

VALE KEN HORLER QC AND CIVIL LIBERTARIAN (passed away on 16th September 2018)

The NSW Council for Civil Liberties is deeply saddened by the death of Ken Horler QC who was a major force in this organisation from its earliest days. From the 1960s to the late 1980's Ken held numbers of key positions in the CCL including Vice President and, from 1987-92, President. His active contribution to civil liberties took on many forms and encompassed the most pressing of civil liberties issues.

Beginning in the volatile 1960s, along with other notable civil libertarians such as Paul Stein, Bob St John, Jim Staples and Michael Kirby, he regularly defended students and others against charges resulting from political demonstrations often involving gratuitous police violence.

One much publicised example: In April 1969 around 100 students were arrested at a major demonstration against conscription and the National Services Act. Ken and other CCL lawyers gained the assistance of 8 legal firms and around 20 barristers to defend the students – resulting in 65% being found not guilty. The publicity around these cases and associated police misconduct led to an important public forum in June 1969 on *The Right Peaceful Assembly and Demonstration*.

The right to a fair defence remained a core issue for Ken. He was a driving force in CCL over the next two decades in attempts to set up a CCL Legal Assistance Fund and when that was thwarted, to extend Government legal aid - including to the very disadvantaged. The 1973 establishment of the Australian Legal Aid Organisation was seen as a great victory within CCL.

Stimulated by his equally vigorous involvement in the Arts and theatre worlds, Ken was a leading figure in CCL's long fight for freedom of speech and opposition to censorship becoming (according to Paul Stein) **the** expert in censorship and obscenity cases in the 1970's. He fought some of these cases on a pro bono basis - for example representing members of the cast of *Oh Calcutta* when they were prosecuted for offensive behaviour and nudity on stage in the late 1960's.

Ken's was a strong line of "absolute opposition to censorship in all its forms" which had eventually to give way to a more nuanced position as CCL accepted some censorship, particularly in relation to children and violence.

In the 1970's as chair of the CCL defamation sub-committee Ken pushed for reform of the 1958 NSW Defamation Act - known widely as 'the Politicians' Protection Act'. He was an active defender of women's rights including the right to abortion.

Ken was not only a long-time major contributor to the work of CCL, he was also a mentor to many younger civil libertarians including CCL's current President Stephen Blanks.

The NSW Council for Civil Liberties extends our deepest sympathy to his wife Lillian and daughter Sacha.

Therese Cochrane

Secretary NSW Council for Civil Liberties

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