

About Liberty Victoria

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 1836 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 organisation to free speech, freedom of the press and assembly, and freedom from discrimination on the grounds of race, religion or political belief. It has operated in accordance 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 those 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 Victoria 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.

For every one of you who contributed this year, thank you.

What an extraordinary year and how extraordinary you are.

Thank you **for standing up for human rights and civil liberties** during this tumultuous time.

Thanks to you, the civil liberties and human rights of the people of Victoria continue to be upheld and challenges defended.

Liberty Victoria accepts that some limitations to our civil liberties during this crisis are necessary. At the same time though, we must ensure these limits remain in proportion to the threat.

With your support Liberty Victoria has been vigilant in holding the authorities to account. Thanks to you we have:

- Undone changes to the residential tenancies regulations, as a result of COVID-19 regulations, that unintentionally locked renters on periodic leases into their leases.
- Challenged the 'over-zealous' application of the law in relation to 'lockdown' regulations
- Publicly called the Executive Government in Victoria to account during the crisis
- Started a petition to demand the Federal Government commit to 5 promises to ensure the privacy and security of individuals' details on the COVIDSafe app.

None of this could have been achieved without you.

Sadly, the COVID-19 pandemic meant that the annual Voltaire Human Rights Awards Dinner was not able to be held. Instead a very successful webinar with presentations from the four worthy recipients was held in its place.

The level of support received for this endeavour was wonderful. A heartfelt thank you to everyone who supported the very first Voltaire webinar. Without you the freedoms and liberties enjoyed by the people of Victoria would have been further eroded – by regulation and by legislation.

Knowing you are with us is inspiring and fills us all with determination to continue to defend the civil liberties and human rights of us all.

Thank you again for being extraordinary. And thank you again for contributing to make our defence and advocacy of important rights in Victoria possible.

Liberty Victoria's Executive Committee

Julian Burnside

Sam Norton

Thomas Kane

Jamie Gardiner

Julia Kretzenbacher

Michelle Bennett

Jessica Airs

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Acknowledgement of Country



Leadership 2019 -2020

Executive Group

President : Julian Bunside QC

Senior Vice-President : Sam Norton

Vice-Presidents:

Thomas Kane

Jamie Gardiner

Julia Kretzenbacher

Secretary : Jessica Airs

Treasurer : Michelle Bennett

Past President : Jessie Taylor

Patron: The Hon Michael Kirby AC CMG

Management Committee

Executive Group members and
Martin Radzaj

Executive Officer

Grace Girardi

Policy Committee

Brigid Arthur

Gregory Buchhorn

Emma Buckley-Lennox

Gemma Cafarella

Pamela Curr

Hannah Dickinson

Greg Hanson

Kat George

Monique Mann

Martin Radzaj

Sophie Stafford

Samantha Seoud

Michael Stanton

Timothy Warner

Professor Spencer Zifcak

Julie Zhou



President's Report: Julian Burnside QC

It has been an eventful year as president. The Covid-19 pandemic has affected every one of us and changed our daily activities. I send you my thoughts and wishes and hope that we can all support each other to work through this uncertain time.

The scale and severity of this crisis has required a response that necessarily limits the human rights and liberties of all Victorians. While sensibly, the focus of the response has been on saving lives, human rights must remain at the forefront to ensure each person's inherent dignity is respected and that responses to the pandemic are equitable and non-discriminatory.

Many of the existing inequalities and issues that we have been fighting have been revealed even more clearly through the pandemic. This crisis has highlighted the desperate conditions and treatment that vulnerable people, in our community such as people seeking asylum and some First Nation people are facing, as well as the threat we all face from growing intrusions into our privacy and expanding powers of government that operate with limited oversight.

During the year Liberty Victoria continued some of our more traditional activities in monitoring legislation and make submissions to reviews and inquiries including

- a detailed response to the Inquiry into the Victorian Government's response to the Covid 19 pandemic. In particular I would like to acknowledge the work addressing amendments to residential tenancies regulations as part of the Covid-19 regulations. These regulations were amended following calls by Liberty Victoria and tenant advocacy groups for the Andrews Government to undo changes to the laws that unexpectedly locked renters on periodic leases into their leases.

- A submission and media campaign in relation to the Migration Amendment Act, urging the government to let those in immigration detention keep their phones, which appears to be on its way to success at the time of writing.
- The Human Rights and Technology discussion paper which called for the Australian Government to acknowledge that the development, creation and disposal of technology has international environmental and social consequences; and
- The Review of the Australian Citizenship Amendment (Citizenship Cessation) Bill 2019 where we warned that the provisions risk rendering Australian citizens stateless

Committee members have this year stepped up and responded to the changing landscape with a greater focus of our work this year on media participation.

In the first six months of 2020, media requests, press releases, behind the scenes consultations and enquiries and requests from the public about civil liberties issues have more than tripled. Our annual report and our website shows this work, the breadth of which holds up a mirror to the various issues raised by the Covid-19 crisis from face masks and "sovereign citizens" to the plight of people held in our immigration detention centres and prisons.

I would like to acknowledge the tremendous effort of our committee members in negotiating and responding to the rapid changes that are occurring. I would like to thank the media team especially Julia Kretzenbacher, Gemma Cafarella, Martin Radzaj, Michael Stanton, Tim Warner, Jessie Taylor and Sam Norton for their responses at all times of the day.

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.

Thank you to Emma-Buckley Lennox and the RAP team who seamlessly transitioned the RAP volunteer program to an online environment.

This year we also held events that reinforced our focus on human rights. The first of these was our 2019 Annual General Meeting and Missen Oration. The Missen Oration was presented by Tom Daly, Deputy Director of the Melbourne School of Government. His speech 'Insiders, Outsiders, and Enemies' was about the challenge of polarisation and fragmentation, how society can be broken down into hostile camps — and how it doesn't have to be this way. His message of hope and encouragement to those of us who work to protect rights and freedoms was appreciated.

Our major event for the year, the Voltaire Human Rights Award dinner continued this year as a webinar. While we were unable to meet with all of our members over our annual awards dinner, we were delighted to be able to continue to acknowledge and celebrate the work of a number of people who have been working tirelessly to support and progress human rights and civil liberties.

In 2020, Dylan Alcott was honoured with the Voltaire Award. In 2019, the Dylan Alcott Foundation launched the *Remove the barrier* campaign which aims to reduce unemployment among people with disabilities. The warmth and compassion that has guided his work came through in Dylan's Voltaire Human Rights Award acceptance speech.

Dujuan Hoosan received the Young Voltaire Human Rights Award. He has advocated for increasing the age of criminal responsibility from 10 to 14 and for First Nations led education models.

The secret trials of lawyer Bernard Collaery and Witness J, the joint recipients of the Empty Chair Voltaire Human Rights Award, challenge one of the fundamental bases of our legal system: the requirement for open justice and accountability. The live question and answer session with our Empty Chair Voltaire Human Rights Awards recipients was compelling and disturbing and I urge you to [watch the recorded version](#) if you have not already done so.

Early this year, due to Coronavirus we faced a serious financial crisis due to the cancellation of our awards dinner and a decline in new memberships and donations. I am pleased to report that due to your generosity and support, following appeals to our members, Liberty Victoria is now in a sound financial position. I appreciate the efforts of the Executive team in the financial management of our organisation, and their hard work in negotiating government subsidies as well and their support and enthusiasm for the future sustainability of Liberty Victoria. I would like to acknowledge our

significant supporters, especially Michael Drapac who has generously provided accommodation and other support to Liberty Victoria over an extended period of time. Thank you to our members and other supporters who have provided donations and participated in events throughout the year.

Special thanks also to Arnold Bloch Leibler who have now generously hosted two 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. Maelor Himbury continues the extraordinary service of providing subscribers with our daily media links. We also thank Sally Anne Raher and Jill Ruchel who provided vital assistance in the launch of our fundraising appeal, Lindy Smith for volunteer coordination and in the office by Grace Girardi, and Andrew Rawson

I would particularly like to acknowledge Thomas Kane's tremendous contribution towards this year's success. 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.

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

Yours Sincerely



Voltaire Awards



This year's Voltaire Human Rights Awards went digital for the first time. The awards, acceptance speeches and live question and answer session are [available for viewing from our website](#).

The **Voltaire Human Rights Award** honours a person or group considered to have done the most for the right of free speech in the previous twelve 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.

2020 Voltaire Award Human Rights Award Recipient Dylan Alcott has been an outspoken advocate for the rights of people with disabilities. Dylan has amassed an incredible array of personal achievements; Paralympic gold medallist, nine times grand-slam tennis champion, radio host and TV presenter amongst them. These provide a powerful role model and help to normalise the experience of living with a disability. Complementing these achievements, Dylan is also an active disability advocate who is driven to create programs to provide opportunities for people with a disability and to use his platform to amplify the voices of members of our community who currently live with a disability.

In 2019, the Dylan Alcott Foundation launched the *Remove the Barrier* campaign which aims to reduce unemployment among people with disabilities, addressing a problem facing one in five Australians, 4.3 million people, living with a disability.

The program has been successful in partnering with a number of large organisations to implement the program.

Dylan Alcott is working tirelessly to uphold and speak out for the human rights of community members who live with a disability.



Dylan Alcott accepts the 2020 Voltaire Human Rights Award during the online event

The **Young Voltaire Human Rights Award** honours a person or group no older than 30 at the date of their nomination for an outstanding contribution to or action on free speech, human rights or civil liberties, with particular emphasis on progressing freedom, respect, equality and dignity. It celebrates those who speak out, write, campaign, whistle-blow, take action or stand against authoritarianism.



Dujuan Hoosan - awarded the 2020 Young Voltaire Award

Dujuan Hoosan, the 2020 Young Voltaire Human Rights award recipient, is an articulate and pivotal voice in showing how destructive colonialist systems have been when it comes to supporting Aboriginal young people's spirit and knowledge.

In addition to participation in the documentary *In My Blood It Runs*, at 12 years old, Dujuan, an Arrernte/Garrwa child from central Australia, gave a speech at the UN Human Rights Council. He was the youngest person ever to address the body, he spoke up for the issue of children mistreated in detention centres, advocated for increasing the age of criminal responsibility from 10 to 14 and for First Nations led education models.

Now 13 years old, Dujuan's visibility and advocacy of the rights of First Nation children and adolescents has helped highlight these issues.

Dujuan is currently in a remote location with relatives, isolating from the Covid-19, and was unable to join the live webinar awards presentation. However his written speech reinforced the issues he made visible at his UN Human Rights council speech which opened with the following words:

"Thank you for this special award for getting rights for us kids.

I want you to listen again to my United Nations speech. Adults and the government are still not listening."

Dujuan called on adults and the government to address these issues of children's human rights.

The **Voltaire Human Rights Empty Chair Award** is given to someone who cannot be present because they are detained or in jail or have been silenced by the authorities as a consequence of their courageous exercise of free speech.

Bernard Collaery and Witness J are the joint 2020 Voltaire Human Rights Empty Chair recipients.

The secret trials of lawyer Bernard Collaery and Witness J challenge one of the fundamental bases of our legal system: the requirement for open justice and accountability.

Bernard Collaery is accused of sharing protected intelligence information by helping his client, the former spy Witness K, expose Australia's alleged bugging of Timor-Leste government offices in 2004. The alleged activity took place during negotiations to divide lucrative oil and gas reserves in the Timor Sea.

As in the Witness J case, the Attorney-General issued a national security certificate to keep some of the material to be used in this trial classified. The court has recently upheld the certificate and part of the trial will be held in secret.

Witness J was convicted of national security related offences and was sentenced to two years and seven months' imprisonment.

The cases of Bernard Collaery and Witness J highlight the need for strong action to ensure that any such trials are held in open court and subject to public scrutiny.

Bernard Collaery and Witness J took part in a compelling live question and answer session as part of the [2020 Liberty Victoria Voltaire Human Rights Awards webinar](#). We urge you to watch it.

We hope that we will be able see you all again in person to celebrate our next Voltaire awards.



Bernard Collaery - 2020 Voltaire Human Rights Empty Chair recipient speaks during the live Q & A session

Treasurer's Report: Michelle Bennett

A surplus of \$48,070 was made for the year compared with \$21,273 in 2019. This provides some much needed stability as we anticipate a more significant impact in the 2021 financial year due to the ongoing impact of the pandemic in Victoria and the change to the Voltaire format in July 2020.

The Covid-19 pandemic has been challenging and affected our operations and events. The 2020 results include the 2019 fundraising dinner but also donations to help support the transition of the 2020 Voltaire awards to an online event which would normally be reflected in the 2021 financial year results. RAP managed to complete their Trivia night in November which was very successful in raising funds. Thanks to the generosity of members and supporters we have been able to have achieved a favourable financial outcome.

Members funds totalled \$117,056 as at 30 June 2020 (\$68,986 as at 30 June 2019).

At the end of June 2020 there were 302 current members

Our thanks to Michael Drapac for his continued generosity in providing rent free office space at his premises in Carlton, and Grace Girardi, our executive officer, for her assistance in a year that she has gone above and beyond to help us adapt and respond.

Again, I take this opportunity to thank Thomas Kane, and his enthusiastic approach to implementing new fundraising ideas which has prepared us for this challenging time and the generous support of Sally-Anne Raher and Jill Ruchel in helping us reach our supporters.

Michelle Bennett
Treasurer

Statement of Comprehensive Income and Expenditure for the Twelve Months Ended 30 June 2020

	2020 \$	2019 \$
Income		
Memberships	13,025	12,823
Donation	38,111	12,277
Events	89,102	123,364
Investment Income	93	259
Other Income	12,660	0
Total income	152,991	148,723
Expenditure		
Events	59,747	89,845
Bank Charges	1,544	1,436
Office Costs	2,552	3,880
Salaries and Wages	35,886	27,066
Software/ Website	4,516	2,909
Other Costs	676	2,313
Total Expenditure	104,921	127,449
Surplus for the year	48,070	21,273

Balance Sheet as at 30 June 2020

	2020	2019
	\$	\$
Assets		
Westpac general account	25,657	21,551
Petty cash	373	33
Westpac high interest account	82,738	41,513
Prepayments- Voltaire dinner deposit	7,500	21,065
Cash box	21	19
Paypal	397	406
Trybooking	370	8,395
Total Assets	117,056	92,982
Liabilities		
Contractor payment	—	—
Income in advance(Voltaire ticket sales)	0	23,995
Total Liabilities	0	23,995
Net Assets	117,056	68,986
Represented by Member Funds		
Retained Earnings	68,986	47,713
Current years surplus / deficit	48,070	21,273
Total Member Funds	117,056	68,986

Rights Advocacy Project - RAP

The Rights Advocacy Project (**RAP**) recruits and trains teams of early-career lawyers and law students to work on law reform projects.

We kicked off the new financial year with another trivia fundraiser at Fitzroy Town Hall, again hosted by comedian Geraldine Hickey. The event raised more than \$12,000 to allow us to continue to build our program and support our teams' advocacy efforts.

During our planning weekend in November 2019, the Steering Committee decided to make a change: the RAP Program would now run for 18 months and we would recruit every two years, starting with the 2020 Program. In early 2020, we recruited 18 new RAP Program volunteers to work across three teams: Criminal Justice; Asylum Seekers & Refugees and a team collaborating with the Young Workers Centre on workplace law issues. With the COVID-19 pandemic hitting just as the teams were about to participate in their first full-day training, we quickly shifted all our training, meetings and work online. We'll continue to run our program online until it is safe to run it in person.

Our 2020 Program teams are currently in the research phase of their work, and will be launching their work in the second half of 2021.

As we were welcoming our new 2020 Program, our 2019 Program teams (Indigenous Justice, Criminal Justice Equality & Government Accountability and Refugee & Asylum Seekers) were also moving to work online, and were faced with finishing up their in the midst of the pandemic. They are in the throes of finishing their reports and will launch their work soon. Keep your eyes peeled for:

- the Indigenous Justice team's report about legal changes to implement the solutions in [Ngaga-dji, a story telling project](#) about young Aboriginal people caught up in Victoria's youth justice system;
- the Criminal Justice team's report on winding back the negative impacts of the 2018 bail reforms;
- the Equality and Government Accountability's work on fairer workplace conditions for people who menstruate; and
- the Refugee & Asylum Seeker team's report on the lack of transparency in the "bar lift" for people applying for bridging visas.

The Steering Committee said farewell to Chris Woods, James Clarke, Cat Fabiny, Lauren Bull, Anya Saravanan and Emily Scott who all finished up in their roles in 2019-2020. A big thank you to each and every one of them for their work to help us run RAP's Program and ongoing advocacy.

Steering Committee 2019-2020

Chair: Emma Buckley Lennox

Deputy Chair & Program Manager: Rochelle Francis

Deputy Chair & Indigenous Justice Team Coordinator: Monique Hurley

Treasurer & Secretary: Jackson McLeod

Refugee & Asylum Seeker Team Coordinator: Rochelle Francis (2019 team) and Lizzie Colliver (2020 team)

Equality & Government Accountability Team

Coordinator: Sarah Moorhead (2019 team) and Abbey Dalton (2020 team)

Monitoring and Evaluation: James Clarke (until May 2020), Chris Chosich

Criminal Justice Team Coordinator: Alexander Batsis (2019 team) and Danny Zjad (2020 team)

Communications Coordinator: Chris Woods (until January 2020), Sophie Weiner

Refugee & Asylum Seeker Ongoing Advocacy Coordinator: Hannah Neven-Gorr

Criminal Justice Advocacy Coordinators: Emily Scott (until January 2020), Anya Saravanan (until November 2019)

Equality & Government Accountability Ongoing Advocacy Coordinator: Ruby Hayes

Recruitment Coordinator: Cat Fabiny (until July 2020)

Rights Advocacy Project - RAP Teams

2019

Refugee & Asylum Seeker

Samudhya Jayasekara Isabella Farrell-Hallegraeff
Zoe Brown Baneen Saberi
Kate Vanrenen Emma Blakey
Sione Pemberton

Supervisors: Joel Townsend, Maria O'Sullivan

Criminal Justice

Alana O'Neill Kresta Lokumarambage
Arabella Close Erin Meeking
Sanduni De Silva Asad Kasim-Khan

Supervisors: Hugo Moodie, Jacob Torney, Julia McGrath, Maddie Ryan

Equality and Government Accountability

Tim Cronin Shannen Bethune
Abbey Dalton Sophie Lloyd
Sophia McNamara

Supervisors: Gemma Cafarella, Di White

Indigenous Justice

Natasha Ritchie, Trang Chau
Joely Wilkinson-Hayes Sophie Wenderoth
Joshua Finn

Supervisors: Jidah Clark, Anna Cerreto

2020

Refugee & Asylum Seeker

Simrat Roopra Nen Kim Pho
Catherine Zhou Liam Currie
Elaine Stops

Supervisors: Joel Townsend, Maria O'Sullivan

Criminal Justice

Aoife McDonald Mahnoor Sikandar
Katherine Schofield Ovi Rajasinghe
Kiara Wagner Samantha Varghese

Supervisors: Julia Kretzenbacher, Yusr Al-Azzawi

FYA Collaboration Team 2020

Freya Pollard Madeleine O'Brien
Gemma Hallett Tiarne Crowther
Katherine Ross Tim Sheehan

Supervisors: Gemma Cafarella, Greg Buchhorn, Oanh Tran



RAP Volunteers on Training Day April 2020

Submissions and Policy Work

[Inquiry into the Victorian Government's Response to the COVID-19 Pandemic](#)

August 7 2020

Submitted to: Public Accounts and Estimates Committee
Parliament of Victoria

Respecting and protecting human rights have become more important than ever during the COVID-19 pandemic. Liberty Victoria recognises that the scale and severity of the crisis has required a response that necessarily limits the human rights and liberties of all Victorians. Sensibly, the focus of the response has been on saving lives. However, Liberty Victoria is concerned that there are examples where the COVID-19 response — either through the design of regulation or through the actions of public authorities — has been disproportionate. Human rights must remain central to ensure each person's inherent dignity is respected and that responses to the pandemic are equitable and non-discriminatory. Read our submissions to the Inquiry into the Victorian Government's Response to the COVID-19 Pandemic in the link above.

[Inquiry into the Migration Amendment \(Prohibiting Items in Immigration Detention Facilities\) Bill 2020](#)

18 June 2020

Submitted To: The Senate Legal and Constitutional Affairs Committee

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

The amendments would provide the Minister with an unjustifiably broad personal power to prohibit anything he or she personally wished to specify, including items that pose no specific threat;

The expansion of search powers proposed by the Bill fail to recognise the many different forms of immigration detention and circumstances of detainees, and would have a profoundly adverse impact on those that are highly vulnerable people, including refugees and asylum seekers with past experiences of torture and trauma; and

The prohibition of communication devices such as mobile phones would unreasonably interfere with basic human rights of immigration detainees, including access to legal representation, freedom of expression and association, as well as inhibiting the ability of vulnerable people to access essential assistance and support, including from mental health professionals, immediate family and religious counsel.

[Human Rights and Technology Discussion Paper](#)

March 11, 2020

Submitted to: Australian Human Rights Commission

This submission is made jointly by the Australian Privacy Foundation, the Queensland Council for Civil Liberties, Liberty Victoria, Electronic Frontiers Australia and the New South Wales Council for Civil Liberties.

In the context of the Previous Submissions and at the outset, we consider that the following recommendations were not addressed in the Discussion Paper and remain relevant to the project:

1. Acknowledgement that the development, creation and disposal of technology has international environmental and social consequences;
2. Issues of Indigenous Data Sovereignty and colonial history of Australia that continues to play out in various ways including with respect to technology - for example Suspect Targeted Management Plan (STMP) program, the Basics or Indue cashless debit card, and a global surveillance architecture conducted from traditional lands (i.e. Pine Gap); and
3. Arrangements for additional protections when new technology is targeted against vulnerable groups and for criminal justice purposes. This approach for greater regulation for "high risk" AI applications would be more aligned with EU proposals.

In the interest of completeness, we make this submission in addition to the [Joint Submission on the Human Rights and Technology Issues Paper dated 2 October 2018](#) and the [AI White Paper dated 8 March 2019](#)

Religious Discrimination Bill Exposure Draft

January 31, 2020

Submitted to: Attorney General's Department

Although this proposed Bill may have started as a stock-standard anti-discrimination bill for the attribute of religious belief or activity (as has long been a part of the Victorian Equal Opportunity Act, for example) it has developed a number of cancerous excrescences which made it unsupportable in the first version, and make it even less supportable in the second. It can only be saved, if at all, by radical surgery such as an optimistic surgeon might attempt for late stage metastatic cancer. With similar optimism Liberty therefore recommends, for the proposed sections or sub-sections shown, a number of excisions or surgical amendments.

Inquiry into Anti-Vilification Protections

Date January 17 2020

Submitted To: Legislative Assembly Legal and Social Issues Committee Inquiry into anti-vilification protections

This submission will focus upon the impact of vilification on people who are lesbian, gay, bisexual, trans and gender diverse, queer, and people born with variation in sex characteristics (LGBTIQ)

There is a wealth of information – in the form of both studies and anecdotal evidence – to demonstrate that LGBTIQ people experience a significant and unacceptable level of vilification and abuse in their daily lives. The examples shared with us by members of the LGBTIQ community and set out in this submission provide current and real-life examples to justify greater protection for this community under Victoria's anti-vilification laws.

Submission on the Religious Discrimination Bill Exposure Draft

Date: 21 October 2019

Submitted to: Attorney-General's Department

1. In earlier remarks on the planned, now Exposure Draft, Bill ("the EDB") the Attorney-General appeared to contemplate an ordinary anti-discrimination law along the lines of existing Federal (and State/Territory) legislation. a consultation meeting in Melbourne on Wednesday 4 September he appeared to confirm this intention, and

downplayed the significance of the EDB's departure from that "stock standard" model.

2. Liberty Victoria submits, however, that there are many problems with the EDB. They are serious. To remedy them and return the Bill to an acceptable, human rights compatible position it needs a number of amendments.

Review of the Australian Citizenship Amendment (Citizenship Cessation) Bill 2019

Date: 17 October 2019

Submitted to: Parliamentary Joint Committee on Intelligence and Security

For the following reasons, Liberty Victoria recommends the Bill not be passed, and the current automatic citizenship loss provisions be repealed. a. Citizenship loss provisions, both discretionary and automatic, are not an effective response to the threat of terrorism and also risk undermining efforts to combat radicalisation. b. The citizenship loss current and proposed provisions and the operation of the Citizenship Loss Board represent a threat to the rule of law and basic civil liberties. c. The legal threshold for Ministerial decision risks manifestly disproportionate consequences. d. The provisions risk rendering Australian citizens stateless

Submission to the Royal Commission into Aged Care Quality and Safety

Date: 1 October 2019

Submitted to: The Royal Commission Into Aged Care Quality and Safety

Liberty Victoria is profoundly concerned that some aged care providers may conflate the notion of medical incapacity with legal capacity and this denies many vulnerable residents their right to participate in, and determine, his or her own legal affairs. In some circumstances this denial can also have significant consequences for the individual's wellbeing.

Liberty Victoria is also profoundly concerned that some aged care providers routinely deny residents from linguistically diverse backgrounds the use of appropriate translation and interpreting services. This greatly inhibits the ability of those individuals to accessing urgent and critical basic services, as well as enjoy day-to-day life with dignity.

Press Releases

[Liberty Victoria very concerned about proposed new powers introduced in the COVID-19 \(Emergency Measures\) Bill](#)

17 September 2020

Liberty Victoria is very concerned about the new powers sought to be introduced by the COVID-19 (Emergency Measures) Bill.

The indefinite nature of these powers is exceptional and unlike other preventative detention regimes which contain fixed detention timeframes and strict oversight requirements. While these people have not committed any offence, they do not appear to have the right to challenge a decision to detain them – unlike people accused of criminal offences. Although they could seek judicial review of a decision, that is a costly jurisdiction which would make it difficult for people to challenge their detention.

[Liberty Victoria Media Release on Curfew](#)

10 September 2020

Liberty Victoria is deeply concerned by reports that some of the extraordinary measures introduced by the Government, and in particular the imposition of a curfew, were not made on the considered advice of public health officials and Victoria Police.

[Liberty Victoria deeply concerned about reports of violent apprehension of Aboriginal man Corey Penney](#)

5 September 2020

Liberty Victoria is deeply concerned and troubled about reports of the violent apprehension of Aboriginal man Corey Penney, while he was on his way to work.

Liberty Victoria joins the calls for an independent investigation of this incident and again urges Victoria Police to respect Victorians' human rights and act in accordance with their responsibilities under the Charter and the law.

[Police should exercise restraint and discretion](#)

3 September 2020

Liberty Victoria is deeply concerned about reports of the arrest by Victoria Police of a woman for the alleged incitement of an anti-lockdown protest.

[Amendments contained in the Emergency Extension Bill go beyond what is strictly necessary.](#)

28 August 2020

Since the commencement of the COVID-19 pandemic in Victoria, Liberty Victoria has not wavered on the position that limits on rights and freedoms are sometimes necessary in order to preserve public health. COVID-19 clearly poses a significant threat to public health. We have accordingly supported measures that have aimed to save lives and which have been reasonable and necessary.

The emergency measures, however, have posed a significant imposition on the rights and freedoms of Victorians.

Liberty Victoria's view is that almost all of the amendments contained in the Bill go beyond what is strictly necessary.

[Liberty Victoria calls for limit on State of Emergency Extension](#)

25 August 2020

Liberty Victoria is concerned by reports that the Government is considering changing the law so that Victoria's current state of emergency can be extended for a further 12 months.

[Press Release - Dylan Alcott Honoured with the Liberty Victoria Voltaire Human Rights Award](#)

10 July 2020

For the outstanding work Dylan does in speaking out for the rights of people living with disabilities I am pleased to announce he is this year's winner of the Voltaire Human Rights Award.

[Liberty Victoria honours Bernard Collaery and Witness J with the Empty Chair Human Rights Award](#)

8 July 2020

The secret trials of lawyer Bernard Collaery and Witness J challenge one of the fundamental bases of our legal system: the requirement for open justice and accountability. In recognition of these extraordinary events it is my privilege to announce Bernard Collaery and Witness J as joint winners of Liberty Victoria's Empty Chair Award

[Liberty Victoria concerned about press freedom limits on exposing unlawful government conduct](#)

3 July 2020

Liberty Victoria is concerned by news that the Australian Federal Police has recommended that prosecutors consider laying charges against ABC journalist Dan Oakes.

If it is against the law to expose unlawful conduct engaged in by or on behalf of the Australian Government, then any such law is unjust and poses a risk to our democracy and should be abolished.

[Djujan Hoosan awarded the Liberty Victoria Young Voltaire Human Rights Award.](#)

30 June 2020

Liberty Victoria honours Djujan Hoosan with the Young Voltaire Human Rights Award. Djujan was chosen for his courage and determination in challenging governments to change the age they imprison children.

[Liberty Victoria joins the voices of condemnation of the behaviour exhibited by the Hon Dyson Heydon AC QC in relation to six female complainants.](#)

23 June 2020

[Liberty Victoria calls for the Government's urgent intervention on behalf of Australian democracy activist](#)

Date: 16 June 2020

Liberty Victoria calls for the Government's urgent intervention on behalf of Mr Chaun Van Kham, an Australian democracy activist who has been jailed in Vietnam since January 2019.

[We must support refugees and asylum seekers if we are to "get through this together"](#)

Public Statement from Liberty Victoria's Rights Advocacy Project

15 June 2020

Peter Dutton is using his God-like powers to block refugees and asylum seekers from accessing government-funded, income support, public healthcare and safe housing. We are calling on Peter Dutton to #liftthebar and protect these vulnerable people during a public health emergency.

[Liberty Victoria deeply concerned about expanded use of Protective Services Officers in Victoria](#)

7 June 2020

Liberty Victoria is deeply concerned about the Government's desire to vastly widen the use of Protective Services Officers (PSO's) in areas around the state. PSO's were introduced to provide a visible presence of policing on the public transport network and associated areas. They are not members of Victoria Police. They have a limited role and receive far less training than members of Victoria Police.

[Liberty Victoria welcomes change to tenancy regulations and calls for urgent clarity for tenants](#)

Date: 6 May 2020

Liberty Victoria warmly welcomes reports that the regulations will undo the changes that were going to lock tenants into their leases. These regulations follow [calls by Liberty Victoria](#) and tenant advocacy groups for the Andrews Government to undo changes to the laws that unexpectedly locked renters on periodic leases into their leases.

[Liberty Victoria strongly condemns serious breach of privacy by Victoria Police](#)

Date: 4 May 2020

Liberty Victoria strongly condemns the serious breach of privacy by Victoria Police that has led to images of a former AFL player being published by the media and circulated online.

[Liberty Victoria Concerned about consequences of Omnibus Bill for month-to-month residential tenancies](#)

Date: 23 April 2020

The draft laws have been released today. Instead of making things better, these laws will put unprecedented limits on the ability of tenants to move out of rental properties, and substantially restrict the freedom of Victorians to choose where they live.

[Liberty Victoria calls on the Federal government to make 5 promises about the Tracing App](#)

19 April 2020

We accept that this app is likely to play a role in the control and /or elimination of COVID-19 from Australia. But before we are expected to download it, we want reassurance that our privacy will be protected.

We ask the government to make five promises.

[Media Release – Refugee Protest Arrest and Fines](#)

14 April 2020

Liberty Victoria is very concerned about the arrest of one person and the issuing of fines totalling \$43,000 to those engaged in a “car convoy protest” on Good Friday outside the Mantra Hotel in Preston, which is holding refugees and people seeking asylum

[Covid-19 and Human Rights](#)

30 March 2020

Liberty Victoria supports and applaud the efforts of government and medical experts at all levels working to take urgent action to save lives and protect our community. We acknowledge that extraordinary steps are required to meet an extraordinary crisis. We will continue our role in protecting and defending human rights and civil liberties by monitoring the introduction and enforcement of measures during this time.

It is our view that we should support all legitimate actions while continuing to be alert to the risk of overreach or excessive intervention in rights of all people, whom these critical measures are ultimately intended to protect.

[Humane decarceration during the COVID-19 Pandemic](#)

29 March 2020

Liberty Victoria joins the 119 Criminal and Legal Practitioners to call for humane decarceration during the COVID-19 pandemic. You cannot social distance in a cramped prison.

[Liberty Victoria Supports Calls to Protect Prisoners from COVID-19](#)

Date: 24 March 2020

In light of the developing COVID-19 pandemic, Liberty Victoria supports calls from more than 370 lawyers, academics and advocates to reduce the risk of transmission of COVID-19 in the Australian criminal justice system, especially prisons -and youth detention centres.

[Liberty Victoria warns that the Sentencing Amendment \(Emergency Worker Harm\) Bill 2020 Will Make us Less Safe](#)

Date: 16 March 2020

Liberty Victoria is strongly opposed to the Sentencing Amendment (Emergency Worker Harm) Bill 2020 (“The Bill”).

The Bill reflects the Government’s intention to further entrench a system of mandatory sentencing that fails to make the community safer. Indeed, by removing and restricting exceptions to mandatory imprisonment for certain categories of offences against emergency workers, and by necessity exposing offenders who are youthful and/or have good prospects of rehabilitation to the criminogenic effects of imprisonment, the Bill will actively make us less safe.

[Media Release - Liberty Victoria Oppose Reforms to Tendency and Coincidence Evidence](#)

3 March 2020

Liberty Victoria strongly opposes the Victorian Government’s recently announced reforms to the law of tendency and coincidence evidence, which it has announced will be based on a Bill before the New South Wales Parliament - the Evidence Amendment (Tendency and Coincidence) Bill 2020 (NSW).

There is a genuine risk of innocent people being convicted of crimes they have not committed.

[Liberty Victoria Welcomes Spent Conviction Legislation](#)

3 March 2020

Liberty Victoria welcomes the Victorian government’s announcement that it is committed to introducing a legislated spent convictions scheme. Once a scheme is legislated, this will bring Victoria in line with every other Australian state and territory, including Queensland, which has had a legislated scheme since 1986.

A Victorian spent convictions scheme will transform the lives of many Victorians and put them on an equal footing with citizens of other states and territories.

[Liberty Victoria calls for the immediate release of all Aboriginal and Torres Strait Islander Australians currently held in immigration detention](#)

Date: 2 November 2020

Liberty Victoria welcomes the High Court’s decision handed down today, which recognises that Aboriginal and Torres Strait Islander people cannot be considered “aliens” under the Australian Constitution.

Liberty Victoria calls for the immediate release of all Aboriginal and Torres Strait Islander Australians currently held in immigration detention, and for constitutional recognition of Aboriginal and Torres Strait Islander peoples.

Liberty In the News

[Victorian Premier standing firm on Melbourne's curfew](#)

Media Type: Audio - ABC NewsRadio

Date: September 24, 2020

Author: Tracey Holmes

[Premier raises hopes of easing restrictions sooner than planned](#)

Media Type: Article - The Age

Date: September 21, 2020

Author: Sumeyya Ilanbey

['Overreach and overzealous': concerns over Victoria's proposed new police powers.](#)

Media Type: Article - The Guardian

Date: September 21, 2020

Author: Matilda Bosely

[Police Powers Discussed on 10 News](#)

Media Type: Video - 10 News

Date: September 18, 2020

Author: Simon Love

['I was so frightened': New program helps high-risk communities isolate](#)

Media Type: Article - Brisbane Times

Date: September 15, 2020

Author: Melissa Cunningham

[Video shows Victoria police car knock man to ground before officer appears to stomp on his head](#)

Media Type: Article - The Guardian

Date: September 14, 2020

Author: Matilda Bosely

[Cop the cost of curfew](#)

Media Type: Article - The Sun Herald

Date: September 10, 2020

Author: Alex White, Tamsin Rose, Kieran Rooney

[Pregnant mum regrets planning protest as top cop admits arrest was not a good look](#)

Media Type: Article - The Age

Date: September 3, 2020

Author: Simone Fox Koob

[Right to Protest in Victoria and the Victorian Human Rights Charter](#)

Media Type: Video - Melbourne Activist Legal Support

Date: September 3, 2020

[The Stage 4 Lockdown and Human Rights - on 3CRs Breakfast Program](#)

Media Type: Audio - 3CR Breakfast Program

Date: August 11, 2020

Author: 3CR

[The Case of Van Kham Chau](#)

Media Type: Audio - Done by Law

Date: August 11, 2020

Author: 3CR

[Face Masks, Human Rights and the Sovereign Citizen Movement](#)

Media Type: Audio - ABC Central Victoria

Date: July 29, 2020

Author: Fiona Parker

[Bendigo residents urged to wear face masks, but no 'human right' is being breached](#)

Media Type: Article - ABC News

Date: July 29, 2020

Author: Tyrone Dalton and Fiona Parker

[Does it breach human rights to require mask wearing?](#)

Media Type: Video - 7 News

Date: July 29, 2020

Author: Jacqui Felgate

[ABC Law Report - Bernard Collaery Trial](#)

Media Type: Audio - ABC - Law Report

Date: July 14, 2020

Author: Law Report

[Amid dramatic lockdowns in Melbourne, the Australian Medical Association calls for pause in easing of COVID-19 restrictions](#)

Media Type: Article - Croakey

Date: July 5, 2020

Author: Marie McInerney

[Mandatory Covid-19 Testing](#)

Media Type: Audio - 3AW

Date: July 1, 2020

Author: Tom Elliott

['Please say yes': Premier's plea on COVID-19 testing](#)

Media Type: Article - The Age

Date: June 30, 2020

Author: Melissa Cunningham and Liam Mannix

[Australian Van Kham Chau located within Vietnam's prison system as Government urged to act](#)

Media Type: Article- ABC News

Date: June 30, 2020

Author: Amy Bainbridge, Angelique Lu and Erin Handley

[Searches, Seizures and Sanctions in Australia's Immigration Detention Camps](#)

Media Type: Article - John Menadue – Pearls and Irritations

Date: June 26, 2020

Author: Spencer Zifcak

[Shrinking prison population prompts call to rethink bail laws](#)

Media Type: Article - The Age

Date: June 18, 2020

Author: Chip Le Grand

[Advocates signal alarm at report exonerating police over botched raid](#)

Media Type: Article - The Citizen

Date: May 8, 2020

Author: Jess Malcolm

[Report: Senior Constable shared Laidley photos with six others in WhatsApp group](#)

Media Type: Article - Zero Hanger

Date: May 5, 2020

Author: Lachlan Balloch

[Transphobia: Victoria Police Officer Stood Down Over Leaked Photos of Arrested Coach Dean Laidley](#)

Media Type: Article - The Star Observer

Date: May 5, 2020

Author: Shibu Thomas

[Dean Laidley: Victoria police officer stood down over leaked photos of ex-North Melbourne AFL coach](#)

Media Type: Article - The Guardian

Date: May 4, 2020

Author: Michael McGowan

['Deplorable': Police accused of sharing photos of ex-AFL coach Dean Laidley in custody](#)

Media Type: Article - The New Daily

Date: May 4, 2020

Author: The New Daily

[Dean Laidley mugshot leak a significant breach of privacy, police say](#)

Media Type: Article - The Age

Date: May 4, 2020

Author: Tammy Mills

[Victorian renters facing 'unprecedented' threat after COVID law change](#)

Media Type: Article - 7 news

Date: April 29, 2020

Author: Andi Yu

[COVID Policing in Australia: An Interview With Liberty Victoria's Michael Stanton](#)

Media Type: Article- Sydney Criminal Lawyers

Date: April 22, 2020

Author: Paul Gregoire

[Vulnerable Indigenous man locked up by police in 'string of errors' during coronavirus pandemic](#)

Media Type: Article - ABC News

Date: April 22, 2020

Author: Emilia Terzon

[Done By Law - Good Friday Protest](#)

Media Type: Audio - 3CR Done by Law

Date: April 21, 2020

Author: 3CR

[Police association, legal groups, call for clearer COVID-19 guidelines](#)

Media Type: Audio - ABC Radio - Mornings with Ali Moore

Date: April 14, 2020

[Victorian police issue more than 400 fines for coronavirus breaches over Easter weekend](#)

Media Type: Article - ABC News

Date: April 14, 2020

Author: ABC News

[Victorian couple fined \\$3,000 for year old holiday post on Facebook](#)

Media Type: Video - Channel 9 - A Current Affair

Date: April 14, 2020

Author: A Current Affair

[Couple fined for holiday they took a year ago](#)

Media Type: Article - Channel 9 - A current affair

Date: April 14, 2020

Author: A current affair staff

[What's next for George Pell](#)

Media Type: Article - The Saturday Paper
Date: April 11, 2020
Author: Rick Morton

[Victoria weighs judge-only trials as courts grind to a halt](#)

Media Type: Article - The Brisbane Times
Date: April 11, 2020
Author: Chip Le Grand

[Coronavirus restriction fines being used to 'load up' offenders, lawyers say](#)

Media Type: Article - ABC News Melbourne
Date: April 7, 2020
Author: Kellie Lazaro

[Restrictions on movement - Neil Mitchell 3AW](#)

Media Type: Audio - 3AW
Date: April 1, 2020
Author: Neil Mitchell

[3CR Done by Law Feature on the Call for Human Decarceration](#)

Media Type: Audio - 3CR
Date: April 1, 2020

[Please Explain On New Confines](#)

Media Type: Article - The Sun Herald
Date: April 1, 2020
Author: Shannon Deery

[What Australia's 'extreme' new coronavirus laws and police powers mean for our civil liberties](#)

Media Type: Article - The New Daily
Date: April 1, 2020
Author: Isabelle Lane

[Civil liberties concerns over Australian police powers to issue fines for coronavirus rule breaches](#)

Media Type: Article - The Guardian
Date: March 31, 2020
Author: Matilda Bosely

[Call to Free Prisoners](#)

Media Type: Article - Sun Herald
Date: March 26, 2020

[The Jury Is Literally Out On How Courts Will Function In The Coronavirus Outbreak](#)

Media Type: Article - BuzzFeed News
Date: March 17, 2020
Author: Lane Sainty

[Government stalling on Howard refugee compo](#)

Media Type: Article - The Saturday Paper
Date: February 19, 2020
Author: Rick Morton

[Suing over Howard's camps](#)

Media Type: Audio - 7am
Date: February 19, 2020
Author: 7am Podcast

[Religious discrimination bill violates healthcare rights](#)

Media Type: Article - Law Institute Journal
Date: January 30, 2020
Author: Karin Derkley

[Magistrates face deluge of cases after Fines Victoria crisis](#)

Media Type: Article - The Age
Date: November 14, 2019
Author: Tammy Mills and Charlotte Grieve

['We are all accountable': Atlassian chief slams Morrison protest crackdown](#)

Media Type: Article - Sydney Morning Herald
Date: November 5, 2019
Author: David Crowe

[Your right to know: The battle to access your own personal information](#)

Media Type: Article - The Age
Date: November 4, 2019
Author: Debbie Cuthbertson

[Morrison's boycott plan sparks free-speech furore](#)

Media Type: Article - The Age
Date: November 2, 2019
Author: David Crowe

['We need to understand the fallibility' of surveillance technology](#)

Media Type: Video - Sky News
Date: September 28, 2019
Author: Derryn Hinch

Become a Civil Rights Defender

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 corporations 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

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Victorian Council for Civil Liberties Inc
Reg No: A0026497L

GPO Box 3161
Melbourne, VIC 3001

t 03 9670 6422

info@libertyvictoria.org.au

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