

QUEENSLAND COUNCIL FOR CIVIL LIBERTIES
ANNUAL REPORT OF THE PRESIDENT, DEREK FIELDING
ANNUAL GENERAL MEETING, 11 NOVEMBER 1978

Street Marches

Civil liberties matters continued to make headlines in Queensland in 1978. The council cannot take all the credit for this. The State government attitude to street marches and protests against this legislation gave Queensland national and international notoriety. While the Council was active in voicing its belief that the law should be changed, we were not involved in the organisation of marches, confining our activities to lobbying parliamentarians, and organising a petition to parliament. Your executive believed that it was most important for the Council to remain a non-political body and to confine itself to seeking change through the normal democratic processes. There are many other civil liberties matters besides the right to hold public processions and, in the long term, it is vital that the Council should retain its independence and credibility not only in order to attract membership on a non-political basis but to be able to negotiate with government and other authorities.

Our position is frequently misunderstood and we are often confused with other organisations. We receive not only their letters but occasional donations which are obviously meant for them. These are forwarded to the correct recipients.

The Council has supplied a speaker at civil liberties rallies and taken part in discussion with other groups. Your President was consulted by the brave delegate to the National Party Conference who sought to change that Party's approach to public processions. We were represented at the meetings leading up to the most recent march but withdrew when it became evident that an illegal march would take place. Lawyers belonging to the Council have continued to counsel participants in demonstrations about their legal rights. Speaking for myself, I am optimistic that the law will be changed by the normal parliamentary processes in due course. This statement is in no way intended to be a criticism of others who believe in direct action and whose activities have kept the matter in the public eye.

King George Square Rallies

A related matter has been an effort to establish the status of rallies in King George Square. The Premier has claimed on a number of occasions that anyone is free to express views in several public places including King George Square. Following a complaint from a women's group which was compelled by police to move from the Square to Roma Street Forum, the Council wrote to the Police Minister asking by what authority this had been done. The reply was an impolite suggestion that we were wasting time, that we were misinformed and that the police had acted correctly. Since King George Square is Brisbane City Council property, we approached the Lord Mayor who assured us that the BCC had not requested the police to act. A further letter to the Police Minister was no more successful than its predecessor. The Executive subsequently addressed a general inquiry to the Police Public Relations Officer asking about the status of King George Square without referring to any particular incident. The reply was polite, not very informative, and referred us to the City Council.

Executive decided to leave the matter at that point until the next incident occurs. We note that Mr. Charles Porter claimed at a public meeting that the Squared should come under the Traffic Act since it was created from two former streets.

Police ID Numbers

I do not wish to labour police matters in this report as the Council was active in many other ways. Perhaps typical of the frustrations of dealing with police matters was an innocuous enquiry which arose from a concern of one of our members that photographs of proposed new police uniforms displayed no numbers. A polite letter drew a completely uninformative reply. A further letter elicited the reply that the matter was under investigation. Release of the correspondence to the press quickly brought an official comment that there was no intention of doing away with numbers. It would have been more courteous and it would have saved everybody's time if that answer had been made to our initial enquiry.

TAA & ANSETT

The Executive also followed up with both TAA and ANSETT a question asked by Senator Mal Colston in Parliament about the circumstances in which details of passenger lists are released to bodies such as Special Branch. Both airlines replied: TAA said that it is not its policy to release such information; ANSETT replied that it would do so in cases of special emergency.

Police Misbehaviour

The Council received the usual complaints from citizens of misbehaviour by Police. It is seldom possible for the Council to do more than refer such people for advice to our legal members. It is very unusual for such cases to get into court as the Council cannot finance legal representation and the individuals concerned are seldom in a position to afford it. The Council does not claim that police misbehaviour is widespread, but it is apparent that there is a minority in the Force who are encouraged to misbehave by the State Government's rejection of any claim that all Police are not beyond reproach and its speed to defend them against any criticism.

Insufficient People

There were several tasks in relation to Police which the Council ought to have done but which we were not able to find people to do. One was to formulate a policy on Special Branch surveillance and dossiers as requested by the last Annual General Meeting. Another was to comment on Mr. Justice Hope's review of Protective Security, following the extraordinary actions of the federal government after the Sydney bomb outrage and Sir Robert Mark's Report. We simply lack the people with time to do these jobs; our members with expertise in these areas are too busy to do more than help from day to day, which they do very willingly.

Aboriginal Affairs

Aboriginal Affairs have been in the news. Our Treasurer Madeleine McPherson decided to revive the Aboriginal Affairs Committee, and she has now thankfully passed the task into the experienced hands of Matt Foley. A submission has been made to the Aboriginal and

Islanders Act Review Committee. The Council has had correspondence with the Commissioner for Community Affairs, Al Grassby, about claims of discrimination on Palm Island. At the time of the Arakun and Mornington Island controversy, the Council issued a press release urging consultation with the people concerned.

Drug Offences

Another matter constantly in the news has been drug offences. The federal government set up a Royal Commission of Enquiry under Mr. Justice Williams. Although Gary Sturgess had revived the Committee on Drug Legislation and Sexual Offences, he was unable to find sufficient support to draft a submission, and he felt unable to do so himself, as he had already made submissions on behalf of another body. However he kindly permitted the Executive to use his ideas as a starting point for a submission which was eventually drafted by your President and Professor Lee Holborow, and which I and Dr. Janet Irwin presented at an appearance before the Royal Commission.

One of the features of the present preoccupation of governments with drug offences has been the advocacy by government and others of measures which would seriously interfere with the civil liberties of people in general. The federal Minister announced that narcotics agents would be given greater powers, including the power to tap phones, without the safeguards which your Executive regards as essential. The Executive protested about this. Gary Sturgess drafted the basis for a submission by the Executive contesting claims made to the Royal Commission into Drugs for greater powers for narcotics agents.

As stated in our general submission, the Executive fears that hysteria is being promoted about drugs in order to subject people in general to the moral views of a particular group and at the expense of the civil liberties of us all.

Another matter which took much time but was, in the end, fruitless concerned the amendments to the Atomic Energy Act and the Nuclear Codes Bill. These are, without a doubt, the most repressive laws ever passed in Australia in peace-time since Federation. They are thoroughly repugnant to anyone with the slightest concern for civil liberties. The Executive lobbied all Queensland Senators in an attempt to have the legislation properly considered, but to no avail.

Submissions

It is pleasing to be able to report that a number of other submissions in addition to those on drugs were drafted during the year. To the Queensland Law Reform Commission we submitted comments on proposals to alter the law relating to offences involving animals, and another on procedure in criminal hearings. Substantial assistance was received from a member of the Law Department at the University of Queensland in drafting a submission to a Senate Committee which was examining a proposal to refer all Bills to a Committee which would examine the likely effects of the proposed legislation on civil liberties. The Executive has just recently approved an extensive submission on the Freedom of Information Bill.

The committee on the Rights of School-Children drafted a submission which was submitted to the Select Committee on Education, popularly know as the Ahern Committee.

A special committee chaired by Vice President Quentin Bryce, drafted a policy on Abortion which, after much discussion, was adopted by a General Meeting. The recommendations for changes in the Rape Laws which had been approved by a General Meeting last year, were forwarded to the State Attorney-General.

The Citizen & the Police

Work is proceeding on a revised version of the Council's publication, *The Citizen and the Police*. The proceedings of the Civil Liberties Convention held in August 1977 have been edited ready for publication, with many thanks to Jennifer Riggs for her work; the publication should appear before long.

MLA Travel Expenses

One of the most worrying features of public life in Queensland has been the apparent collapse of the Parliamentary system, giving way to cabinet government, and the growth of public cynicism about the behaviour of politicians. As President I have voiced concern on your behalf on many occasions. In our so-called "Westminster type" democracy which has no Bill of Rights, citizens are deprived of protection for their civil liberties if the parliamentary system breaks down. The latest manifestation of the decline in standards of political behaviour is the Report of the Auditor-General on an audit of the expenditure of appropriations to defray the Contingencies "Air Transport of Members and Allowances to Members (Travelling) in connection with the Legislative Assembly, popularly known as the Peel Report. The Executive wrote to both the Attorney-General and the Commissioner for Police urging action against the members of Parliament concerned. The Attorney-General, in a carefully worded letter, stated his view that his office did not instigate criminal prosecutions. He advised that if action was to be taken, this was a matter for the Commissioner of Police. The Executive is waiting for a reply to its letter to the Commissioner. If no reply is received, or if it is negative, the Executive may decide to take action on the public's behalf. The executive believes that members of Parliament have no special exemption from the normal legal process, nor should they have.

Another case taken up by the Council concerned a person who was apparently discouraged from appearing for jury service on political grounds. This matter was dealt with by the Attorney-General and we accept his assurance that it will not occur again.

The Council has been interested to discover whether the shortage of funds for legal aid, which is reported to be delaying access to legal redress in some other states, also applies in Queensland. Unfortunately the new Legal Aid arrangements in this state are too new for us to be able to obtain satisfactory answers.

Industrial Cases

During the year one of the criticisms aimed at the Council, particularly by the Premier, was that we failed to take action in the Latham case in Broken Hill. Public replies that that was a matter for the New South Wales Council failed to prevent these criticisms from being repeated. Members will be interested to learn that some members of the Council, with the assistance of expert non-members, spent a good deal of time attempting to assist in two industrial cases, one of which was similar to Latham's. In that particular case the person concerned had sought aid in many quarters, including from the Premier's office, without

success. In this particular case close examination showed that, although the person had cause for grievance, there was not sufficient evidence to go to court. In the other case the court costs would have exceeded any likely award of damages. Your President and a sympathetic non-member gave a lot of time to another case involving a claim for Worker's Compensation.

Questions relating to unions, and particularly relating to compulsory membership of unions, are very difficult from a civil liberties point of view. They are not to be avoided on this account.

One other activity of the Council is to provide speakers on civil liberties matters in response to requests. Such requests come from schools, from youth groups, from discussion groups, from voluntary bodies and from organisers of seminars. Several members of the Council, and at least one non-member, have assisted in responding to such requests.

Summing Up

To sum up, it has been a busy year especially for a body which depends entirely on the voluntary work of its members, many of whom are very busy people. What we need most of all is money with which to employ at least a part-time Executive Secretary, to set up an office with its own phone, and to draft submissions. We also need money to fight civil liberties cases through the courts. I believe that there are many cases which now go by default which ought to be fought in the public interest.

The Executive has worked hard, as can be seen from the matters dealt with and the submissions made. Some of the Committees are doing useful work, but many are dormant. The greatest advance which we could make in 1979 would be to find a Chairman for each Committee who would take the initiative in raising issues, making statements and drafting submissions. Although there has been a welcome increase in participation, much more is needed.

Personal Note

May I end on a personal note. I have now been President for three years. I have enjoyed this office, and I find it rewarding to speak out for what I believe in and I hold strongly that civil liberties are important and that constant vigilance is required for their protection. If there is no watchdog to cry alarm when civil liberties are threatened and to remind people of the frailty of their defence against authoritarian government, we shall lose those liberties through apathy and the sloth induced by material prosperity.

Being the spokesman on these matters and the stimulus to others is an exacting task. It has taken a lot of my time mainly at the expense of my professional and family life. If there is someone equipped and willing to take over this task, I will gladly hand it on and give that person my continuing support. In any organisation, and particularly a voluntary one, there is a danger that individuals may hold office too long, discouraging others from taking an interest and becoming tired with the passing of the years.

I hope you will be able to elect a new President at this meeting. If this proves not to be the case, you should all be giving serious consideration to be a candidate for the following year. I do not intend to occupy this office indefinitely.

Finally, I must thank the Executive, and those members who have given personal and financial support during the year. We are few and the task is large. Every new member, every new subscription, every additional helper, lightens the load for the rest of us.

F. D. O. (DEREK) FIELDING, PRESIDENT
11 November 1978