



Victorian Council for Civil Liberties Inc

# 2016 ANNUAL REPORT

The price of liberty is eternal vigilance



# Foreword

Liberty Victoria has a long and proud history, campaigning for civil liberties and human rights for 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.

Many committee members are fully engaged in professional careers and networked support for our work is the way of the future.

The Young Liberty for Law Reform (YLLR) initiative has expanded our reach towards younger members and students and continues to go from strength to strength.

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.

Liberty Victoria relies on funding raised through memberships and donations and the tireless work of volunteer committee members. Thank you to our members for their support.

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. Maelor Himbury continues to assist with our daily media links. for which we and 415 subscribers are very grateful.

We have also been greatly assisted by our team of volunteers, and in the office, by Meah Wood and Fiona Field.

## **LIBERTY VICTORIA 2015 -2016**

PRESIDENT:	George A Georgiou SC
SENIOR VICE-PRESIDENT:	Jessie Taylor
VICE-PRESIDENTS:	Jamie Gardiner
	Thomas Kane
	Michael Stanton
SECRETARY:	Paul Smallwood
TREASURER:	Neale Meagher
PAST PRESIDENT:	Professor Spencer Zifcak
PATRON:	The Hon. Michael Kirby AC CMG

### **Management Committee:**

Kevin Childs  
Aggy Kapitaniak  
Reece Lamshed

### **Policy Committee:**

Matthew Albert  
Michael Allen  
Stewart Bayles  
Julian Burnside QC  
Hugo de Kock  
Mathew Kenneally  
Gemma Leigh-Dodds  
Adam MacBeth  
Leanne O'Donnell  
Jillian Prior  
Evelyn Tadros  
Andrew Vincent  
Tim Warner  
Daniel Webb

Executive Officer  
Gillian Garner  
Executive Assistant  
Torunn Momtazi

# George A Georgiou SC

## President



The old adage “may you live in interesting times” (whatever be its origin) comes strongly to mind as I ponder my final president’s report.

Recent international and national events such as the outcome of the US presidential election, the rise of nationalist groups across many parts of

the world, assaults upon rights and freedoms in countries like Turkey and the Philippines, and our own recent federal election, with the rise of the minor parties, all make for interesting times ahead. Events such as these cause me to reflect on a disturbing thought that the world is, at some levels at least, becoming a cold and harsh place.

Even at a local level, in recent weeks, we have been bombarded with calls from the law and order campaigners for harsher penalties for our wayward children, some of whom are now locked up in adult prisons. “68% think authorities are losing battle against Apex gang” a Herald Sun survey recently told us.

In these testing times, our much valued civil liberties and human rights are among the heaviest of casualties. Because of what might be considered a changing world order, the need for a strong and passionate organisation such as Liberty Victoria, committed as it is to the protection of fundamental rights and liberties, is as important now as it ever was. Speaking out against these injustices affecting our fundamental rights, the scrutiny of proposed legislation affecting those rights, the making of submissions in respect of proposals that impact upon our rights has been a core function of our work and is as important now as it ever was.

In my two years as president of Liberty I have been privileged to work with advocates for civil liberties and human rights whose intellect, passion and commitment has been wonderfully awe-inspiring. These are the many people who make up our committees, the executive, members of Young Liberty for Law Reform, and, of course the extremely hardworking Gillian and Torunn. It has been greatly re-assuring to have these people on our side.

The work of Liberty in 2016 is well set out in this report and on our brand new website.

It is also important to make mention of the special events we held this year as part of our efforts to communicate the importance of human rights and freedoms.

I begin with the first major event which was last year's AGM. We were fortunate to have Michael Brett-Young speak on that occasion about his work in reviewing the Victorian Charter and provide glimpses into what it might take to achieve a National Charter.

Fearless Music, a Liberty event, held at the St Kilda Memo Club was a wonderful success. Hosted by Brian Nankervis with musicians Shane O'Mara, Paul Grabowsky, Rosie Westbrook, Ray Pereira, Peter Martin, Ross Wilson, Cash Savage, Stephen Cummings, Sean Kelly, Mark Seymour, Liz Stringer, Rob Snarks, Jane Clifton and Lisa Miller all singing songs of freedom in support of Liberty.

Waleed Aly was the 2016 Voltaire award winner. Waleed is well known for speaking out on the many injustices that afflict this world and true to form was a gracious winner whose acceptance speech was indeed thought provoking. 2016 also saw the inaugural "Empty Chair" award. This year's award went to Raif Badawi, who was sentenced to 10 years gaol and 1000 lashes for daring to criticise religious leaders in Saudi Arabia. Part of the proceeds from the Voltaire dinner were donated to the Raif Badawi Foundation for Freedom, which campaigns for the release of Raif.

In August 2016 we were most fortunate to have Philippe Sands give the Alan Missen Oration at the Melbourne Writers Festival. Philippe's oration was one of the most powerful I have heard and judging by the comments after the event, many clearly felt the same way. I am certain that our past-president, and former Chairman of the Alan Missen Oration, Alan Goldberg QC, would have greatly enjoyed the oration. Sadly, after a long illness, Alan passed away not long before the event. He will be greatly missed by us all. He was a wonderful supporter of Liberty.


Tonight we are also seeking from you permission to change our constitution. The executive and committees of Liberty are in favour of the proposed changes and see them as being necessary to the continued and efficient workings of Liberty Victoria. We hope that we will get your support.

Special thanks are also made to Michael Drapac, without whose generous support we would have nowhere to live, the law offices of Colin Biggers & Paisley who generously allow us the use of their conference room for our meetings and annual general meeting, and to all our wonderful volunteers whose help is vital to the smooth running of Liberty.

This year we say goodbye to committee member Matthew Albert whose contributions over many years in policy development and to YLLR members have been greatly appreciated.

We also see Evelyn Tadros, a long-standing committee member and former office manager, step back to focus on her commitments with the Human Rights Arts and Film Festival. We wish them both the very best and hope to see them at events throughout the coming year.

Finally, I thank you, the members of Liberty Victoria, for your continued support. Without you, Liberty could not survive. It has been my great pleasure working on your behalf.

A stylized, handwritten signature in black ink, consisting of a series of fluid, connected strokes.

Treasurer's Report

VICTORIAN COUNCIL FOR CIVIL LIBERTIES INCORPORATED

ABN 23 236 210 735

TREASURER'S REPORT - 2016

A deficit of \$30,572 was made for the year compared with a deficit of \$9,229 in 2015. This is a disappointing result, although not entirely unexpected, and was adversely affected by website development costs due to recent hacking events, lower than expected membership subscriptions and lower than expected profit from the 2015 Voltaire event.

It again needs to be emphasised that if we continue to make deficits, as has been budgeted for 2017, the cash reserves of the organisation will continue to be depleted unless we received additional income, whether that be from new memberships, grants, donations or additional events.

Members funds totalled \$56,688 as at 30 June 2016 (\$87,260 as at 30 June 2015).

Current membership as at end of June 2016 was 275 members. Note that we had 299 members in June 2015, 292 members in June 2014 and 273 members in June 2013.

I would like to also thank Michael Drapac for generously providing rent free office space at his premises in Carlton and Gillian Garner and Torunn Momtazi who do an outstanding job organising everything and certainly make my task easier.

STATEMENT OF COMPREHENSIVE INCOME FOR THE TWELVE MONTHS ENDED 30 JUNE 2016

	2016	2015
	\$	\$
Income		
Memberships	11,873	15,080
Donations	2,371	1,914
Events	43,039	38,077
Investment income	864	9,136
Other income	95	100
	<u>58,242</u>	<u>64,307</u>
Expenditure		
Events	26,623	25,189
Bank charges	899	455
Office costs	7,099	4,582
Salaries & wages	39,727	41,315
Website development	12,694	-
Other costs	1,772	1,995
	<u>88,814</u>	<u>73,536</u>
Surplus/(deficit) for the year	<u>(30,572)</u>	<u>(9,229)</u>
Retained earnings - beginning of year	<u>87,260</u>	<u>96,489</u>
Retained earnings - end of year	<u>\$56,688</u>	<u>\$87,260</u>

	2016	2015
	\$	\$
Balance Sheet as at 30 June 2016		
Assets		
Westpac general account	6,589	4,297
Petty cash	393	163
Westpac high interest account	38,426	83,568
Prepayment - Voltaire dinner deposit	17,375	2,000
Cash box	87	(71)
Total Assets	<u>62,870</u>	<u>89,957</u>
Contractor payment	582	1,222
Income in advance	<u>5,400</u>	<u>1,475</u>
Total Liabilites	<u>5,982</u>	<u>2,697</u>
Net Assets	<u>\$56,888</u>	<u>\$87,260</u>
Represented by Members Funds		
Retained earnings	\$87,260	\$96,489
Current year surplus/(deficit)	<u>(30,572)</u>	<u>(9,229)</u>
	<u>\$56,688</u>	<u>\$87,260</u>

Neale Meagher  
Treasurer



# Young Liberty for Law Reform

## 2015 – 2016

### About Young Liberty for Law Reform

Young Liberty for Law Reform (YLLR) is a project of Liberty Victoria. Organised by a steering committee of young people, YLLR advocates for laws and policies that respect human rights.



At the start of each year, we take on 18 volunteers and train them up in media, campaign strategy and law reform. The volunteers then work in teams, guided by experienced human rights advocates.

After identifying an area in need of change, the volunteers identify their ‘value-add’ to the wider movement.

Usually, this involves combining legal and policy analysis with creative advocacy, to engage not just decision-makers, but also the wider public that influences them.

Throughout the year, we also hold community events, including a trivia fundraiser and a mid-year workshop. For the latest YLLR work and events, you can find us on Facebook.

### Steering Committee

- Katharine Brown — Chair
- Lexi Lachal — Refugee Coordinator
- Emma Buckley-Lennox — Equality and Government Accountability Coordinator
- Kelsey Ryan — Criminal Justice Coordinator and Community Coordinator
- Louise McNeil — Monitoring and Evaluation Coordinator
- Grace Duncan — Community Coordinator
- Dale Straughen — Treasurer and Secretary
- Louise Brown (Chair until May 2016)
- Alina Leikin — Strategic Advocacy Training Coordinator



## Work

### Operation Secret Borders

In April 2016, YLLR launched a report 'Operation Sovereign Borders' that exposed the legal, practical and cultural barriers to whistleblowing in offshore detention centres.



The report was launched at a booked out Wheeler Centre event featuring a panel including a lawyer, an academic and a whistleblower.

Since then, we have continued to advocate on this issue, using the report as our base document. We have published articles in Right Now, The Age and the Law Institute Journal, and undertaken a number of radio interviews. We have worked closely alongside Fitzroy Legal Service, providing advocacy support for their High Court case. We have also engaged with academia, including discussions with the Reuters Institute at Oxford University.

Last month, the Federal Government announced they would remove the whistleblowing laws for doctors, weaseling out of potential High Court precedent. The laws remain however, for other professions, and YLLR is ready to continue this work.

### Myki fines

Also in April 2016, we launched [www.mykifines.org.au](http://www.mykifines.org.au), an interactive website that helps commuters understand their public transport rights and decide whether they should pay the \$75 on the spot fare.

On its launch day, YLLR were out there making sure that word got around. We handed out cards at tram stops, spoke on radio and TV and engaged with a variety of written media platforms. That day alone, the site was viewed by over 35, 000 people.

In May 2016, the pressure worked and the Government announced changes to the law to remove on the spot penalty fares from January 2017.

### What happens to people once they're released from prison?

In 2015-16, there has been a lot of hype about 'getting tough on crime.' Every day, there is a new story in the papers about sentencing and prisons. But what happens to people once they're released from prison?

This was the question we asked in our March 2016 social media video campaign. The short video highlights the lack of support and rehabilitation offered to newly released prisoners, calling for a re-think of our system — which too often sets people up to fail.

## State Responsibility for Family Violence

2015-16 has been a big year for the Family Violence Sector. In October 2015, we launched a 4-part radio series in partnership with 3CR's Done By Law. The series explored the State's responsibilities for the prevention and response to family violence.

Episodes focused on the Australian context, international laws, women with disabilities and women in the sex industry.

## YLLR Volunteers

Samantha Kate Baker Rowe

Lauren Bull

Rachel Cashmore

Elizabeth Colliver

Paige Darby

Esther Faine-Vallantin

Emma Fargher

Emily Fischer

Julia Kretzenbacher

Caitlin McInnis

Reiko Okazaki

Jessica O'Riley

Shawn Rajanayagam

Pierce Russell

Sheradyn Simmonds

Edmund Simpson



# Submissions and Policy Work

## **Inquiry into serious allegations of abuse, self-harm and neglect of asylum seekers in relation to the Nauru Regional Processing Centre and Manus Regional Processing Centre**

7 November 2016

Senate Legal and Constitutional Affairs Committee

This submission updates the Committee on Liberty Victoria's position regarding the healthcare provided to asylum seekers in Regional Processing Centres (RPCs). Despite the lack of transparency and independent evaluation of the RPC's permitted by the Australian government, the evidence summarised in the current submission clearly indicates that medical care provided to asylum seekers is troubling and RPC's are managed with a poor level of medical oversight, services and delivery which have, on many accounts, resulted in serious injuries and deaths.

In November three Liberty Victoria Policy Committee members, Julian Burnside QC, Matthew Albert and Gemma Leigh-Dodds attended a public hearing for this inquiry. The transcript of the Hansard evidence for the hearing in Melbourne can be accessed at pp 32-7. YLLR's report 'Operation Secret Borders' received an excellent review, with Senator McKim following the team out the door to personally offer his congratulations on its quality.

## **Working with Children Amendment Bill 2016 (Vic)**

4 November 2016

Public

The Bill sought to amend the Working with Children Act 2005 (Vic). Liberty Victoria recognises that the amendments in this Bill arise in part out of the Royal Commission into Institutional Responses to Child Sexual Abuse, and that the protection of children is paramount in consideration of the implementation of this Bill. However, it is our view that the Bill goes beyond the limits of what is reasonable and practicable in balancing the interests of children with the rights of people to be involved in the lives of children.

## **Sentencing (Community Correction Order) and Other Acts Amendment Bill 2016 (Vic)**

31 October 2016

Public

Liberty Victoria strongly opposed this Bill. It is an unnecessary reform to the Community Correction Order regime that further entrenches mandatory sentencing in Victoria.

This Bill follows a worrying trend. Successive Victorian Governments have followed a pattern of passing legislation to restrict the sentencing discretion of judicial officers as the independent umpire. That includes the *Crimes Amendment (Gross Violence Offences) Act*

*2013, the Sentencing Amendment (Emergency Workers) Act 2014, the Sentencing Amendment (Coward's Punch Manslaughter and Other Matters) Act 2014, the Sentencing Amendment (Baseline Sentences) Act 2014 the Serious Sex Offenders (Detention and Supervision) Amendment (Community Safety) Act 2016, and the Crimes Amendment (Carjacking and Home Invasion) Bill 2016.*

## **Proposed changes to Community Correction Orders will not make us safer**

12 October 2016

Public

Liberty Victoria was very concerned about the Victorian Government's announcement on proposed reforms to the Community Correction Order regime. The reforms are strongly opposed. The announcement reflects a fundamental misconception that by sentencing more persons to imprisonment Victorians will be made safer.

## **Joint Submission for the United Kingdom's Universal Periodic Review in 2017**

23 September 2016

United Nations

A joint Submission for the United Kingdom's Universal Periodic Review in 2017 was submitted by a coalition of a number of international human rights, fair trial and jurist organisations. The submission highlighted issues about respect for and implementation of United Nations' Human Rights Council special mechanisms, domestic human rights protection, ratification of individual complaint mechanisms under international treaties to which the United Kingdom is a party, as well as specific human rights concerns regarding the right to liberty, due process, equal treatment, freedom from arbitrary deprivation of liberty and inhuman and degrading treatment, fair trial, privacy and family life, and health.

## **Crimes Amendment (Carjacking and Home Invasion) Bill 2016 (Vic)**

14 September 2016

Public

Liberty Victoria is deeply concerned about the gradual erosion of judicial discretion in sentencing and the move towards mandatory and/or more prescriptive models of sentencing. Part of that concern stems from the need for the legislature to carefully protect the separation of powers so that a strong and independent judiciary is able to ensure that justice is done in the individual case. Liberty Victoria noted that the Bill should be recognised for what it is – a significant threat to judicial discretion, the separation of powers and the rule of law.

## **Victorian Police Minister proposed laws to ban masks at protests**

17 August 2016

Public

Simply banning all masks at protests would be a broad brush “one size fits all” approach that undermines our civil liberties when the case has not been made as to why such laws are necessary and proportionate.

To the same end, to introduce a mandatory or prescriptive sentencing model for those who commit disorder offences while wearing masks would cause injustice and represent a further erosion of judicial discretion in sentencing. Any bill that proposes such measures should be opposed.

## **Independent National Security Legislation Monitor's (INSLM) inquiry into certain questioning and detention powers**

17 August 2016

Independent National Security Legislation Monitor

The Councils for Civil Liberties made a joint submission to the Independent National Security Legislation Monitor's inquiry into certain questioning and detention powers in relation to terrorism.

## **2016 Census**

5 August 2016

Public

Liberty Victoria was contacted by a number of persons concerned about the 2016 Census and the privacy implications for them.

Liberty acknowledged that the collection of statistical data is a necessary and useful means for governments to plan for the benefit of all Australians. However, Liberty Victoria has great reservations with the electronic collection of data, its retention and its safe storage.

## **Operation Secret Borders - YLLR**

9 June 2016

Public

'What we don't know, can hurt us.'

Liberty Victoria's Young Liberty for Law Reform (YLLR) released a report shining a light on a dark corner of our democracy. The report recommends fundamental and urgent changes to the laws that apply to whistleblowers in our immigration system, and calls on the Commonwealth Government to end a culture of secrecy.

## **Review of the Role of the Victims of Crime in the Criminal Trial Process**

26 April 2016

The Victorian Law Reform Commission

Liberty Victoria welcomed the opportunity to make a submission in relation to the Victorian Law Reform Commission's review of the Role of the Victims of Crime in the Criminal Trial Process. Central to the Commission's review was the question: what should the role of the victim be in the criminal trial process? In relation to consideration of this question, the Commission indicated that it would inform itself with respect to what can be learnt from practice and what can be learnt from theory.

## **Inquiry into the Detention of People with Cognitive and Psychiatric Impairment in Australia**

22 April 2016

Senate Standing Committees on Community Affairs

The legal apparatus that provides for a person with a cognitive disability to be detained, without review and on an indefinite basis, is concerning. The right to liberty, and the associated right to humane treatment while being deprived of liberty, are core tenets of Liberty Victoria and are also enshrined under international human rights law.

Any decision to restrict the liberty of a person should comply with standards provided in the Convention on the Rights of Persons with Disabilities to ensure procedural fairness, such as including specific and reviewable timeframes to terms of detention.

## **Serious Sex Offenders (Detention and Supervision) Amendment (Community Safety) Bill 2016 (Vic)**

18 April 2016

Public

Liberty Victoria had serious concerns about the Bill and opposed its enactment.

Liberty Victoria understood that the Bill represented, in part, a legislative response to the Harper Review into the Management of Serious Sex Offenders On Supervision Orders (SSOSO) and to the murder of Ms Masa Vukotic and recognised that no legislative response could be sufficient to remedy the harm caused to Ms Vukotic and her family and friends.

Some of the reforms, such as the mandatory minimum term of 12 months' imprisonment for breaching restrictive conditions, are simply draconian. The Government has not explained how these proposed reforms would better protect the community, or prevent incidents such as the murder of Ms Vukotic. There is a real danger that, in the understandable desire to respond to such shocking incidents, the legislature rushes to enact laws without proper consideration of the pitfalls. The Government has not made the case as to how such reforms are proportionate limitations to the rights of persons made subject to orders under



the Act. Liberty Victoria is concerned that if enacted such reforms would be open to significant abuse.

## **Comment on the Infant Viability Bill 2015 (Victoria)**

18 April 2016

Public

Liberty Victoria did not support the Infant Viability Bill 2015 as regulation of abortion has been dealt with appropriately under the Victorian Law Reform Act 2008. The Act already provides for abortion post-24 weeks which, in any case, are extremely rare and only undertaken in emergency situations. In addition, we believe that criminalising doctors, as this Bill proposes to do, is a highly regressive and disingenuous attempt to wind back the 2008 law.

## **Conditions and Treatment of Asylum Seekers and Refugees at the Regional Processing Centres in the Republic of Nauru and Papua New Guinea**

8 April 2016

Senate Legal and Constitutional Affairs Committee

Liberty Victoria has consistently raised concerns about the deleterious effect that offshore detention has on the human rights and well-being of asylum seekers, and of the Australian government's outsourcing and obfuscation of its responsibilities under both domestic and international law. To this end, Liberty Victoria endorsed a previous joint submission made by Unicef Australia and the Human Rights Law Centre (HRLC) to the Senate Select Committee titled 'Recent Allegations relating to the Conditions and Circumstances at Regional Processing Centre in Nauru', dated 13 May 2015, and the HRLC Submission "Inquiry into Manus incident", dated 2 May 2015. The PNG and Nauru centres should be closed and the asylum seekers within brought to the Australian mainland for processing according to law.

## **Myki Fines – Know Your Rights - YLLR**

6 April 2016

Public

After working with Julian Burnside QC in his fight against unfair Myki fines, Young Liberty for Law reform created [www.mykifines.org.au](http://www.mykifines.org.au) to help people understand their options when they are confronted by an Authorised Officer who tells them their Myki isn't valid. By answering a few simple questions, commuters can work out whether they should pay the on the spot fare, or fight the fine. This project aims to make Victorian public transport users aware of their legal rights and, in doing so, improve government accountability.



## **Sex Offenders Registration Amendment Bill 2016 (Vic)**

29 March 2016

Public

Liberty Victoria is opposed to the Bill which:

- Fails to provide registrants with the same important protections that are provided by the Serious Sex Offenders (Detention and Supervision) Act 2009 (Vic) (“the Detention and Supervision Order Act”);
- The threshold for making a prohibition order is too low, and will result in almost all registrants being eligible to be made subject to such orders and potentially punished by imprisonment for non-compliance;
- The power to make conditions is too broad, and extends beyond necessary conditions to merely “desirable” conditions;
- There is no indication that the already over-stretched Magistrates’ Court of Victoria has the resources or capacity to deal with such matters properly;
- There is no indication that there are the resources to ensure that registrants, who will often be economically disadvantaged and suffering from various physical and/or mental health issues, will be legally represented; and
- The Bill fails to address the broader systemic failures in the Victorian sex offender registration scheme.

## **In what ways are governments legally responsible for family violence? - YLLR**

17 March 2016

Public

In a collaborative project between Young Liberty for Law Reform and Done by Law of 3CR, a series of four radio shows were produced. In these, the issues of state responsibility and family violence, looking at responsibility in Australian law; international law; and then experiences of family violence particular to women with disabilities and women with experience in the sex industry were explored.

## **Corrections Amendment (No body-no parole) Bill 2016 (Vic)**

8 March 2016

Public

Liberty Victoria opposed the Bill which proposed an amendment to the Corrections Act 1986 (Vic) by insertion of a new provision that would, in effect, render a prisoner serving a prison sentence for murder, or conspiracy to commit murder, ineligible for parole unless the Adult Parole Board is satisfied that the prisoner has ‘cooperated satisfactorily in the investigation of the offence to identify the location, or last known location, of the remains of the victim of the offence.’

## **Privacy Amendment (Notification of Serious Data Breaches) Bill 2015**

8 March 2016

Attorney-General's Department

The Bill proposes to make amendments to the *Privacy Act 1988* (Privacy Act) to introduce mandatory data breach notification provisions for regulated agencies, organisations and other entities (entities).

Liberty supported these proposed amendments and welcomed the introduction of a mandatory data notification scheme, particularly following the introduction of the mandatory data retention laws last year. The existing voluntary data breach notification arrangements are not sufficient to protect personal information in this digital age.

The introduction of mandatory data breach notifications is long overdue. The inclusion of the proposed amendments into the Privacy Act support Australian Privacy Principles and are especially important with respect to the open and transparent management of personal information.

The absence of mandatory notification provisions in the Privacy Act undermines public confidence and is inconsistent with the open and transparent management of personal information.

## **Inquiry into the Migration Amendment (Character Cancellation Consequential Provisions) Bill 2016**

4 March 2016

Senate Legal and Constitutional Affairs Committee

In general terms, Liberty Victoria opposes aspects of the Bill. Liberty Victoria is opposed to the power given to the Court under s 503B to withhold from the applicant and their own lawyer certain information. It is anathema to the rule of law that a person should appear before a court to meet a case about which he or she is not fully informed. The expansion of that power under this amending Act in respect of cancellation under s 501BA and 501CA is, therefore, also opposed.

## **Upholding Australian Values (Protecting Our Flags) Bill 2015 (Vic)**

4 March 2016

Public

As Mr Young MLC, the sponsor of the Bill, stated, the national flag has special meaning to many Victorians as a symbol of Australian unity. However, a principle that unifies Australia is our commitment to liberal freedoms. In our society we are not compelled by the authorities to pledge allegiances, declare oaths, or show deference to national symbols

Whether the Australian flag is a symbol of freedom, or colonialism, are legitimate matters for individuals to form their own opinions.



Auto-da-fe Image © Zev Landes

Some may find dishonouring the flag offensive, others may consider it a worthwhile contribution to public discussion. Free and open debate is the best way to facilitate Victorians to form their own opinions.

This Bill sought to deny Victorians the right to make up their own minds. The proponents sought to conclude the debate through legislation: the Australian flag and what it symbolises is beyond reproach.

The people of Victoria do not need to be shielded from offence. Nor does the Australian flag require the protection of the criminal law. If the Australian flag is a powerful and unifying symbol it will survive crude protests. If the Australian flag does symbolise a commitment to democratic principles, then those values should apply to protect those who would “dishonour” the flag.

The Bill should not be enacted as it would undermine the Australian values it purports to protect.

## **YLLR explores issues facing people leaving the prison system**

1 March 2016

Public

What happens to people when they are released from prison? YLLR prepared a video which explores some of the many issues facing people leaving the prison system.

## **Crimes Legislation Amendment Bill 2016 (Vic)**

16 February 2016

Public

Liberty Victoria is opposed to the mandatory minimum sentence provisions in the Sentencing Act 1991 (Vic), and accordingly is also opposed to the expansion of those provisions to alleged offences against custodial officers through this Bill.

## **Sentencing Guidance Reference**

8 February 2016

Sentencing Advisory Council

As an organisation Liberty Victoria is deeply concerned about the gradual erosion of judicial discretion in sentencing and the move towards mandatory and/or more prescriptive models of sentencing.

Part of that concern stems from the need for the legislature to carefully protect the separation of powers so that a strong and independent judiciary is able to ensure that justice is done in the individual case.

## **CCLs Presidents' Statement calling on the Australian Parliament to abandon the radical and misguided Australian Citizenship Bill**

23 November 2015

Australian Parliament

The Presidents of the NSW, Victorian, Queensland and South Australian Councils for Civil Liberties and the Australian Council for Civil Liberties put together a statement calling on the Australian Parliament to abandon the radical and misguided Australian Citizenship Amendment (Allegiance to Australia) Bill 2015.

In the aftermath of the recent tragic and brutal acts of terrorism in Paris, Lebanon and other places, the desire to take even more action to protect our community is strong and understandable. However, this Bill, which will initiate a radical reshaping of the relationship between citizens and the state, is not an appropriate or effective response. It will not make, us or the world, safer. Arguably it will achieve the opposite. It is not necessary as the Government has more than adequate existing counter-terrorism/national security powers to deal with the conduct designated in the Bill.

## **"No Jab, No Play" Legislation Policy Paper (Vic)**

16 November 2015

Public

Liberty prepared a paper in response to the provisions in the Public Health and Wellbeing Amendment (No Jab, No Play) Act 2015 (the Act) which took effect on 1 January 2016 and which exclude preschool children from childcare or Kindergarten facilities unless they are up to date with the Commonwealth's prescribed vaccination schedule. Exemption on

medical grounds is allowed but not exemption on the basis of conscientious objection.

The paper proposed a solution to the conflict from a human rights and civil liberties perspective. Liberty Victoria concluded that the “no form, no play” policy of NSW is preferable to the “no jab, no play” policy in Victoria.

There were two main reasons for adopting this position. First, in accordance with accepted principles in human rights law, the Victorian policy cannot be justified as a necessary and proportionate limitation on a child’s right to education.

Second, the policy cannot be justified from an ethical point of view. Although an adult’s decision not to vaccinate a child under their care may be unethical, such a decision does not justify a policy that sacrifices the interests of the child.

## **Joint CCLs submission to Traditional Rights and Freedoms— Encroachments by Commonwealth Laws (ALRC Interim Report 127)**

8 October 2015

Australian Law Reform Commission

The joint Councils for Civil liberties in Australia made a submission to the Interim Report which was reviewing Commonwealth laws that encroach on traditional rights, freedoms and privileges (Freedoms Inquiry). Traditional rights include such fundamental freedoms as freedom of speech, religion, movement and association; and other important rights and privileges such as property rights, client legal privilege, the right to a fair trial, and access to the courts, to name a few.

## **Inquiry into the matter of a popular vote, in the form of a plebiscite or referendum, on the matter of marriage in Australia**

14 September 2015

Senate Legal and Constitutional Affairs References Committee

Liberty Victoria submitted that neither a referendum nor a plebiscite is an appropriate method to address matters of equality and human rights.

Liberty urged the committee to reject the proposal, but to recommend instead that a Bill to amend the Marriage Act 1961 - to provide for equality in access to its provisions, regardless of the sex or gender of the parties - be enacted as a matter of urgency.

## **YLLR Age Determination Report**

14 September 2015

Public

The age determination report was prepared by members of Young Liberty for Law Reform’s Refugee and Asylum Seeker group.

The Report raises a number of issues with the Department’s current approach to age determination.

Some issues identified in the report include the failure of the Department to afford asylum

seekers the 'benefit of the doubt' during age determinations as required by international law and ensure that age determination officers have the appropriate qualifications, experience and training to be making age determinations.

The report also recommends some affordable and easily implementable safeguards that the Department could adopt in order to ensure greater compliance with international law.

## **Inquiry into End of Life Choices**

5 August 2015

Victorian Government Legal and Social Issues Committee

Liberty Victoria supports a terminally ill person's right to die with dignity.

As early as 1998 Liberty Victoria produced a booklet titled *The Final Choice – Considerations on Choosing to Die*, and has in the past supported voluntary euthanasia Bills.

Liberty Victoria supported the Dying With Dignity Victoria's comprehensive submission to the Legal and Social Issues Committee.

## **Use of regulatory regimes in preventing the infiltration of organised crime into lawful occupations and industries**

3 August 2015

Victorian Law Reform Commission

Liberty concentrated on the 2 central aspects of the Consultation paper. Firstly, the absence of sufficient data upon which to base a platform for change to the regulatory environment of the target industries and occupations, and the difficulty inherent in data collection and secondly our concern that police powers not be expanded to fill a perceived void in the regulatory framework.

The Consultation paper posed a number of questions which were difficult to respond to in the abstract. Liberty is concerned that any reforms to industry practice and specific occupational groups aimed at disrupting organised crime do not at the same time create an excessive burden on individuals seeking to pursue their livelihood in a lawful manner. A firm evidentiary foundation should be the basis for any radical changes to business and industry regulation.

## **Report: Special Religious Instruction in Victorian government schools - recent developments and implications for human rights – with YLLR**

31 July 2015

Public

Religious groups were allowed to provide dogmatic religious instruction to primary students in government schools. Is this acceptable in secular Australia? A sustained campaign against this practice from parents, educators and academics has long argued it is not. A

new report from Liberty Victoria with YLLR agreed, arguing that the 'Special Religious Instruction' program is a human rights law issue.

## **Inquiry into the Australian Citizenship Amendment (Allegiance to Australia) Bill 2015**

22 July 2015

Parliamentary Joint Committee on Intelligence and Security

The councils for civil liberties across Australia (Liberty Victoria, New South Wales Council for Civil Liberties, Queensland Council for Civil Liberties, South Australia Council for Civil Liberties and the Australian Council for Civil Liberties) collaborated around this submission because the issue of citizen stripping is of great national significance.

The councils for civil liberties across Australia (CCLs) strongly opposed the Bill. In the current political climate, where there has been significant bipartisan support for national security legislation, there is a danger that the Bill will be passed without it being carefully scrutinised.

## Opinion Pieces

### [The secrecy surrounding Australia's border security regime has gone too far](#)

1 August 2016 / 1 August 2016 / Author: Jordina Rust and George Georgiou SC

### [Chilcot: The War and the Law](#)

12 July 2016 / John Menadue - Pearls and Irritations / Author: Prof Spencer Zifcak

### [Prohibiting Flag Burning Will See Our Values Go Up In Flames](#)

9 June 2016 / Huffington Post Australia / Author: Michael Stanton and Mathew Kenneally

### [Co-opting the Judiciary: Counter-Terrorism Laws at Work](#)

23 December 2015 / John Menadue - Pearls and Irritations / Author: Prof Spencer Zifcak

### [Democracy suffers in assaults on free speech](#)

17 September 2016 / Voltaire 2015 speech by Michael Bachelard, Investigations Editor, The Age (edited extract) / Author: Michael Bachelard



# Press Releases

## **Locking teenagers in adult jails both dangerous and wrong**

15 November 2016: Teenagers don't belong in an adult jail, even when things get hard. Placing them with adult prisoners is exposing them to dangerous influences and the risk of abuse...

## **Rights group flays Refugee life ban**

8 November 2016: The human rights group Liberty Victoria has condemned the Federal Government's decision to ban any asylum seeker who has attempted to reach Australia...

## **No safety in plan to jail more - Liberty**

12 October 2016: State Government plans to jail more people will not make Victorians safer, rights group Liberty Victoria warned today. "Practical experience of the criminal justice system ...

## **Human rights group backs doctors on whistleblowing**

27 July 2016: A human rights group has swung behind doctors who want the right to disclose what happens in detention centres. Doctors for Refugees has filed a High Court challenge to the ...

## **Danger of census facts leaking, Liberty Victoria warns**

22 July 2016: Information from next month's census will be a "honeypot" for hackers, Liberty Victoria warned today. "The safest way to keep data secure is not to retain it at all," the human rights ...

## **Don't licence protests, says rights group**

30 June 2016: Human rights group Liberty Victoria today expressed great concern about proposed legislation that would require permits to be obtained before people may protest. Liberty president...

## **Leave sentencing to the courts, warns Liberty Victoria**

10 June 2016: Liberty Victoria is concerned that the Attorney-General has elected to introduce a standard sentence scheme, contrary to the clear advice of the Sentencing Advisory ...

## **Liberty Victoria supports the immediate reinstatement of Roz Ward**

3 June 2016: Whatever happened to the idea of freedom of speech, of freedom to debate diverse political and ideological views? These should be the very hallmarks of a just and democratic ...

## **An empty chair to honour lashed Saudi blogger**

25 May 2016: When Gold Logie winner Waleed Aly receives Liberty Victoria's Voltaire award in July he will share the spotlight with a blogger and free speech advocate who is in a cell in Saudi ...

## **Waleed Aly gets year's top award for free speech**

29 April 2016: Fresh from his nomination for a Logie in next month's awards, the commentator, academic, lawyer, presenter and rock musician Waleed Aly has been named as an Australian...

## **New report finds: 'What we don't know, can hurt us'**

27 April 2016: Young Liberty for Law Reform, a program of one of Australia's leading civil liberties organisations, Liberty Victoria, released a report today shining a light on a dark corner of ...

## **Myki fines – know your rights**

6 April 2016: More than \$44 million in public transport fines in Victoria could be challenged through a new website...

### **Traumatised children must not go**

2 April 2016: Immigration Minister Peter Dutton has the chance to make good on his claim that he wants to be the Minister who gets children out of detention, the human rights group, Liberty ...

### **Mass surveillance a threat, warns civil liberties group**

18 December 2015: The Andrews Government should follow the lead of the ACT and challenge plans for a new facial recognition database, Liberty Victoria said today. The human rights' ...

### **'Testing time' for PM over human rights**

3 December 2015: The Prime Minister Malcolm Turnbull faces a test in trying to move beyond the Abbott era rhetoric on terrorism, a leading human rights group said today. Liberty Victoria says ...

### **Privacy on the net to end, human rights group warns**

12 October 2015: A mass surveillance regime will tomorrow, 13 October, convert Australia's communications industry into a government surveillance and monitoring agency. Liberty ...

### **Journalists' release but a first step, says rights group**

24 September 2015: The human rights group Liberty Victoria is overjoyed at the news of the release of two journalists from an Egyptian prison. Al Jazeera staff Baher Mohamed and Mohamed ...

### **Help for former prisoners good for community, says human rights group**

23 September 2015: More money is needed to support prisoners on release, leading to greater public safety and a saving of taxes. The rights group, Liberty Victoria, said this today in...

### **Long shadow over press freedom**

30 August 2015: A fortnight before three journalists are to receive an award for their work for press freedom two of them have been jailed. Imprisoned are al-Jazeera journalists Mohamed Fahmy ...

### **Liberty Victoria welcomes removal of religious instruction from classrooms**

24 August 2015: Liberty Victoria has welcomed the Victorian government's decision to remove Special Religious Instruction ('SRI') from scheduled class time at government schools. The...

### **Banning environmental appeals will protect illegal government moves, rights group warns**

20 August 2015: Liberty Victoria today warned against moves to wind back access to the courts for environmental groups. The attack on access follows a successful challenge by a Queensland....

### **Three brothers take top free speech award**

3 August 2015: The decision by an Egyptian court to once again adjourn the re-trial of television's "three brothers", journalists Peter Greste, Baher Mohamed and Mohamed Fahmy, came...

### **Citizenship law would not make Australia safer, civil liberties groups warn**

24 July 2015: Civil liberties groups today warned that moves by the federal government to strip citizenship would not make Australians safer. "To expel a person who has engaged in terrorism...

### **Journalists facing jail in Thailand need more help from Canberra, says human rights group**

8 July 2015: The Federal Government is urged to redouble its efforts to help an Australian journalist and his colleague facing charges of criminal defamation and computer crimes in Thailand. "Just...

# News Articles

## **Law and order: Plans to send teenage criminals to adult prisons slammed by experts**

Article / 29 October 2016 / The Age

## **Melbourne University tracking staff, students and the public**

Audio / 15 August 2016 / ABC World Today

## **There's nothing we can do about the rise and rise of drones**

Article / 8 August 2016 / The Age - Alan Stokes

## **Detention centre staff say careers and lives were damaged by speaking out**

Article / 9 June 2016 / Ben Doherty, The Guardian Australia

## **New \$50m facility for worst Vic offenders**

Article / 9 June 2016 / 7 News

## **PNG Supreme Court Trumps Detention on Manus Island and Australia's High Court too**

Article / 9 June 2016 / John Menadue Blog – Pearls and Irritations, Prof Spencer Zifcak

## **Special Envoy on Human Rights. Ruddock. What?**

Article / 9 March 2016 / John Menadue Blog – Pearls and Irritations, Prof Spencer Zifcak

## **Poorly drafted laws result in classic bracket creep.**

Audio / 21 January 2016 / ABC Radio

## **Is the traditional debate between civil liberties and the protection of society completely redundant? Liberty Presidents on 3CR**

Audio / 10 December 2015 / Author: 3CR

## **Why can't we know what's happening on Nauru and Manus Island?**

Article / 8 October 2015 / The Guardian, Julian Burnside QC

## **Data regime will see us funding our own surveillance**

Article / 8 October 2015 / Eureka Street, Leanne O'Donnell

## **Copping a spray**

Article / 2 October 2015 / Dandenong Journal

## **Mornings with Waleed Aly on 774 ABC Melbourne - Prof S Zifcak interview**

Audio / 29 September 2015 / 774 ABC Melbourne

## **Banning environmental appeals will protect illegal government moves**

Audio / 20 August 2015 / 3MDR

## **Rehabilitation and prisoners' rights**

Audio / 21 July 2015 / ABC The Law Report

## **Beyond Bars: ABC AM**

Audio / 2 July 2015 / Stephanie Corsetti ABC AM

# Events

7 October 2016

City of Melbourne Bowls Club, Flagstaff  
Gardens

## **YLLR Trivia Fundraiser**



27 August 2016

Deakin Edge, Federation Square  
Melbourne Writers Festival

## **Alan Missen Oration 2016**

**Phillippe Sands**



17 May 2016

Human Rights Arts and Film Festival

## **GTFO: Post panel discussion**

23 July 2016  
Carousel, Albert Park  
**Voltaire Award Dinner 2016**  
**Voltaire Award: Waleed Aly**  
**Empty Chair Award: Raif Badawi**  
Master of Ceremonies: Corinne Grant



8 May 2016  
Memo Music Hall, St Kilda  
**Fearless Music Concert**  
<http://www.fearlessmusicplaybill.com/>



27 April 2016  
Wheeler Centre  
**Whistleblowers**



12 September 2015  
San Remo Ballroom Carlton

## **Voltaire Award Dinner 2015**

**Peter Greste, Bahed Mohamed  
and Mohamed Fahmy**

Keynote speaker: Michael Bachelard  
Master of Ceremonies: Catherine Deveny



23 August 2015

## **Liberty Members' Meet & Greet: Jennifer Robinson**



22 August 2015

Deakin Edge, Federation Square  
Melbourne Writers Festival

## **Alan Missen Oration 2015 Jennifer Robinson: Free speech**



14 August 2015

The Kelvin Club, Melbourne

## **Operation Gag. An evening of music and political satire**



29 July 2015

Colin, Biggers & Paisley

## **Discussion Panel: 'The Use of Drones in Australia. An Agenda for Reform'**

1 July 2015

The Wheeler Centre

## **Beyond Bars: Reflecting on the Rights of Victoria's Prisoners**

With Victoria Ombudsman Dr Deborah Glass



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# Collaborations

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

- The New South Wales Council for Civil Liberties and interstate civil liberties bodies
- The Victorian Bar and the Criminal Bar Association
- The Law Institute of Victoria
- The Human Rights Law Resource Centre
- The Castan Centre for Human Rights Law
- Asylum Seeker Resource Centre
- Rationalist Society
- Colin Biggers and Paisley
- Global Reconciliation Inc
- The Alan Missen Foundation
- The Federation of Community Legal Centres
- Amnesty International
- Get Up
- Wheeler Centre
- Melbourne Unitarian Peace Memorial Church
- Australian Association for Unmanned Systems (UAAS)
- Jesuit Social Services
- Bridge of Hope Innocence Initiative
- Humanist Society of Victoria
- The Melbourne Writers Festival
- Flemington & Kensington Community Legal Centre
- Human Rights Arts and Film Festival
- Victorian Aboriginal Legal Service
- Right Now
- National Aboriginal & Torres Strait Islander Legal Services (NATSILS)
- National Family Violence Prevention Legal Services (NFVPLS)
- Aboriginal Family Violence Prevention and Legal Service Victoria (FVPLS)



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website: [www.libertyvictoria.org.au](http://www.libertyvictoria.org.au)

## MEMBERSHIP FORM

Name:

Organisation:

Address:

Tel (daytime):

Mobile:

Email:

**Type of membership:**

☐

Renewal

☐

New Member

☐

By marking this box you give authorisation to automatically renew your Victorian Council for Civil Liberties Incorporated (Liberty Victoria) membership annually in June, using the credit card details you have supplied. You will be informed in writing before this occurs, however no action will be necessary on your part unless you wish to amend any details.

**Annual Membership Options:**

☐

\$25 under 30/senior/unwaged

☐

\$75 individual

☐

\$100 volunteer organisation

☐

\$150 business

☐

\$120 joint (two adults at same address)

**Five Year Membership Options:**

☐

\$100 under 30/senior/unwaged

☐

\$300 individual

☐

\$400 volunteer organisation

☐

\$600 business

☐

\$400 joint (two adults at same address)

**Liberty Victoria welcomes your support! I would like to make a donation of:**

☐

\$500

☐

\$200

☐

\$50

☐

\$20

☐

Other

\$

**Payment Method**

☐

Cheque payable to Liberty Victoria or

☐

Visa

☐

MasterCard

Name on Card

Card Number

Expiry

By signing this form you confirm that you wish to become a member of Liberty Victoria. In the event of being granted admission as a member, you agree to be bound by the Constitution of the Council for the time being in force.

Signature

Date

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