

# Liberty Victoria

## **Annual Report 2022–2023**

**LIBERTY  
VICTORIA**

# Acknowledgement of Country

Liberty Victoria’s office is on the lands of the Wurundjeri People of the Kulin Nation and we acknowledge them as the Traditional Owners. We would also like to pay our respects to their Elders, past and present, and to all First Nations people who may read this annual report.

**Liberty Victoria acknowledges that sovereignty was never ceded.**

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## The Liberty Victoria Team

### Leadership group

**President:** Michael Stanton

**Senior Vice-President:** Michelle Bennett

**Vice-President:** Jamie Gardiner OAM

**Vice-President:** Thomas Kane

**Vice-President:** Gemma Cafarella

**Secretary:** Hannah Dickinson

**Treasurer:** Sam Norton

**Immediate Past President:**  
Julia Kretzenbacher

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

### Rights Advocacy Project

Rochelle Francis

Kiara Wagner

### Executive Officer

Niloofar Kalantar

### Volunteer Co-ordinator

Lindy Smith

### General Committee

Emily Arians

Brigid Arthur AO

Katharine Brown

Gregory Buchhorn

Julian Burnside AO KC

Gabriel Chipkin

Tom Clarke

Jessica Coverdale

Pamela Curr AM

Hannah Figueiroa

Greg Hanson

Virajith Hewarachchi

Andreea Lachsz

Alina Leikin

Tom Lockwood

Zubin Menon

Tessa Mayberry

Hugo Moodie

Rishi Nathwani SC

Isabelle Skaburskis

Jessie Taylor

Vincent Vuu

Timothy Warner

Professor Spencer Zifcak

## President's Report

Dear Members and Supporters of Liberty Victoria,

In 2001, as a student in Canberra, I remember first hearing about Liberty Victoria during the [Tampa Affair](#). I learned of an organisation that was willing to take a stand against the Federal Government on behalf of those 433 people seeking asylum; of people like Julian Burnside, Christopher Maxwell, Eric Vardalis and the team at Holding Redlich. While they won at first instance they lost on appeal, but they acted in the public interest in taking a stand on behalf of those vulnerable people who couldn't defend themselves in order to protect civil liberties and human rights.

Fast forward two decades and it's been the honour of my professional life to lead this organisation over the past two years, and to follow in the footsteps of Presidents I've served under; Professor Spencer Zifcak, Michael Pearce SC, Jane Dixon KC, George Georgiou SC, Jessie Taylor, Julian Burnside AO KC, and Julia Kretzenbacher.

Our Immediate Past President Julia left us in a strong position when emerging from the challenges of the COVID-19 pandemic. Since then we've held two successful Voltaire Human Rights Awards dinners. I'd like to again congratulate all our inspiring award winners, including the late [Sophie Trevitt](#). Like everyone in the room, I was honoured and touched that Sophie's Mother Anne, supported by Sophie's Aunt Elizabeth, could accept the award on her behalf. I'm also pleased that from next year our Young Voltaire Award will be named the Sophie Trevitt Award in her honour. She was an incredible advocate who achieved so much in too short a time, especially for vulnerable children in the criminal justice system. Thanks to her work the first Australian jurisdiction, the ACT, has now committed

to raising the minimum age of criminal responsibility to 14 by 2025.

Special thanks to those who made the Voltaire Awards dinner possible, including Michelle Bennett, Thomas Kane, Jessie Taylor, Lindy Smith and our new Executive Officer Niloofar Kalantar.

I'm proud of our work on [the Referendum](#), with thanks to Gemma Cafarella. The outcome was disappointing, but given the lessons of history it was almost inevitable once the Opposition chose to oppose the Voice. If it wasn't clear before, in an era of social media echo-chambers we're going to have to find new ways to campaign, communicate and combat misinformation. We'll also have to be vigilant with regard to how some might seek to use the result as a platform for a reactionary agenda.

I'd like to thank our stellar communications team, Andrew Rawson (design), Adam Pulford (social media), and Maelor Himbury (Liberty links), and our media team (who subject themselves to, amongst other things, a very active chat group at all hours of the day and night!).

We've continued to be active in the media this year, and the highlights of my time as President have been speaking with Damien Carrick on the ABC Radio National's Law Report along with Sarah Schwartz from VALS on [Victoria's broken bail laws](#), and to Raphael Epstein on ABC Melbourne on [free speech, protests and the Israel-Palestine war](#).

We've been also active in making submissions and preparing press releases, and we've given evidence to Parliamentary Inquiries on subjects as diverse as [Australia's Human Rights Framework](#) (after preparing a [comprehensive submission](#) on the need for a Federal Human Rights Act), [Sexual Offence Reform](#), and the emergence

of far-right extremism and the [banning of Nazi symbols](#). This has, on occasion, included us taking positions that have been unpopular but based the need for evidence-based law reform that will be effective, fair and proportionate.

We've also made submissions on topics ranging from [anti-vilification reform](#) (thanks to Jamie Gardiner OAM), the need for a Federal [Judicial Integrity Commission](#) (thanks to Gregory Buchhorn), the Victorian Law Reform Commission's Inquiry into [Recklessness](#) (thanks to Sam Norton), on ending '[permanent temporariness](#)' in the migration system (a joint submission with thanks to Hannah Dickinson), and to the Yoorrook Justice Commission on [systemic inequality in the criminal justice system](#).

I've also been pleased to see our work extend to economic, social and cultural rights, including responding to the [Robodebt Royal Commission](#), considering gambling reform, and Hannah Figueroa's excellent article on [the fate of Melbourne's public housing towers](#).

Thanks to Lindy Smith for all her work coordinating volunteers, a vital resource for us at Liberty Victoria. We've been able to do some excellent work with their support, and that has proven to be an important pathway for people to then join our General Committee.

One of the highlights of my presidency has been strengthening bonds with other civil society organisations. That has included a joint letter with the NSW Council for Civil Liberties (NSWCCL) on the need for a [ceasefire in Palestine](#), a joint submission with NSWCCL on [continuing detention orders](#) (with thanks to former President of NSWCCL Josh Pallas and Isabelle Skaburskis), and a [joint editorial](#) with NSWCCL and the Queensland Council for Civil Liberties on the Voice. We also partnered with the Law Institute of Victoria and Digital Rights Watch on Victorian

[health information sharing reforms](#), and I'm pleased that our opposition, in part, contributed to much improved privacy protections.

Other than the Voltaire Awards, we've been involved in other events over the past year including joint online forum with NSWCCL on [why civil liberties will matter in 2023](#), a panel on [protecting the right to protest](#) (which seems more relevant now than ever), partnering with the Wheeler Centre for an event on the [Koori Court](#) during NAIDOC week, and co-hosting an event with Francesca Albanese, UN Special Rapporteur for Palestine.

I've also been pleased to see improved diversity on our General Committee and our organisation being more representative of the wider community. I hope this will continue to improve in years to come.

I'd also like to thank those members of our General Committee who have stepped down this year, including Emily Arians, Pamela Curr OAM, Greg Hanson, Andreea Lachs, and Tim Warner. I note that Tim has served on Liberty Victoria's committees since 2007 (including as Treasurer), and has been an important contributor in the best traditions of the late Alan Missen. At Liberty Victoria we're at our most effective when we remember that we share a liberal and a progressive tradition. To that end I'm also pleased to say that we've been consulted widely over the past two years from politicians across the political spectrum.

I know the organisation will be in good hands next year, and I'd also like to welcome the new faces that have joined us this year. It's a vital part of our organisation that new people with fresh ideas rejuvenate our work.

I'd also like to thank the [Rights Advocacy Project](#) (RAP) for being a key part of Liberty Victoria in mentoring the next generation

of human rights advocates, and thanks to outgoing chair Rochelle Francis for all her work, especially in steering RAP through the challenges of COVID-19.

Thanks also to the students from the Global Consulting Group at Monash University who prepared an excellent report on membership strategy. This year we launched '[Members Week](#)', with photos and quotes from leading members of Liberty Victoria on the value of membership, which I hope will be a regular fixture in our calendar. We need to do more to encourage people to join us.

Last, but by no means least, I'd like to thank my partner Reem and son Rayan for supporting me to do this work. When I look around the (often online) table at Liberty Victoria meetings and see the amazing people I work with, I know I'm part of a wonderful community of advocates who will seek to protect and promote civil liberties and human rights, both now and in the years to come.

Yours faithfully,



**Michael Stanton**  
President, Liberty Victoria



*Addressing the Voltaire Awards Dinner Guests*

## What our members say



*I have found being a member of Liberty Victoria very stimulating: the experience has been both educative and hopeful.*

*I have enjoyed being part of a group of such good (and busy) people ready to work collaboratively to address issues involving justice.*

*Having a small group ready to explore actions that can be taken on behalf of asylum seekers has been very supportive.*



**– Sister Brigid Arthur AO**



# Voltaire Awards

The Voltaire awards are a celebration of free speech, and of Liberty Victoria’s continued work to defend and extend civil liberties and human rights throughout Australia.

The Voltaire awards are given annually to people, groups and/or organisations across three categories - the Voltaire Human Rights Award itself, the Young Voltaire Human Rights Award, and the Empty Chair Human Rights Award. These awards are given to those who have made an outstanding contribution to free speech, civil liberties and/or human rights.

## The Voltaire Award

The Voltaire Human Rights Award honours a person who has made an outstanding contribution to human rights, free speech and/or civil liberties, with emphasis on progressing freedom, respect, equality, dignity and action.

The winner of the 2023 Voltaire Human Rights Award is human rights and Raise the Age advocate **Sophie Trevitt**. Tragically, Sophie passed away in July this year from brain cancer. She was only 32 years old.

Ms Trevitt was recognised for her outstanding advocacy to promote and protect human rights, especially her work to raise the minimum age of criminal responsibility.

She was instrumental in the #RaiseTheAge campaign, securing commitments from the governments of the ACT, the Northern Territory, Tasmania and Victoria to increase either the minimum age of criminal responsibility or the minimum age for detention.

Ms Trevitt held senior roles for Federal and ACT politicians, coordinated national and local social justice campaigns, and won profound and widespread respect for her role as a community lawyer.

## The Young Voltaire Award

The Young Voltaire Human Rights Award honours a person who is no older than 30 when nominated and who has made an outstanding contribution to human rights, free speech and/or civil liberties. **Murrawah Johnson** and **Monique Jeffs** are the joint recipients of this year’s award.

Murrawah Johnson is a Wiradi woman hailing from the broader Birragubba peoples of Central and North Queensland. She comes from Wangan and Jagalingou country. Murrawah is a spokesperson, community organiser, campaigner and co-director of Youth Verdict.

Monique Jeffs is a fifth generation white non-binary person from south east Queensland on Jagera, Turrubul and Ugarapul Country. They are a community organiser who lived in Meanjin (Brisbane) and now lives in Gimuy (Cairns). They are the co-founder and secretary of Youth Verdict.

Youth Verdict won an historic case against Clive Palmer’s Waratah Coal Mine. The landmark decision was the first in Australia to recognise the human rights impacts of climate change, and to recommend refusal of an application to mine on that basis.

## The Empty Chair Award

The Voltaire Empty Chair Award is presented to a person who is worthy of the Voltaire or Young Voltaire Human Rights Award but cannot be present to receive the award as a consequence of their exercise of or advocacy for human rights, free speech and/or civil liberties.

The winner of the 2023 Voltaire Empty Chair Award is **Victor Yeimo**, a strong advocate for West Papua’s independence from Indonesia. Mr Yeimo, a pro-independence activist and human rights defender, led the civil resistance in West Papua. He has been arrested and imprisoned three times for exercising his civil rights.

Mr Yeimo’s recent arrest and imprisonment was on charges of treason for leading peaceful protests against racial discrimination. He was placed in solitary confinement for three months, with limited access to lawyers, family, and medical treatment.

In May 2023, the Jayapura District Court ruled Mr Yeimo violated the Indonesian Criminal Code by demonstrating and disseminating prohibited information. However, the Jayapura High Court overturned this ruling in July 2023 and sentenced Yeimo to one year’s imprisonment.

After 28 months, he was released in late 2023. Thousands of Papuans celebrated his release at Waena stadium in Jayapura.

### Previous Voltaire Human Rights Award Winners

- |  |   |
|--|---|
| <b>2022:</b> Brenda Appleton OAM       | <b>2016:</b> Waleed Aly   |
| <b>2021:</b> The children of Tanya Day | <b>2015:</b> The ‘three brothers’ – Peter Greste, Baher Mohamed & Mohamed Fahmy |
| <b>2020:</b> Dylan Alcott              | <b>2014:</b> Yu Shu Lipski  |
| <b>2019:</b> Debbie Kilroy             | <b>2013:</b> Arnold Zable   |
| <b>2018:</b> Magda Szubanski           | <b>2012:</b> David Marr   |
| <b>2017:</b> Professor Gillian Triggs  |   |



*This year’s winners. From left: Murrawah Johnson, Victor Yeimo, Sophie Trevitt and Monique Jeffs.*

## Treasurer's Report

Liberty Victoria has operated in a more constrained economy in 2023 and has responded by keeping our membership charges flat while having to absorb significant increases to our costs. We understand cost of living increases are impacting all our members and supporters so it is important to ensure memberships and events remain as accessible as possible. Although this approach contributed to Liberty ending the financial year with an operating deficit of approximately \$10,000, this nonetheless represented a significant improvement against the prior year's deficit.

The lower deficits reflect the successful fundraising efforts of RAP and the very welcome return of the Voltaire Awards Gala Dinner.

We continue to have sufficient reserves, which earn a small amount of interest, to support our ongoing activities. However, in order to continue to undertake the current level of activity we will need to continue to identify and grow opportunities to raise funds. We have a relatively small number of dedicated supporters who provide a significant level of funding. We are deeply grateful to those supporters and, to ensure our ongoing financial stability, we hope to broaden that base. This will be more difficult in the current economy but it is important that Liberty Victoria remains accessible to our members while continuing our work.

### Statement of Comprehensive Income and Expenditure for the Twelve Months Ended 30 June 2023

	2023 (\$)	2022 (\$)
<b>Income</b>		
Memberships	14,675	15,373
Donations	3,510	37,756
Events	11,658	4,142
Rap income	6,292	-
investment income	2,699	1,193
Other income	-	-
<b>Total Income</b>	<b>38,834</b>	<b>58,464</b>
<b>Expenditure</b>		
Events	611	2,213
Bank Charges	508	864
Office Costs	2,606	3,488
Salaries and contractors	39,679	64,195
RAP Expenses	-	2,358
Software/Website	3,124	3,358
Other Costs	2,750	2,127
<b>Total Expenditure</b>	<b>49,277</b>	<b>78,603</b>
<b>Surplus / Deficit</b>	<b>-10,443</b>	<b>-20,139</b>

### Balance Sheet as at 30 June 2023

	2023 (\$)	2022 (\$)
<b>Assets</b>		
Westpac General A/c	1,912	6,935
Petty Cash	700	277
Latrobe Financial Investment Account	50,000	50,000
High Interest Account	32,621	40,967
Cash Box	0	22
Prepayments - Events	9,750	7,500
PayPal	501	226
<b>Liabilities</b>		
<b>Total liabilities</b>	<b>-</b>	<b>-</b>
<b>Net Assets</b>	<b>95,484</b>	<b>105,927</b>
<b>Equity</b>		
Liberty Leadership Fund Reserve Account	12,347	12,347
RAP Reserve Account	8,409	1,852
Retained Earnings	85,172	111,868
Current Earnings	(10,443)	(20,139)
<b>Total Equity</b>	<b>95,484</b>	<b>105,927</b>

### What our members say



*Liberty Victoria is all about freedom and human rights. Without liberty, there cannot be justice.*

*If you think justice matters, and if you think liberty matters, you should join Liberty Victoria.*



**– Julian Burnside AO KC**

## Rights Advocacy Project

It has been another big year for the Rights Advocacy Project (RAP).

RAP is a program of Liberty Victoria to train and empower the next generation of human rights advocates with the skills to use law to create social and systemic change.

We are a community of lawyers and activists working towards more just laws and policies. We recruit early-career human rights and law reform enthusiasts and provide them with training in strategic advocacy and law reform, to plan and execute high impact law reform projects in pursuit of systemic change over an 18 month program.

In November, we wrapped up the 2022-2023 training program that commenced in May last year. Over 18 months, our volunteers received training on how to develop a law reform campaign; stakeholder engagement; political engagement; public policy strategy; understanding privilege, allyship and intersectionality; campaigning; messaging; engaging with media and international human rights based approaches to law reform. Our enormous thanks to our guest speakers Sarah Schwartz, Nevena Spirovska, Maria O'Sullivan, Michael Stanton and Adam Pulford and to our Steering Committee for generously sharing their expertise and learnings and giving of their time to our volunteers. Our thanks also to our volunteers Denham Sadler and Mitch Ryan for sharing their media expertise with their cohort. A final note of thanks to Deputy Chair & Program Manager Kiara Wagner under whose leadership the program was delivered at an exceptional standard.

For the 2022-2023 program, our volunteers nominated one of three project teams across criminal justice reform, climate justice and the rights of refugees and people seeking asylum. Our 2022-2023 cohort has been busy working towards finalising their

law reform projects. Their intellect, diligence and passion for their projects has been inspiring.

The 2022-2023 projects include:

- **Criminal justice reform:** The criminal justice team is working on a project to reform police stop and search powers, in particular to abolish consent searches and designated areas. Our deepest gratitude to project supervisors Tamar Hopkins and Gabriel Chipkin for their generosity, guidance and support for the team.
- **Climate justice:** The equality and government accountability team is working on an open letter to the United Nations special rapporteurs seeking review of the Australian government's disproportionate and adverse treatment of environmental protesters. Our deepest gratitude to project supervisors Katharine Brown and Brad Jessup for their generosity, guidance and support for the team.
- **Rights of refugees and people seeking asylum:** The refugee and asylum seeker rights team is collaborating with the Visa Cancellation Working Group and looking into the reality of indefinite detention in Australia as a result of character cancellations under the Migration Act. The project seeks to chart the evolution of certain provisions under the Migration Act that enable indefinite detention to explore the expectations Australia holds for refugees and people seeking asylum and the intersection between the criminal justice system and administrative detention. Our deepest gratitude to project supervisors Arti Chetty, Hannah Dickinson, Sanmati Verma and Maria O'Sullivan for their generosity, guidance and support for the team.

You can keep updated about our upcoming project on our website:

[rightsadvocacyproject.org](https://rightsadvocacyproject.org)

A highlight for RAP this year was the return of our annual trivia fundraiser that had not run since 2019 as a result of the pandemic. It was an evening of quality humor, rivalling competition and community building held at the iconic 75 Reid Street in Fitzroy North and hosted by the delightful Ty Ty Fantasia. We are indebted to the many businesses that made generous donations to the pool of raffle prizes and to Wazzup Falafel for feeding our guests. Our deepest gratitude to the RAP community for showing up in support for our work. A final note of thanks to Steering Committee Member Charlotte Inge who led the planning of our trivial fundraiser and was integral to its success.

In the last year, we said farewell to Steering Committee members Charlotte Inge and Caitlin Schiavone. We thank them for their contributions and commitment to RAP. We are currently recruiting for new Steering Committee members and have big plans for RAP next year.

We thank the members of Liberty Victoria for their ongoing support and commitment to RAP's vision and work, particularly current President Michael Stanton.

Finally, my sincere thanks to each member of the current Steering Committee Kiara Wagner, Shauna Stanley, Chris Chosic, Isabella Farrell-Hallegraef, Arabella Close and Sophie Lloyd whose steadfast support has been critical to RAP's success this year.

In solidarity,

**Rochelle Francis**

Chair, Rights Advocacy Project

## What our members say

“

*I've been a member of Liberty Victoria – the Victorian Council for Civil Liberties – for many years, because it is the first campaigner for human rights in this State.*

*Promoting a human rights culture has long been my goal, and Liberty Victoria is my team!*

”



– **Jamie Gardiner OAM**



## The Rights Advocacy Project Team

### Steering Committee

#### Chair:

Rochelle Francis

#### Deputy Chair & Program Manager:

Kiara Wagner

#### Treasurer:

Sophie Lloyd

#### Secretary:

Chris Chosic

#### Project Coordinator –

##### Refugees & People Seeking Asylum:

Isabella Farrell-Hallegraeff

#### Project Coordinator –

##### Criminal Justice Reform:

Kiara Wagner

#### Project Coordinator –

##### Climate Justice:

Sophie Lloyd

#### Ongoing Advocacy Coordinator –

##### Criminal Justice Reform:

Arabella Close

#### Ongoing Advocacy Coordinator –

##### Equality & Government Accountability:

Shauna Stanley



RAP Chair, Rochelle (Right), and Deputy Chair, Kiara.

### RAP Volunteers

#### Refugees & People Seeking Asylum

Sherine Al Shallah

Imogen Hines

Hamed Mahdavi

Dannielle McKinnon

Shruti Patil

Holly Woodlock

#### Supervisors:

Arti Chetty, Maria O'Sullivan, Hannah Dickinson & Sanmati Verma (consulting from the Visa Cancellations Working Group)

#### Criminal Justice Reform

Britney Aguirre

Joseph Cook

Alexandra Donato

Hayden O'Halloran

Denham Sadler

#### Supervisors:

Tamar Hopkins & Gabriel Chipkin

#### Climate Justice

Rose Barnsley

Brianna Delahunty

Sri Kumar

Mitch Ryan

Imogen Timms

#### Supervisors:

Katharine Brown & Brad Jessup

## Submissions and Policy Work

### Strengthening Victoria's Anti-Vilification Laws

Submitted to: Department of Justice and Community Safety

28 October 2023

This submission considers the need to reform and strengthen Victoria's anti-vilification protections, and take an approach that focuses on the harm caused by vilification, particularly to the LGBTQI+ community. We note that while the law is an important part of our social framework, fixing it is only a small part of the social change required to end the scourge of prejudice, discrimination, vilification and their consequences.

### Summary Offences Amendment (Nazi Salute Prohibition) Bill 2023 (VIC)

20 October 2023

This comment concerns the proposed prohibition of the Nazi salute and other symbols and gestures used by the Third Reich in Victoria. Whilst we understand the important motivation for the Bill, we oppose it on the basis that it will be ineffective and counterproductive in giving attention to far-right extremists. This is consistent with our position on the previous Victorian legislation, which you can read here, and our position on the Commonwealth Bill, which you can read here.

### Senate Legal and Constitutional Affairs Committee, Inquiry into Current and Proposed Sexual Consent Laws in Australia - Response to Questions on Notice

Submitted to: Senate Legal and Constitutional Affairs Committee

16 August 2023

This submission responds to questions on notice from the Senate Legal and Constitutional Affairs Committee at our appearance to give evidence on 26 July 2023. It considers two issues: (1) The legal directions on consent that are given in Victoria; and (2) The submission of Professor Quilter and Dr McNamara and examples of cross-examination. While we support incremental and evidence-based reform to the prosecution of sexual

offences, we are concerned that some recent reforms disproportionately limit the presumption of innocence and the right to silence.

### Review of the Counter-Terrorism Legislation Amendment (Prohibited Hate Symbols and Other Measures) Bill 2023 (Cth)

Submitted to: Parliamentary Joint Committee on Intelligence and Security

21 July 2023

This submission considers the proposed banning of Nazi symbols and the ISIS flag by the Commonwealth Government. In particular, the submission focuses on concerns from the Muslim community regarding the lack of consultation and the consequences of potentially banning symbols that display Arabic text and the Shahada given it is a foundational pillar of Islam that has been misused by ISIS. For the reasons we have advanced in our previous work, we submit that such bans are unlikely to be effective.

### Inquiry into Australia's Human Rights Framework

Submitted To: Parliamentary Joint Committee on Human Rights

1 July 2023

This comprehensive submission considers the need for a Federal Human Rights Act, the inadequacy of existing mechanisms for protecting human rights, and the experience of having human rights legislation in place in Victoria. It recommends: (1) the enactment of a federal Human Rights Act which codifies human rights protections in Australia and sets clear remedies and consequences for breaches of human rights; (2) the introduction of minimum standards for Statements of Compatibility; and (3) a requirement that bills and legislative instruments not be passed until a final report of the Parliamentary Joint Committee on Human Rights has been tabled in Parliament unless there are exceptional circumstances.



### **Review of Post-Sentence Terrorism Orders, Provided for in Division 105A of the Criminal Code Act 1995 (Criminal Code)**

Joint submission with  
NSW Council for Civil Liberties

Submitted to: The Parliamentary Joint  
Committee on Intelligence and Security  
(PJCIS)

30 June 2023

This joint submission with NSWCCCL considers post-sentence terrorism orders under Division 105A of the Criminal Code Act 1995 (Cth), and in particular the operation and effect of continuing detention orders (CDOs). We conclude that it is never acceptable to deprive a person of liberty for what they might do in the future when there is no valid or reliable way of assessing the likelihood of future re-offending. We submit that the threshold for granting a CDO has been reduced to a very low bar that fails to provide any safeguard against unnecessary and punitive detention. Further, the statutory scheme is unable to protect the right to a fair trial. For those reasons a CDO will almost inevitably constitute arbitrary detention and be contrary to Australia's international legal obligations.

### **Inquiry into Current and Proposed Sexual Consent Laws in Australia**

Submitted to: Senate Legal and  
Constitutional Affairs Committee

16 March 2023

This submission addresses the importance of reducing the prevalence of sexual violence, and the challenges and limitations of the criminal justice system in achieving that end. It sets out the extensive changes that have been made in the Victorian criminal justice system over the past two decades, especially to consent-based sexual offences. This submission also deals with recent legislative amendments in Victoria that implement a model of affirmative consent that have been opposed by Liberty Victoria on the basis of how they impact the presumption of innocence and the right to silence. Given the limitations of the criminal justice system, the submission calls for the adoption of a restorative justice model in appropriate cases.

### **The Meaning of 'Recklessness' in Victorian Criminal Law**

Submitted to:  
Victorian Law Reform Commission

3 March 2023

This submission considers whether the threshold for establishing "recklessness" should be lowered in Victorian criminal law. We conclude that changing the definition could have potentially unintended consequences such as obscuring the difference between recklessness and negligence, overcomplicating the definition so that it is difficult for juries to apply, losing the benefit of jurisprudence surrounding the current threshold test, and capturing some risk-taking behaviour that should not be criminalised. Further, given the relevance of mandatory sentencing provision, we advocate for extreme caution in relation to any contemplated legislative reform that has the potential to erode judicial discretion and increase incarceration rates, including of particularly vulnerable cohorts.

### **Submission in Response to Discussion Paper 'Scoping the Establishment of a Federal Judicial Commission'**

Submitted to: Commonwealth  
Attorney-General's Department

28 February 2023

This submission supports the establishment of a Federal Judicial Commission. We conclude that it is of fundamental importance in a properly functioning liberal democracy that an individual is able to obtain effective relief for rights violations from an independent, competent and impartial arbiter. Further we submit that the judiciary has a vital role in protecting our system of liberal democratic government. Accordingly, we submit that a corollary of public confidence in the judicial system is that there be an effective mechanism in place to address improper judicial conduct that may occur during hearings. We submit that appointments to a Federal Judicial Commission should be made through an open, transparent and competitive process, and that the appointment of any member should be protected by statute and secured by tenure.

### **Comprehensive Review of Australia's Migration System**

Submitted to: Department of Home Affairs  
16 December 2022

Joint Submission

This joint submission considers how Australia's migration system is geared towards temporary and precarious visa status, which is characterised by delay, uncertainty and unnecessary complexity. We note that uncertain pathways to permanent residency mean that people living on visas in Australia spend longer and longer periods unable to reunite with their families, work or participate in community life on equal footing. We submit that the principle must be reintroduced to the migration system that a person's membership of the community should be reflected in their status and entitlements, and that all people, irrespective of status, must be entitled to equal protection.

### **Systemic Injustice in the Criminal Justice System**

Submitted to:  
Yoorrook Justice Commission

6 December 2022

This submission responds to the Yoorrook Justice Commission's *Issues Paper 1: Systemic Injustice in the Criminal Justice System*. It focuses on: (a) The need to raise the minimum age of criminal responsibility; (b) Victoria's harsh bail laws; (c) The pitfalls of presumptive and mandatory sentencing; and (d) The operation and effect of the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT). We note that, despite the clear recommendation of the Royal Commission into Aboriginal Deaths in Custody that imprisonment should be utilised only as a sanction of last resort, in Victoria we see a largely bipartisan embrace of penal populism – with the enactment over the past decade of presumptive and mandatory sentencing, bail and parole reforms that we know have had a disproportionate and deleterious impact on First Peoples, sometimes with fatal consequences.

## **What our members say**

“

*By shining a spotlight on crucial human rights issues, Liberty holds governments to account.*

*By critically scrutinising legislative proposals, Liberty helps make our laws fairer.*

*Joining Liberty Victoria means you can play a part in enhancing our democracy.*

”



**– Christopher Maxwell AC**

## Press Releases and Pubic Letters

**Joint letter from the Presidents of NSW Council for Civil Liberties and Liberty Victoria relating to the humanitarian catastrophe in Gaza**

16 November 2023

**Liberty Victoria supports the right to protest**

16 November 2023

**Liberty Victoria Members Week**

30 October 2023

**Civil liberties councils support the case for YES**

13 October 2023

**The Referendum**

22 September 2023

**Bail Amendment Delays**

31 July 2023

**Liberty Victoria Statement on Lawyers as Human Sources**

11 July 2023

**Liberty Victoria Statement: Royal Commission into the Robodebt Scheme**

10 July 2023

**Liberty Victoria Supports the Voice**

29 June 2023

**Media Release: Continuing Detention Orders Should Be Abolished**

5 April 2023

**Liberty Victoria Statement on the Anti-Trans and Nazi Protestors**

20 March 2023

**The LIV, Liberty Victoria and Digital Rights Watch reiterate calls for MPs to respect patient autonomy in Health Sharing Bill**

7 March 2023

**The Human Source Management Bill 2023 (Vic)**

23 February 2023

**Liberty Victoria Comment on the Health Legislation Amendment (Information Sharing) Bill 2023 (Vic)**

22 February 2023

**Liberty Victoria Statement on the Urgent Need for Bail Reform**

30 January 2023

**Liberty Victoria Policy on the Right to a Basic Standard of Living**

15 November 2022

**Liberty Victoria Comment on OPCAT Suspension**

25 October 2022

## Liberty in the News

**Khalil condemns fake dead body protests as Labor MPs join ceasefire calls**

The Age

Paul Sakkal, 16 November 2023

**Civil liberties groups urge Albanese government to call for Gaza ceasefire**

The Guardian

Emily Wind, 16 November 2023

**The demolition of Melbourne's public housing towers and public housing tenants' right to housing**

Right Now

Hannah Figueroa (Spokesperson on Economic, Social and Cultural Rights), 15 November 2023

**Why it's so hard to stop neo-Nazi public hate parades**

The Age

Simone Fox Koob, 12 November 2023

**Free speech, protests and the Israel-Palestine war**

ABC Radio Melbourne

Michael Stanton (interviewed by Rafael Epstein), 9 November 2023

**Legislative Assembly passes Nazi salute prohibition**

Parliament of Victoria

10 October 2023

**'The history of the climate movement is very white': how youth campaigners took on a mining giant and won**

The Guardian

Eden Gillespie, 8 October 2023

**Labor's counter-terror laws may stifle 'political dissent', Law Council warns**

The Guardian

Christoper Knaus, 25 August 2023

**An inquiry into Australia's consent laws was held this week. Could it be a turning point?**

SBS News

Emma Brancatisano, 29 July 2023

**Daniel Andrews flags tighter rules for killers seeking parole after apologising to victims' families**

The Guardian

Benita Kolovos, 20 June 2023

**Canberran Sophie Trevitt honoured with Voltaire Human Rights Award**

ABC Radio Canberra

Sophie Trevitt (interviewed by Anna Vidot), 7 June 2023

**Victoria to lift age of criminal responsibility to 12 with no exceptions**

The Age

Sumeyya Ilanbey, 25 April 2023

**Victorian government announces long-awaited bail reforms**

National Indigenous Times

Giovanni Torre, 6 March 2023

**Victorian AMA seeks to allay privacy concerns as lower house passes contentious health database bill**

The Guardian

Adeshola Ore, 23 February 2023

**Pressure builds on Victoria to overhaul bail laws in response to Indigenous woman's death on remand**

The Guardian

Benita Kolovos, 24 January 2023



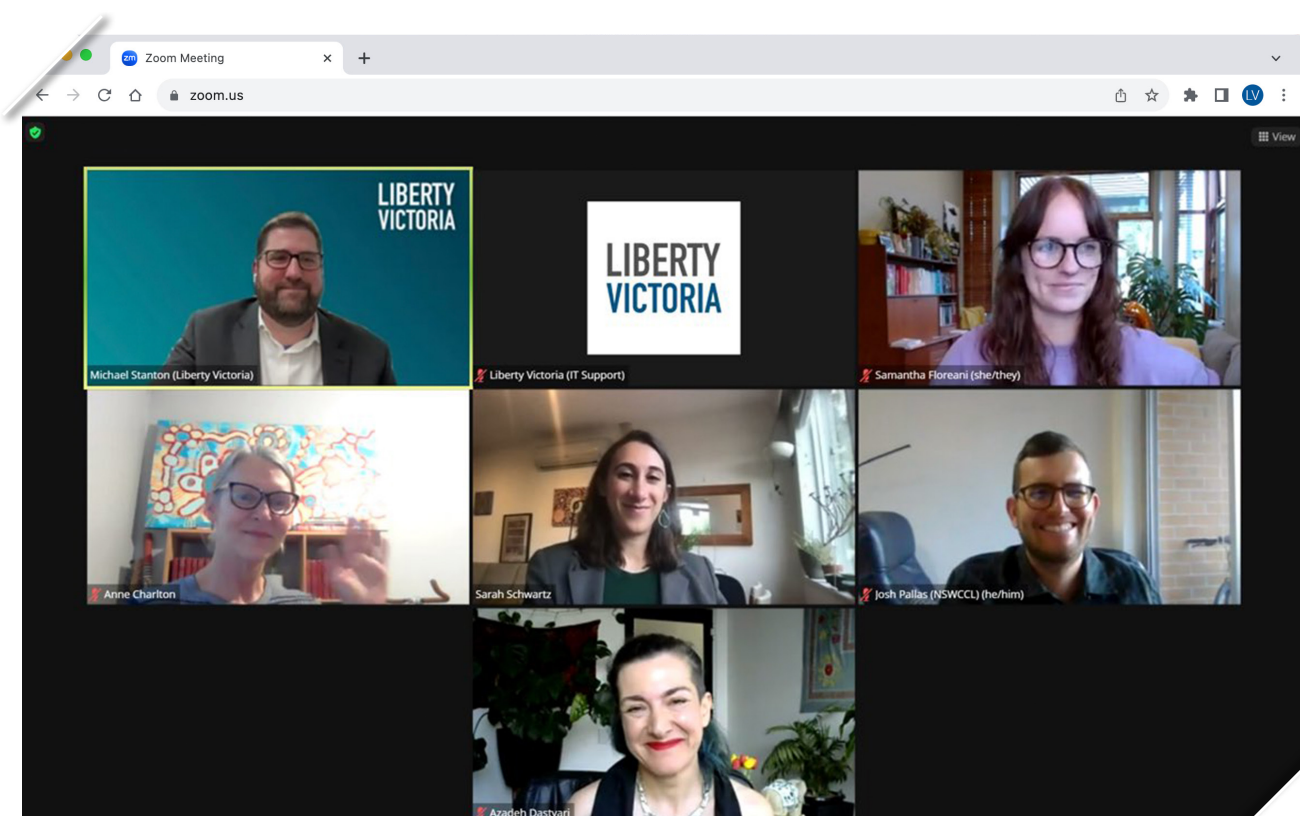
## Events

### Online Forum: Why Civil Liberties Will Matter in 2023

12 December 2022

Presented with the New South Wales Council for Civil Liberties.

This year civil society across Australia has united against assaults on civil liberties and human rights from multiple fronts by governments and corporations alike. Join our panel of passionate activists, advocates and academics to discuss why civil liberties matter more than ever in 2023: Dr Azadeh Dastyari, Sarah Schwartz and Samantha Floreani.



*Some attendees of our online forum "Why Civil Liberties Will Matter in 2023"*

### Protect the Protest – Panel Discussion

14 June 2023

Amnesty International Australia's Victorian Activism and Leadership Committee (VALC), in partnership with Melbourne Activist Legal Support (MALS), held an online panel discussion about right to protest, how this right is limited by Victorian legislation and policing, and what can be done to protect the protest. Moderated by Michael Stanton, President of Liberty Victoria.

### Justice, Elders and Culture in the Koori Court

5 July 2023

Wheeler Centre, NAIDOC Week

For NAIDOC Week 2023, Koori Court Elder Uncle Walter Harrison, Supervising Magistrate of Koori Justice Rose Falla, County Koori Court Manager Terrie Stewart, along with host Deputy CEO of the Victorian Aboriginal Legal Service, Amanda Dunstall, held a conversation exploring the history and principles of the Koori Court, and offering insight into Aboriginal and Torres Strait Islander approaches to justice and the law. Presented in partnership with Liberty Victoria.



*A photo from the Justice, Elders and Culture in the Koori Court event.*

### The War Against Palestine

16 November 2023

Thousands of deaths and the unprecedented destruction of whole neighbourhoods, hospitals and infrastructure in Gaza compel us to look at the root causes of the violence. Speaker: Francesca Albanese (United Nations Special Rapporteur on Palestine) Drill Hall, 26 Therry Street, Melbourne Victoria 3000. Presented in partnership with Liberty Victoria



# Members Week

This year, Liberty Victoria ran our first Members Week, spotlighting the value of membership through quotes from current and former members like Sister Brigid Arthur AO. Members Week is designed to celebrate our existing members while encouraging those who support our work but are not yet members to join Australia’s oldest civil liberties organisation.

The disappointing Referendum outcome underscored the need to fortify the organisation and broaden our influence. With support from the students from the Global Consulting Group at Monash University, who prepared an excellent report on membership strategy, we have increased our pursuit of members, with Members Week being part of that strategy.

Joining during Members Week gave a 10% discount on Voltaire Awards Dinner tickets. Despite economic challenges, we continue to urge those who can to contribute to our cause.

## Support Liberty Victoria

### Become a member

Members are fundamental to our organisation and give us certainty in continuing our work. Individuals can become members for as little as \$60 a year\*.

To become a member, you can [visit our website](#) or scan the QR code to the right. More information is available on our website. If you require assistance becoming a member, email [info@libertyvictoria.org.au](mailto:info@libertyvictoria.org.au).

\* \$60/year applies to 5 year individual price. Concession memberships available for students, and people who are unwaged or retired.

### Donate

Donations ensure we can continue to maximise our impact as an organisation. You can donate [on our website](#), by scanning the QR code to the right, or by filling out the form on the next page and sending it via email ([info@libertyvictoria.org.au](mailto:info@libertyvictoria.org.au)) or post (GPO Box 3161 Vic 3001).



Join



Donate

I'll give: ☐ \$20 ☐ \$25 ☐ \$30 ☐ \$50 ☐ \$100 ☐ Other: \$ \_\_\_\_\_

Frequency: ☐ One time ☐ Every month

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Street Address: \_\_\_\_\_

City / Suburb: \_\_\_\_\_ Postcode: \_\_\_\_\_

Phone \_\_\_\_\_ Email: \_\_\_\_\_

Name on card: \_\_\_\_\_

Card Number: \_\_\_\_\_ ☐ Visa ☐ Mastercard

Expiry: \_\_\_\_\_ CCV: \_\_\_\_\_

Signature: \_\_\_\_\_

### What our members say



*I'm proud to be a Past President and a long-time member of Liberty Victoria.*

*We punch above our weight in shaping and driving conversations about human rights and civil liberties.*

*We may be small, but we are mighty, passionate, dedicated and influential.*



– Jessie Taylor

**For more information, contact:**  
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**GPO Box 3161, Melbourne, VIC 3001**