts and Regulations Committee (SARC), July 2011.
- *Migration Amendment (Strengthening the Character Test and other Provisions) Bill 2011*, Standing Committee on Legal and Constitutional Affairs, May 2011
- *Combating the Financing of People Smuggling and Other Measures Bill 2011*, Senate Legal and Constitutional Affairs Committee, March 2011
- *Patent Amendment (Human Genes and Biological Materials) Bill 2010*, Senate Legal and Constitutional Affairs Committee. February 2011

- *AUSTRAC.FATC Consultations on Financial Regulations Standards*, Austrac.FATC, January 2011
- *Tasmanian Human Rights Charter Consultation*, Tasmanian Department of Justice, January 2011

2010

- *Combating the Financing of People Smuggling and other measures Bill, Exposure Draft*, Commonwealth Attorney General's Department. Dec 2010
- *Mental Health Act (exposure draft) Review*, Victorian Department of Health, Dec 2010

These submissions are all available in the [Submissions](#) section of our website.

3. Public Events

Liberty has held a series of very successful public events during the course of 2011. These have been the:

- ALAN MISSEN ORATION 2011. Richard Flanagan gave the oration on the closing night address of the Melbourne Writers Festival. *'The Decline of Love and the Rise of Non Freedom'* Sunday 4th September 6.30pm BMW Edge Theatre, Federation Square.
- VOLTAIRE AWARD DINNER 2011. Presented to Wikileaks and Julian Assange while in house arrest in England. The award dinner was held Saturday 6th August at the San Remo Ballroom, North Carlton.
- PUBLIC LECTURE: 'Cyprus: A Fifty Year Old Republic at Risk?' by Dr Van Coufoudakis, Monday 27th June 2011 at fortyfivedownstairs
- PARTNER: Human Rights and Arts Film Festival, 13th-22nd May 2011, Melbourne. Liberty's President gave a speech on the Constitutional Recognition of Indigenous Peoples.
- COMEDY EVENING: 'Law v Order', Wednesday 18th May 2011, Cherry Bar, Melbourne CBD.
- EXHIBITION: 'People Smugglers, Friend or Foe?' 18th April to 8th May 2011, Jewish Museum of Australia, Alma Road, St Kilda.
- FORUM: 'Wikileaks and Free Speech Forum'. Friday 4th February 2011 at BMW Edge Theatre, Federation Square, Melbourne. More than 1500 people attended.

5. Collaborations

Liberty has sought actively to collaborate with like-minded organizations to maximize the impact and effects of its advocacy program. In the past year these have included:

- The Human Rights Law Resource Centre
- The Castan Centre
- The Alan Missen Foundation

- The Federation of Community Legal Centres
- Wikileaks
- The Criminal Bar Association
- The Law Institute of Victoria
- The Victorian Foundation for the Protection of Victims of Torture
- The Sydney Peace Foundation
- Amnesty International
- The Australian Human Rights Commission
- The Melbourne Writers Festival
- The Victorian Law Foundation (for our interns)

4. Management

This was the first year in which the constitutional changes adopted at the last Annual General Meeting dividing the operation of between Policy and Management Committees commenced. These changes have been an unqualified success. The division of labor has allowed the Policy Committee to focus exclusively upon policy matters. The new Management Committee, meanwhile, has undertaken invaluable work in undertaking new fundraising initiatives, revolutionizing the conduct of Liberty's financial activities and its accountability in this respect, and ensuring the efficient and effective conduct of the organization's major public events. I have been particularly grateful to those new members of the organization who entered it with the specific purpose of undertaking these crucial but, sometimes in the past, less than effectively conducted aspects of our business. Their work has been exceptional.

5. Thanks

Liberty has been fortunate to have the voluntary support and expertise of Hilda Green to assist us with the design support for event invitations and flyers.

The organization has also been fortunate to have had the continuing financial support of Dinos Toumazos and Michael Drapac. This has been greatly appreciated and of significant benefit in pursuing key projects during 2011.

This will be the last President's report that will thank Trish Cameron for her work for Liberty as Manager. Trish moves on to greener (legal) pastures next year. Trish has been a wonderful and wondrous support to the organization for the past three years, and we wish all the best in her future career.
