

Annual Report 2019



LIBERTY VICTORIA

About Liberty Victoria

*Cover Photo: 2019 Voltaire Award Winner Debbie Kilroy
with Liberty Victoria President Jessie Taylor*

Liberty Victoria has a long and proud history, campaigning for civil liberties and human rights for more than 80 years. Officially known as the Victorian Council for Civil Liberties Inc, its lineage extends back to the Australian Council for Civil Liberties ('ACCL'). The ACCL was formed in Melbourne in 1936 and was determined to offer 'a means of expression to those people in all parties who believe that social progress may be achieved only in an atmosphere of liberty.'

Throughout its history, Liberty Victoria has defended the right of individuals and organisations to free speech, freedom of the press and of assembly, and freedom from discrimination on the grounds of race, religion or political belief. It has operated in accord with the ACCL's original platform, working not only to defend existing civil liberties and oppose their limitation, but to campaign for the 'enlargement of these liberties.'

Liberty Victoria is now one of Australia's leading civil liberties organisations. Through its Policy and Management Committees, Liberty Victoria influences debate at a State and Federal level. We are frequently asked for comment and guidance by media, politicians, law reformers and policy makers. We have staged a number of public events with a view to providing opportunities for engagement in and furtherance of issues of human rights and civil liberties.

Liberty actively makes public statements, issues media releases, contacts and negotiates with federal and state government ministers in relation to a diverse and extensive array of matters of public interest.

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EXECUTIVE GROUP

President : **Jessie Taylor**

Senior Vice-President : **Jamie Gardiner**

Vice-Presidents:

Thomas Kane

Julia Kretzenbacher

Secretary : **Jessica Airs**

Treasurer : **Michelle Bennett**

Past President : **George A Georgiou SC**

Patron : **The Hon. Michael Kirby AC CMG**

MANAGEMENT COMMITTEE

Clare Halloran

Martin Radzaj

Karen Greening
(retired)

POLICY COMMITTEE

Julian Burnside QC

Virajith Hewaarachchi (retired)

Professor Spencer Zifcak

Mathew Kenneally

Brigid Arthur

Sophie Stafford

Stewart Bayles

Michael Stanton

Gregory Buchhorn

Pamela Curr

Emma Buckley-Lennox

Andrew Vincent

Gemma Cafarella

Timothy Warner

Greg Hanson

Julie Zhou

EXECUTIVE OFFICER

Karen Greening (Acting 2018)

Grace Girardi



Jessie Taylor

In the past year as President, I am pleased to have witnessed a number of reforms come to fruition that Liberty Victoria volunteers have worked towards over a number of years.

The long overdue decision to decriminalise the offence of Public Drunkenness in Victoria is one that we are proud to have supported. In June Liberty Victoria sponsored a forum at the Wheeler Centre called "Sobering Thoughts: Public Drunkenness Reforms" that brought together a number of prominent First Nations voices including Apryl Watson (the daughter of Tanya Day, a proud Yorta Yorta grandmother who died in custody in 2017), Nayuka Gorrie, Shahleena Musk and Eddie Cubillo. We were pleased to be able to use the forum to amplify the voices of First Nation people on an issue that has had a profound impact on them.

The decision to introduce a Spent Convictions scheme in Victoria is another change that will allow vulnerable people to take greater control of their

vulnerable people to take greater control of their lives. The draft bill presented by MP Fiona Patten, which was subsequently passed by the Victorian parliament, drew heavily on the Liberty Victoria Rights Advocacy Project (RAP) report entitled 'A Legislated Spent Convictions Scheme for Victoria: Recommendations for Reform'. We commend and congratulate RAP for their ground breaking work on this issue.

A further win has been the Birth Certificate Law Reform. Liberty Victoria, in conjunction with Ashlea Johnson, a transgender Melbourne woman, provided a briefing paper to provide background on the issue to numerous members of the Victorian parliament of all political stripes. We are delighted that the reforms have passed and look forward to seeing further progress in the law governing the lives of transgender people in Victoria. We are particularly concerned about the issue of fair, flexible and equal access to medical care.

Looking forward, we have a number of other issues and submissions on the boil, including submissions to the Robodebt Inquiry, the constant flurry of proposed amendments to the *Migration Act*, changes to the Australian Citizenship Act and continuing privacy and surveillance related matters. You can find out more about this in our section on submissions and on our website.

Commenting in the media has become a greater focus of our work. Artificial intelligence, facial recognition, drones, licence databases and racist technology in hand dryers and soap dispensers are just some of the issues we have covered! I would

like to thank the media team especially Tim Warner, Julia Kretzenbacher, Gemma Cafarella, Martin Radzaj and Jamie Gardiner for responding to interview requests at all hours. I am also pleased that we have continued our regular spot on Neil Mitchells morning show on 3AW, which continues to be a great opportunity to engage with (and often infuriate!) listeners who would not usually identify with us.

This year we had a number of events that reinforced our focus on human rights.

The first of these was our 2018 Annual General Meeting and Missen Oration. The Missen Oration was presented by *Nyadol Nyuon*. *She is a lawyer, community advocate and writer, and spoke eloquently about the intersection of racism and freedom of speech. Her thought-provoking oration was original and insightful.*

Our major event for the year, the Voltaire Award Dinner celebrated the work of a number of people who have been working tirelessly to support and progress human rights and civil liberties. Debbie Kilroy the founder of Sisters inside has been a tireless advocate for the rights of disadvantaged women and children affected by the criminal justice system and this year launched the successful Free the People campaign. You could have heard a pin drop during her compelling Voltaire award acceptance speech.

Also focussing on the issues of the criminal justice system, Ngaga-Dji (Hear Me), a collaborative project of the Koorie Youth Council, received the Young Voltaire award. The award was accepted by Anna Cerreto and Indi Clarke. The Empty Chair award was given to Nasrin Sotoudeh, who remains behind bars at Evin Prison in Tehran serving a brutal, record-breaking sentence imposed for her human rights advocacy. I had the honour of delivering a set of very moving remarks written by Nasrin's husband, Reza Khandan, accepting the award on her behalf.

In addition to the events I've mentioned, Liberty Victoria was instrumental in convening a forum presented by Professor Gerard Quinn from the National University of Ireland, who spoke on the UN Convention on the Rights of Persons with Disabilities.

I am pleased to report that for a second year running, Liberty Victoria is in a sound financial position. I appreciate the efforts of the Executive team in the sound financial management of our organisation, and their support and enthusiasm for the future sustainability of Liberty Victoria.

I would like to acknowledge a number of significant supporters, especially Michael Drapac who has generously provided accommodation to Liberty Victoria over an extended period of time. Thank you also to our members and other supporters who have provided donations and participated at events throughout the year.

Special thanks also to Arnold Bloch Liebler who have generously hosted both the 2018 and 2019 Annual General Meetings, and to all our wonderful volunteers whose help is so vital to the smooth running of Liberty.

With limited funding, Liberty has been fortunate to have the voluntary support and expertise of a number of people who assist us in numerous ways.

Photo: Shahleena Musk and Apryl Watson at the Liberty Victoria sponsored event: Sobering Thoughts: Public Drunkenness Reform in Victoria - At the Wheeler Centre



Maelor Himbury continues the extraordinary service of providing subscribers with our daily media links,

for which we and 610 subscribers, (up from 572 subscribers 12 months ago) are very grateful. We also thank SallyAnne Raher, who has provided vital assistance in the launch of our Civil Rights Defender program. I would particularly like to acknowledge Thomas Kane's tremendous contribution towards this year's success. His tireless work and personal support of me in my role as President have been indispensable. Thank you, Thomas.

To our committee members and to RAP members: thank you for your generosity and the work that you have done and continue to do. All of our committee members are fully engaged in busy professional careers in their own right so I acknowledge the significant commitment and sacrifice that you have made to progress the work of Liberty Victoria. We are united by a shared commitment to the ideals of human rights and civil liberties. The work of the

Rights Advocacy Project (RAP) initiative has expanded our reach towards younger members and students and continues to go from strength to

strength, engaging in cutting-edge innovative strategic advocacy and law reform projects. This year we say goodbye to a number of committee members whose contribution has been greatly appreciated. We wish you all the best and hope to see you at events in the coming year.

We have also been greatly assisted by our team of volunteers and in the office by Grace Girardi, Andrew Rawson, Rosa Cursio and Karen Greening.

Finally, I thank you, the members of Liberty Victoria for your continued support. Without you, Liberty could not survive.

It has been an honour service as President of Liberty Victoria over the past 3 years. I leave you in very capable hands for the year ahead!

Warmest wishes,

Jessie

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Voltaire Awards 2019

The Voltaire Award honours a person or group considered to have done the most for the right of free speech in the previous 12 months. It recognises those who in their work, interests or passions make an extraordinary contribution to these rights, whether it be through speaking out, writing, campaigning, whistle-blowing or defying authoritarianism. Those honoured have often gone beyond the call of duty or office by refusing to be cowed or silenced.

2019 Voltaire Award Recipient Debbie Kilroy has been a tireless advocate for the rights of disadvantaged women and children on a wide variety of issues including violence, homelessness, racism, mental health, substance abuse, poverty, child protection, sexual assault, imprisonment and other systemic failings. She is driven to reduce the criminalisation and imprisonment of women and children and girls, address the serious over-representation of Aboriginal and Torres Strait Islander women and girls at all levels of the criminal legal system, and mitigate the impact of mothers' imprisonment on their children.

In early 2019, Sisters Inside launched the 'Free the People' campaign to raise funds to free women in Western Australia who have been jailed or face jail due to unpaid fines. The program aimed to pay the fines of 100 people who are in this position - most of them Aboriginal and Torres Strait Islander women. The #freeher campaign has exceeded the goal.



Debbie Kilroy

*Anna Cerreto and
Indi Clarke*

Nasrin Sotoudeh

The Empty Chair Award is given to someone who cannot be present because they are detained or in jail as a consequence of their courageous exercise of free speech. The 2019 recipient is Nasrin Sotoudeh

Nasrin is an Iranian lawyer and human rights defender, renowned for her work representing abused women and children, dissidents, journalists, and people sentenced to death for offences committed as children. Her courageous advocacy has brought her into contact with Iranian authorities on numerous occasions, and she has been harshly punished for her work as a human rights defender.

Ms Sotoudeh is currently serving a term of imprisonment for various offences against the Iranian regime, including providing legal representation to women prosecuted for refusing to wear the hijab or headscarf. She was convicted in absentia. Her record-breaking sentence amounts to 38 years in prison, and 148 lashes.

2019 Young Voltaire Award - Ngaga-dji - a Collaborative Project of the Koorie Youth Council Led by Anna Cerreto and Indi Clarke

In 2019 Liberty Victoria honoured the Ngaga-dji project a collaborative project of the Koorie Youth Council led by Anna Cerreto and Indi Clarke, with the Young Voltaire Award.

Ngaga-dji captures the voices and experiences of Aboriginal children in Victoria's youth justice system. It tells the stories of these children for the first time, giving Victoria the chance to understand how policy choices affect the lives and the future of Indigenous communities.

The name 'Ngaga-dji' translates to 'hear me'. Drawn from Woiwurrung language of the Wurundjeri people, this project is based in cultural values of listening, collaboration and care.

Liberty Victoria applauds Ngaga-dji for truly supporting self-determination and being a vital document in the fight to end the over-incarceration of Aboriginal people due to ongoing systemic injustice.

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Voltaire Awards 2019 cont.



Photos: Top Left Debbie Kilroy accepts the Voltaire Award
Top Right : Anna Cerretto and Indi Clarke after accepting the Young Voltaire for the Ngaga-dji project
2nd Row : Ngaga-dji report; Kat Brown, Gemma Leigh-Dodds & Guests
3rd Row : Thomas Kane and Kathy Townsend with donated artwork; Lisa the Golden Retriever; Jessie Taylor reads remarks from Reza Khandan, accepting the Empty Chair Award on behalf of his wife Nasrin Sotoudeh; Brigid Arthur and Guests
Final Row: Guests; Aunty Di Kerr welcomes us to country; Jamie Gardiner and Guests; Guests



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A surplus of \$21,268 was made for the year compared with \$11,010 in 2018. This strong result represents the ongoing success of the Voltaire Dinner and the breakout success of RAP's Trivia night, both having been the result of incredible hardwork of a small number of very dedicated members and volunteers as well as the ongoing generosity of our key supporters.

Members funds totalled \$68,986 as at 30 June 2019 (\$47,717 as at 30 June 2018.)

As at end of June 2019 there were 312 current members,

Our thanks to Michael Drapac for his continued generosity in providing rent free office space at his premises in Carlton, Karen Greening for her assistance as acting executive officer and our new executive officer Grace Girardi for the energy and creativity she has brought to the role in FY19.

Again, I take this opportunity to thank Thomas Kane, noting in particular his determination to establish the new regular giving program and Jessie Taylor for her constant and tireless support.

Michelle Bennett

Treasurer

STATEMENT OF COMPREHENSIVE INCOME FOR THE TWELVE MONTHS ENDED 30 JUNE 2019

	2019	2018
	\$	\$
Income		
Memberships	12,823	15,273
Donations	12,277	21,212
Events	123,364	128,820
Investment income	259	239
Other income	-	48
	148,723	165,592
Expenditure		
Events	89,845	104,962
Bank Charges	1,436	1,445
Office costs	3,880	6,993
Salaries & wages	27,066	36,686
Website development	2,909	2,835
Other costs	2,319	1,661
	127,455	154,582
Surplus/ deficit for the year	21,268	11,010
Retained earnings - beginning of year	49,656	38,646
Retained earnings - end of year	70,914	49,656

STATEMENT OF COMPREHENSIVE INCOME FOR THE TWELVE MONTHS ENDED 30 JUNE 2019 cont.

	2019	2018
	\$	\$
Balance Sheet as at 30 June 2019		
Assets		
Westpac general account	21,551	5,781
Petty cash	33	215
Westpac high interest account	41,513	54,800
Prepayments- Voltaire dinner deposit	21,065	31,815
Cash box	19	23
Paypal	406	
Trybooking	8,395	
Total Assets	92,981	92,634
Liabilities		
Contractor payment	—	—
Income in advance(Voltaire ticket sales)	23,995	44,917
Total Liabilities	23,995	44,917
Net Assets	68,986	47,717
Represented by Member Funds		
Retained earnings	47,718	36,707
Current year surplus / deficit	21,268	11,010
Total Member Funds	68,986	47,717

STEERING COMMITTEE

Chair : **Emma Buckley-Lennox**

Deputy Chair & Volunteer Co-ordinator:
Lauren Bull

Deputy Chair and Indigenous Justice Team
Coordinator : **Monique Hurley**

Treasurer and Secretary : **Jackson McLeod**

Refugee and Asylum Seeker Team Coordinator :
Rochelle Francis

Refugee and Asylum Seeker Advocacy
Coordinator : **James Clarke**

Equality and Government Accountability Team
Coordinator : **Sarah Moorhead**

Communications Coordinator : **Chris Woods**

Criminal Justice Coordinator : **Alexander Batsis**

Criminal Justice Advocacy Coordinators :
Emily Scott and Anya Saravanan

Cat Fabiny

Lexi Lachal (until May 2019)

Julia Wallace (until September 2019)

Jessica Heron (until October 2019)

RAP VOLUNTEERS

Refugee and Asylum Seeker Team

Samudhya Jayasekera

Zoe Brown

Kate Vanrenen

Sione Pemberton

Isabella Farrell- Hallegraef

Baneen Saberi

Emma Blakey

Equality and Government Accountability Team

Tim Cronin

Abbey Dalton

Sophie McNamara

Shannen Bethune

Sophie Lloyd

Indigenous Justice Team

Natasha Ritchie

Joely Wilkinson-Hayes

Joshua Finn

Trang Chau

Sophie Wenderoth

Criminal Justice Team

Alana O'Neill

Arabella Close

Sanduni De Silva

Kresta Lokumarambage

Erin Meeking

Asad Kasim-Khan



RAP Steering Committee after our annual weekend planning session in November 2018. Back row, from left: Chris Woods (Communications Coordinator), Lauren Bull (Deputy Chair and Volunteer Coordinator), Cat Fabiny (2018-2019 Equality and Government Accountability Team Contact and current general SC member), Julia Wallace (2018-2019 Refugee and Asylum Seeker Team Coordinator), Sarah Mercer (2018-2019 Criminal Justice Team Coordinator). Front row, from left: Monique Hurley (Deputy Chair and 2019-2020 Indigenous Justice Team Coordinator), Emma Buckley Lennox (Chair), James Clarke (General Member), Jackson McLeod (Treasurer, Secretary)

REPORT 2018 – 2019

Each year RAP recruits teams of early-career lawyers and law students to work on law reform projects for just over a year. Our program runs each year, from March until April, and is run by our Steering Committee.

We kicked off the 2018-2019 financial year with a sell-out trivia night at Fitzroy Town Hall. Hosted by comedian Geraldine Hickey, the event raised more than \$11,000 to allow us to continue to build our program and support our teams' advocacy efforts.

In early 2019, the start of the RAP cycle, we introduced an Indigenous Justice team, in collaboration with Ngaga-dji. Ngaga-dji, which won the 2019 Young Voltaire Award, is a project that was developed through the Koorie Youth Council. It voices the experiences of Aboriginal and Torres Strait Islander children in Victoria's youth justice system.

Our 2018-2019 teams wrapped up their year with a get-together at LOOP bar and spoke about efforts over the past year: supporting the Raise The Age campaign; making submissions to the terms of reference of the Mental Health Royal Commission; pushing for transparency in community housing agreements; and exploring the impact of working in Australia's immigration detention system on workers with competing professional obligations.

Our 2019-2020 teams are halfway through their projects. Taking direction from Ngaga-dji, the Indigenous Justice team is looking at what legal and policy reform is needed in the pre-charge space to divert young Aboriginal and Torres Strait Islander people away from the legal system. . The Refugee and Asylum Seeker team is working on understanding when the Minister lifts the bar for potential bridging visa applicants. The Criminal Justice team is working on how to reduce the negative impacts of the 2018 changes to Victoria's bail laws. The Equality & Government Accountability team is looking at how we make the leave system fairer for people who experience chronic health issues.

Emma Buckley Lennox

Below: RAP Trivia Night 2018



RAP EVENTS

Lawyer Meena Singh presents on First Nations Justice and the Law during the first full-day training with RAP's 2019-2020 volunteers in March 2019.



Left: The 2019-2020 Criminal Justice team present at RAP's May 2019 Project Pitch Night.



Chair Emma Buckley Lennox delivers media training to RAP's 2018-2019 volunteers in February 2019.



LIBERTY VICTORIA

The following are brief snapshots of some of the policy work Liberty Victoria has completed over the past year. Follow the links to read more.

(ROBODEBT INQUIRY) THE IMPACT OF CHANGES TO SERVICE DELIVERY MODELS ON THE ADMINISTRATION AND RUNNING OF GOVERNMENT PROGRAMS

27 August 2019

Submitted To: Senate Standing Committee on Legal and Constitutional Affairs

The robodebt scheme is arguably a 'retrogressive measure' in breach of Australia's international human rights obligations as they pertain to the right to social security. The Government's attempts to 'modernise' the delivery of social security to Australians, while seemingly legitimate on its face, have resulted in debts being raised which are not 'duly justified' (potentially not even at law) and have had significant consequences to many Australians — which in some cases may have been grave.

LV recommends the following:

- a. The Department must ensure that its debt-raising processes are consistent with the right to social security as recognised under international human rights instruments.
- b. The 'robodebt scheme' should be suspended.
- c. The social security laws should be amended to introduce prohibitions against the use of solely automated processes which have legal or other significant effects for individuals (including specifically the raising of debts).

d. The Department should consider alternative means of identifying and recovering overpayments which do not place the burden of disproving a debt on the social security recipient.

e. Where data-matching technology identifies a discrepancy, the Department should determine for itself that the discrepancy is accurate, including by conducting a manual review and using its own information collection powers, before issuing a debt notice.

f. When communicating with a social security recipient about an overpayment, the Department should provide a proper, meaningful opportunity to the social security recipient to respond, and give them information about accessing reviews.

g. The Department should provide help to all social security recipients to obtain clarifying information. This should include using its coercive powers under social security laws and more readily offering means to provide information other than online options. A specialised service should be developed for social security recipients with special needs or who are vulnerable.
<http://bit.ly/LVrobodebt>

INQUIRY INTO MIGRATION AMENDMENT (STRENGTHENING THE CHARACTER TEST) BILL 2019

August 16, 2019

Submitted To: The Senate Legal and Constitutional Affairs Legislation Committee

The Bill seeks to amend the *Migration Act 1958* (**the Act**) by introducing a twelfth set of circumstances in which a person will necessarily fail the character test enunciated at s.501(6) of the Act: where they have committed a 'designated offence'.

Liberty Victoria recommends the Bill not be passed.

Our principal concerns with the Bill can be summarised as follows:

- a. No compelling case has been put forward by the Government to justify the amendments. They do not achieve the intended purpose.
- b. The amendments set an arbitrary and inconsistent standard of 'character'.
- c. The amendments are inconsistent with Australia's international obligations.
- d. The amendments would have a severe impact on highly vulnerable individuals, including children, refugees, and people with mental illness.
- e. The amendments would have numerous unintended consequences, including on the criminal and administrative jurisdictions and service providers within those spaces.
<http://bit.ly/LVCharacter>

INQUIRY INTO THE MIGRATION LEGISLATION AMENDMENT (REGIONAL PROCESSING COHORT) BILL 2019

16 August 2019

Submitted To: The Senate Legal and Constitutional Affairs Legislation Committee

These amendments seek to impose a lifetime ban on obtaining a visa (for people who arrived by boat after July 2013) to travel to or remain in Australia, subject to a personal non-compellable non-delegable exemption power of the Minister.

We recommend the Bill not be passed.

Our principal concerns with the Bill can be summarised as follows:

a. No compelling case has been put forward by the Government to justify the proposed amendments, and they are entirely unnecessary and disproportionate;

b. ~~The~~ proposed amendments would entrench the separation of families;

c. The amendments are inconsistent with Australia's international obligations;

d. The amendments would have a significantly harsh and discriminatorily impact on highly vulnerable individuals, including victims of torture and trauma; and

e. A personal non-delegable non-compellable discretion of the Minister is an insufficient safeguard and a troubling further expansion of Ministerial power.

<http://bit.ly/LVRegionalProcessing>

BIRTH CERTIFICATE LAW REFORM BRIEFING

15 August 2019

Liberty Victoria, in conjunction with Ashlea Johnson - a transgender Melbourne woman - fully support amendments to the law to allow transgender, gender diverse and intersex Victorians to record their preferred gender on their birth certificates.

We provided this briefing paper to provide background to the issue, and a summary of the basis on which we support the reforms. Liberty Victoria is delighted that the reforms have passed.

<http://bit.ly/LVBirthCertificate>

CONTEMPT OF COURT CONSULTATION PAPER

July 22, 2019

Submitted To: Victorian Law Reform Commission ,

We have had the opportunity to consider the detailed submission of the Criminal Bar Association of Victoria, and we respectfully endorse it and its recommendations. In particular, we endorse the submission that there should be fault elements that must be proved to establish breaches of prohibitions and restrictions on publication under the law of

contempt, the Judicial Proceedings Reports Act and the Open Courts Act (see paragraph 55, 68 and 106 of the Criminal Bar Association's Submissions).

<http://bit.ly/LVContempt>

REVIEW OF THE TELECOMMUNICATIONS AND OTHER LEGISLATION AMENDMENT (ASSISTANCE AND ACCESS) ACT 2018

8 July 2019

Submitted To: The Parliamentary Joint Committee on Intelligence and Security ,

Liberty Victoria Supports the Joint Submission of the Australian Civil Society Coalition of which we are member. "The PJCIS should wholesale reject this bill (now law). The Act should be repealed in its entirety. We are deeply concerned by the powers contained in the Act, and the serious implications for human rights and democratic governance."

<http://bit.ly/LVTelecommsAccess>

REVIEW OF THE AUSTRALIAN CITIZENSHIP RENUNCIATION BY CONDUCT AND CESSATION PROVISIONS IN THE AUSTRALIAN CITIZENSHIP ACT 2007

8 July 2019

Submitted To: The Parliamentary Joint Committee on Intelligence and Security

Laws enacted by Parliament in 2015 provide for dual national Australian citizens to be stripped of their Australian citizenship where they are found to have engaged in certain terrorism-related conduct or to have committed specified criminal offences. Liberty Victoria contends in its submission to the Parliamentary Joint Committee on Intelligence and Security that not only do these laws lack adequate justification and represent a threat to the rule of law and individual rights and liberties, but they risk undermining Australia's national security, the very thing that they purport to protect.
<http://bit.ly/LVCitizenshipRenunciation>

REVIEW OF THE TERRORISM-RELATED CITIZENSHIP LOSS PROVISIONS IN THE AUSTRALIAN CITIZENSHIP ACT 2007

8 July 2019

Submitted To: Independent National Security Legislation Monitor ,

Liberty Victoria continues to oppose the provisions of the Australian Citizenship Amendment (Allegiance to Australia) Bill 2015, in light of their subsequent operation. While limited public information is available about the application of the provisions, we understand that a number of individuals have had citizenship stripped under section 35 of the Australian Citizenship Act 2007 (Cth) (Citizenship Act).

We express particular concern over the establishment and operation of the Citizenship Loss Board, which represents a threat to the rule of law and basic civil liberties.

In view of extensive foregoing submissions on the provisions, the present submission briefly outlines key concerns. Liberty Victoria recommends that the terrorism-related citizenship loss provisions be repealed. We note that the Canadian Parliament repealed similar provisions from Canadian law in June 2017, in response to similar concerns about the implications of stripping citizenship.
<http://bit.ly/LVCitizenshipLoss>

JUSTICE LEGISLATION AMENDMENT (POLICE AND OTHER MATTERS) BILL 2019

15 February 2019

If enacted the Justice Legislation Amendment (Police and Other Matters) Bill 2019 ("the Bill") would, amongst other things:

a. Create new powers in the Crimes Act 1958 ("the Crimes Act") for police to take a DNA sample from certain suspects and offenders without a court order, including in some cases children; and

b. Introduce new criminal offences and sanctions in the Crimes Act, Sentencing Act 1991 and Bail Act 1977 for acts that harm or threaten harm to police officers, protective services officers ("PSOs") and police custody officers ("PCOs").

Liberty Victoria opposes these proposed reforms.
<http://bit.ly/LVPoliceOther>

SEX DISCRIMINATION AMENDMENT (REMOVING DISCRIMINATION AGAINST STUDENTS) BILL 2018 (SENATOR WONG'S BILL)

January 24, 2019

Submitted To:

Senate Legal and Constitutional Affairs
Committee ,

Liberty notes that the so-called religious exemptions amount to a preference or benefit for some religious groupings over others (including the growing numbers of the non-religious), which appears to contravene section 116 of the Constitution.

Insofar as the Bill removes the privilege to discriminate against **students** in their education at schools run by religious bodies it is wholeheartedly supported.

Insofar as the Bill fails to extinguish that privilege in relation to **employment** in such schools the Bill is inadequate and should be amended to remedy that deficiency.

<http://bit.ly/LVStudentsDiscrimination>

INTELLIGENCE SERVICES AMENDMENT (ENHANCED PARLIAMENTARY OVERSIGHT OF INTELLIGENCE AGENCIES) BILL 2018

18 October 2018

Submitted To:

Senate Finance and Public Administration
Legislation Committee ,

Liberty Victoria is essentially supportive of the reforms contained in the Bill. We note that there has been a significant expansion in the powers and activities of Australia's national security and intelligence organisations over the past two decades, without a corresponding increase in review or scrutiny of such bodies. Accordingly, Liberty Victoria supports the expansion of the functions of the Parliamentary Joint Committee on Intelligence and Security ('PJCIS') to include scrutiny of the activities of Australia's national security and intelligence agencies. However, Liberty Victoria considers that there are two components of the proposed amendments that should be reconsidered to strengthen these important reforms

<http://bit.ly/LVIntelligenceOversight>

The following are brief snapshots of some of the media work Liberty Victoria has done over the past year. Follow the links in the online version of our Annual Report (which you will find on our website) to read more.

The Religious Discrimination Bill Opinion Piece - Pearls and Irritations

Date: 6 September, 2019

Author: Prof Spencer Zifcak

The Religious Discrimination Bill, introduced by the Attorney-General Christian Porter, has its flaws. Nevertheless, it walks a more or less acceptable line between arch proponents and critics of the recent campaign for greater religious freedoms.

<http://bit.ly/SZReligiousDescrimination>

Journalists, media freedom and the law Opinion Piece - Pearls and Irritations

Date: 12 July 2019

Author: Prof Spencer Zifcak

The Australian Federal Police (AFP) raids on journalists from News Corporation and the ABC have caused very considerable community consternation. The fact that these raids occurred in the immediate aftermath of the recent election and within a day of each other served only to animate public concern.

<http://bit.ly/SZMediaFreedom>

The Voltaire 'Empty Chair' Award for 2019 goes to Nasrin Sotoudeh

Press Release Submitted by Liberty Victoria on

Date: 14 May 2019

Liberty Victoria honours Nasrin Sotoudeh with the Voltaire 'Empty Chair' Award 2019.

Nasrin is an Iranian lawyer and human rights defender, renowned for her work representing abused women and children, dissidents, journalists, and people sentenced to death for offences committed as children. Her courageous advocacy has brought her into contact with Iranian authorities on numerous occasions, and she has been harshly punished for her work as a human rights defender.
<http://bit.ly/LVNASrin>

Young Voltaire Awarded to Ngaga-dji Project

Press release Submitted by Liberty Victoria

Date: 9 May 2019

Liberty Victoria honours the Ngaga-dji project (Hear me!), a collaborative project of the Koorie Youth Council led by Anna Cerreto and Indi Clarke, with the Young Voltaire Award.

Ngaga-dji captures the voices and experiences of Aboriginal children in Victoria's youth justice system. It tells the stories of these children for the first time, giving Victoria the chance to understand how policy choices affect the lives and the future of Indigenous communities.
<http://bit.ly/LVNgagaDji>

Debbie Kilroy honoured with the Liberty Victoria Voltaire Award 2019

Press Release Submitted by Liberty Victoria

Date: 2 May 2019

This year Liberty Victoria honours Debbie Kilroy, the founder of Sisters Inside, with the Voltaire Human Rights Award.

Debbie has been a tireless advocate for the rights of disadvantaged women and children on a wide variety of issues including violence, homelessness, racism, mental health, substance abuse, poverty, child protection, sexual assault, imprisonment and other systemic failings. She is driven to reduce the criminalisation and imprisonment of women and children and girls, address the serious over-representation of Aboriginal and Torres Strait Islander women and girls at all levels of the criminal legal system, and mitigate the impact of mothers' imprisonment on their children.

<http://bit.ly/LVDebbie>

The Federal Government Corrodes the Independence of the Administrative Appeals Tribunal

Opinion Piece - Pearls and Irritations

Date: 13 March 2019

Author: Prof Spencer Zifcak

The Commonwealth Administrative Appeals Tribunal (AAT) is a quasi-judicial body designed to promote the rule of law and good government by enabling citizens to call into question the decisions of public sector departments and agencies.

<http://bit.ly/SZAATIndependence>

Statement Regarding the Integrity of the Legal Profession

Press Release Submitted by Liberty Victoria

Date: 26 February 2019

Liberty Victoria believes fervently in the importance of impartial, independent legal advice and representation.

Liberty Victoria is an organisation made up predominately (though not solely) of legal practitioners. We believe that public confidence in the legal profession is integral to the proper administration of justice.

As the integrity of the legal profession in Victoria is under enormous scrutiny, we reiterate our individual and collective commitment to independent, ethical professional conduct and to the duties we each assumed upon admission to the legal profession.

<http://bit.ly/LVIntegrity>

Offshore Processing: The New Legal Attack.

Opinion Piece - Pearls and Irritations

Date: 22 February 22, 2019

Author: Prof Spencer Zifcak

Two new legal actions designed to put an end to Australia's policy of offshore processing have just landed at the High Court of Australia. In a novel twist, the cases will not depend on the High Court's interpretation of the Migration Act. Nor are they constitutionally founded. Instead, the National Justice Project, the law firm representing detainees, is arguing that the Commonwealth has acted negligently. The negligence, it is said, is constituted by crimes against humanity committed by Australian authorities against refugees in the immigration detention camps on Manus Island and Nauru.

<http://bit.ly/SZOffshore>

Spent Convictions Scheme Will Transform the Lives of Many Victorians

Press Release Submitted by Liberty Victoria

Date: 7 February 2019

The proposed spent convictions bill introduced by Reason Party leader Fiona Patten MP would transform the lives of many Victorians. If passed, the proposed scheme would bring Victoria in line with every other Australian state and territory, including Queensland, which has had a legislated scheme since 1986.

<http://bit.ly/LVSpentConvictions>

'It's a big breach of our privacy': Concerns over forthcoming national facial recognition database

Media Type: Audio - 3AW - Mornings with Neil Mitchell

Date: 17 September 2019

Author: Neil Mitchell

<http://bit.ly/3AWFacialRecognition>

Big Brother: Every Victorian's driver's licence to be uploaded to database

Media Type: Article - The Age

Date: 17 September 2019

Author: Sumeyya Ilanbey

<http://bit.ly/AgeLicenceDatabase>

Indigenous People Could Be Detained And Deported If New Law Passes, Lawyers Have Warned

Media Type: Article - Buzzfeed.News

Date: September 12, 2019

Author: Hannah Ryan

<http://bit.ly/BuzzfeedIndigenousDeportation>

Drug Testing for Newstart Recipients

Media Type: Audio - ABC Radio

Date: September 6, 2019

Author: Nicole Chvastek

<http://bit.ly/ABCDrugNewstart>

'Long overdue': public drunkenness to be decriminalised in Victoria

Media Type: Article - The Age

Date: 22 August 2019

Author: Charlotte Grieve

<http://bit.ly/SMHPublicDrunkenness>

Rights groups fear activists' bill

Media Type: Article - Latrobe Valley Express

Date: 22 July 2019

Author: Michelle Slater

<http://bit.ly/LVEActivists>

Melbourne Police Soon Will be Monitoring Crowds with Drones

Media Type: Article - Drone Below

Date: 16 July 2019

Author: Vidi Nene

<http://bit.ly/DroneBelowPoliceDrones>

Terror watch focus of Vic police drones

Media Type: Article - The West Australian

Date: 10 July 2019

<http://bit.ly/WAPoliceDrones>

Victoria Police takes to the skies with first drone unit

Media Type: Audio - 3AW

Date: 10 July 2019

Author: Neil Mitchell

<http://bit.ly/MitchellPoliceDrones>

Terror watch focus of Vic police drones

Media Type: Article - Channel 9 News

Date: July 10, 2019

<http://bit.ly/ChNinePoliceDrones>

Police drones to monitor crowds at footy, public events from next month

Media Type: Article - The Age

Date: July 9, 2019

Author: Erin Pearson

<http://bit.ly/AgePoliceDrones>

Where are you going? How and why? The state government wants to know

Media Type: Article - The Age

Date: July 3, 2019

Author: Yan Zhuang and Benjamin Preiss

<http://bit.ly/AgeWhereGoing>

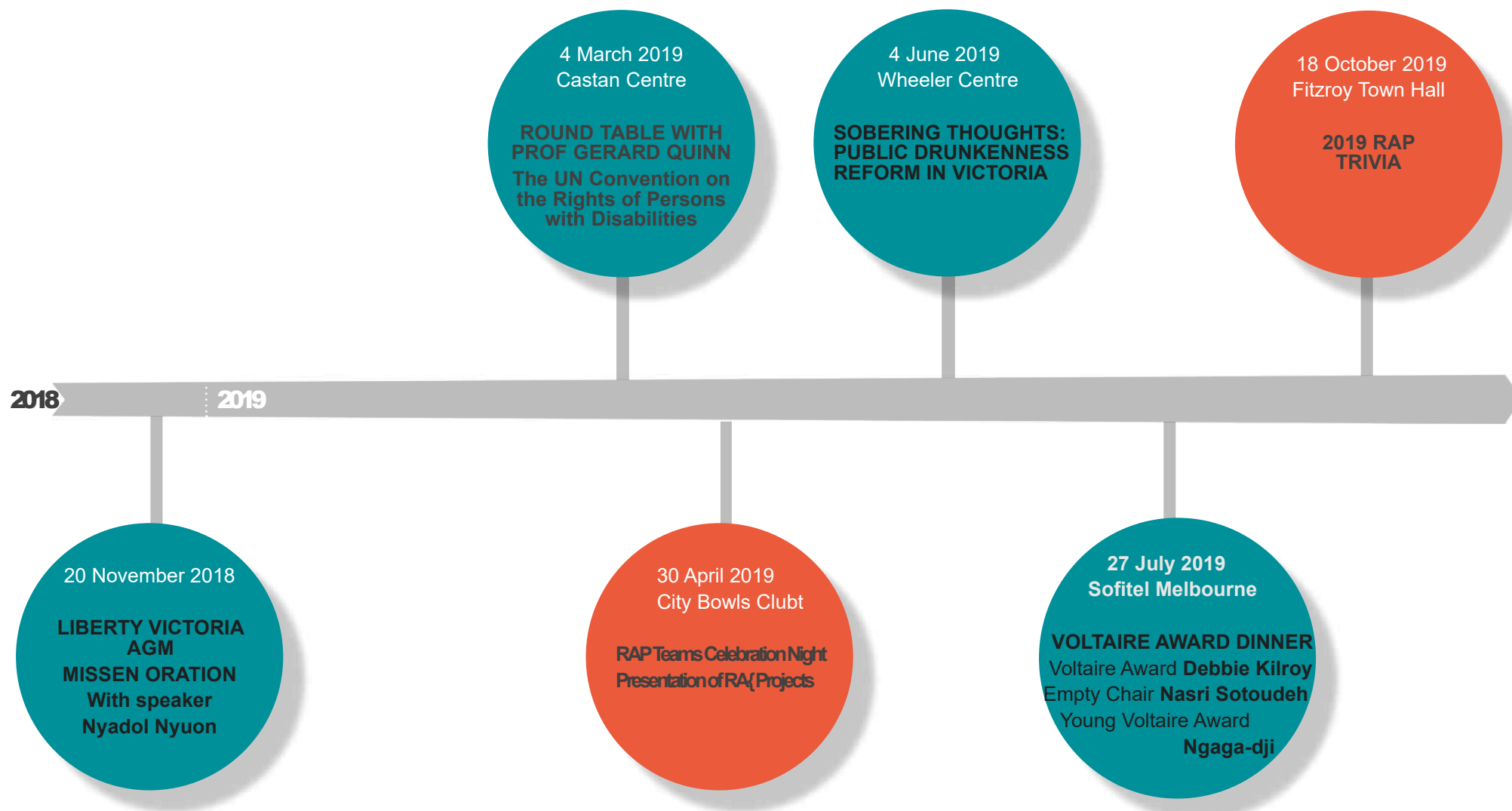
Vic govt proposes phone data harvest

Media Type: Article - SBS

Date: 2 July 2019

<http://bit.ly/SBSDataHarvest>

Phone Data to Track our Journeys**Media Type:** Article - The Australian**Date:** 2 July 2019<http://bit.ly/AustralianPhoneData>**Victorian Government reportedly planning to harvest GPS data****Media Type:** Audio - ABC Radio Melbourne**Date:** 2 July 2019**Author:** Andrew Hanson<http://bit.ly/ABCGPSData>**Victorian Government defends plan to collect location data for public transport planning****Media Type:** Article - ABC News**Date:** 2 July 2019**Author:** Richard Willingham<http://bit.ly/ABCLocationData>**Australia has been seduced by creeping authoritarianism – and its citizens need to wake up****Media Type:** Article - The Guardian**Date:** 14 June 2019**Author:** Jeff Sparrow<http://bit.ly/GuardianAuthoritarianism>**‘We can’t have a sensible conversation’: Political ‘tribalism’ is hurting debate****Media Type:** Audio - 3AW**Date:** 21 May 2019**Author:** Neil Mitchell<http://bit.ly/MitchellPoliticalTribalism>**Victoria Police apologise for botched home raid****Media Type:** Audio - ABC Radio National**Date:** May 13, 2019**Author:** Patricia Karvelas<http://bit.ly/ABCKarvelasHomeRaid>**Do our police officers really need military-style automatic weapons?****Media Type:** Article - The Age**Date:** February 20, 2019**Author:** Warwick McFadyen<http://bit.ly/ABCPoliceWeapons>**New high-powered police guns “seem unnecessary”****Media Type:** Audio - 3AW - Mornings with Neil Mitchell**Date:** February 18, 2019<http://bit.ly/3AWPoliceGuns>**Behrouz Boochani’s literary prize cements his status as an Australian writer****Media Type:** Article - The Conversation**Date:** February 1, 2019**Author:** Misha Ketchell<http://bit.ly/ConversationBoochani>**Victoria: the police state****Media Type:** Article - Red Flag**Date:** November 5, 2018**Author:** Louise O'Shea<http://bit.ly/RedflagPoliceState>**Research shows Australians deeply concerned by Government’s Spyware legislation: Government should Slow Down, Stop and Listen****Media Type:** Article - AI Group Media Release**Date:** October 25, 2018**Author:** Kurt Graham<http://bit.ly/AIGroupSpyware>**Saddest Case: 18 Month Imprisonment of a Victorian Woman Found Unfit to Stand Trial****Media Type:** Article - Victorian Ombudsman**Date:** October 16, 2018**Author:** Ainslee Gowan<http://bit.ly/OmbudsmanUnfitTrial>**Dutton’s decisions on au pairs are legal - but there are other considerations****Media Type:** Article - UNSW Newsroom**Date:** September 3, 2018**Author:** SANGEETHA PILLAI<http://bit.ly/UNSWAuPair>**U-turn on the road to redemption: Craig Minogue and the Russell Street bombing****Media Type:** Article - The Guardian**Date:** August 26, 2018**Author:** Paul Daley<http://bit.ly/GuardianCraigMinogue>**Australian states asylum seekers report****Media Type:** Article - Crikey.com**Date:** July 2, 2018<http://bit.ly/CrikeyAsylum>





If you believe:

- ... that all people should be treated equally, with dignity and fairness
- ... that those in power should be held accountable
- ... that freedom must be defended
- ... that day by day, governments and powerful corporat are chipping away at the freedom, dignity and autonomy of ordinary people.

Then now is the time to become a Civil Rights Defender.

There has never been a more vital time for people like you, who support human rights, civil liberties and our fundamental freedoms; to stand up for human rights and lend Liberty Victoria your support. Join the fight today.



Yes, I'll become a Civil Rights Defender!

I'll give: ☐ \$20 ☐ \$25 ☐ \$30 ☐ \$50 ☐ \$100 ☐ Other \$ _____
☐ Each month ☐ Only Once

Please debit my:

☐ Visa ☐ Mastercard

Card Number _____

Name on Card

Expiry

CCV

Signature _____

Please Return to:

GPO Box 3161 Vic 3001

or become a Civil Rights Defender online at libertyvictoria.org.au

My details

First Name:

Last Name:

Street Address:

City/Suburb:

Pcode:

Phone:

Email:



Photo: Committee Members - Strategic Planning Session February 2019

Top Row: Mathew Kenneally, Martin Radzaj, Michael Stanton, Jamie Gardiner (Senior Vice President)

Middle Row: Samantha Seoud, Varjith Hewaarachhi, Gregory Buchhorn, Michelle Bennett (Treasurer), Gemma Cafarella, Spencer Zifcak, Jessie Taylor (President), Brigid Arthur, Thomas Kane (Vice President), Julian Burnside QC, Karen Greening, Pamela Curr

Front Row: Julie Zhou, Emma Buckley-Lennox, Jessica Airs (Treasurer), Grace Girardi, Julia Kretzenbacher (Vice President)

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