

## **Consultation needs to acknowledge rights we already have**

About 45 community members attended, in Queanbeyan NSW, the first of dozens of 'consultations' scheduled throughout the nation to decide what we Australians should do about our human rights.

The gathering, for two hours on a hot afternoon in a community hall in mid-February, saw the Four Rightists – Frank Brennan, Mary Kostakidis, Mick Palmer and Tammi Williams– try to eke from the audience individual views about Australia's human rights.

In a somewhat halting debut, the consultation resembled the first day of a management workshop, with participants coming from allover, not knowing each other or the expected behaviour.

Proceedings began with a 'welcome to country' by an Indigenous woman and the local mayor.

In the opening session, consultation chair Brennan outlined the process and introduced himself, then stood aside for the other three to spend about four minutes each explaining their take on the process.

Then it was down to 'discussion among yourselves', with the mandatory butcher's paper, to opine on:

- which human rights are important to you?
- whether these rights and responsibilities are protected now? and
- how could rights and responsibilities be further protected in the future?

During the self-directed discussion, the Foursome moved individually among the tables to glean elements of the debate and introduce some thoughts, questions and concepts of their own.

When the 10 or so tables reassembled in plenary session, there was time for a 'reporting back' and for individual questions.

The first two questions from the audience set some nerves on edge as to how the national consultation might fare: the first woman was adamant about the rights of the unborn, while a gentleman made sure that the wearing of bicycle helmets – or not – featured prominently in the formal report of the meeting by the 10 or a dozen members of the Attorney-General's Department on hand to manage 'facilitation and scribing', those two fervid servants of the public.

Queanbeyan was an odd choice for the consultation, unless of course it was selected for the convenience of public servants. Less than a double-take from Canberra, the venue ensured that many, if not a majority, of the 45 actual punters were border-crossers.

For example, Liberal Shadow Attorney-General Senator George Brandis and his adviser, James Lambie, were there, as was ACT Human Rights Commissioner Helen Watchirs and a selection of her staff, along with others prominent in academia and the community in the rights and legal area.

The Law Council of Australia was represented, along with the Australian Lawyers Alliance and the ACT/national Bar. CLA probably garnered the prize for strongest representation: of the 45 or so, seven members of CLA were present (with a few more attendees hopefully joining us after receiving brochures at the meeting).

What was learned? Well Brennan, who takes to the chair's lectern like a priest to the pulpit, bent over backwards to be scrupulously fair. Such pretzel performances are praiseworthy, but the starting point for a national consultation is not a blank slate...which was what the first consultation seemed to suggest.

Australians already have rights and responsibilities under our own Constitution (though precious few in that particular document), and in the Universal Declaration of Human Rights, international covenants for civil and political and economic and social and cultural rights, plus a number of other global agreements, such as on discrimination and rights of women, etc. Of course, if you live just a skip away from Queanbeyan, in the ACT, you have a Human Rights Act and, if you're Victorian, you have a Charter of Rights and Responsibilities. WA and Tasmania have already held consultations which plumped firmly for the people of those States to enjoy similar rights to those of ACT and Victoria.

So the starting point for the Queanbeyan consultation was too low. There's a need for a briefing paper to be sent to participants (who are obliged to register in advance) explaining what rights Australians have now, from which position the debates should start.

It would be useful for the 'warm-up' document to also point out what rights the UK, USA, European Union, Canada and New Zealand have...but that might be a scrape too far for consultation committee members and their A-G minders.

Of the four, Mary Kostakidis is the only one without a law background, and it may have shown in a nervousness at the first meeting. Now devoting her good name and looks to charitable causes after parting ways with SBS TV news, she is an odd but safe choice for the government, presumably representing the 'ethnic' perspective.

Father Brennan, who has avowed agnostic tendencies when it comes to a firm viewpoint on the need for a charter of rights and responsibilities in this country, brings an other-worldly detachment to the process of a better life on earth for Australians in the future. Presumably, he covers off the declining religious section of the community (nowadays, only about 7.5% of Australians attend services regularly), particularly those of Jesuitic persuasion with a law degree.

Tammi Williams, bright as a button and sharp as hairdresser's scissors, adds more legal qualifications of a high order as well as being able to say the Indigenous sector is covered.

Mick Palmer, also legally qualified, brings the knockabout knowledge of a Commissioner Cop from the Northern Territory, which should enable him to speak with truckies and pubgoers, as well as the sinuous experience of investigating – over Solon, Rau and about 230 others whose human rights were trampled on – the chameleon-leopard that is the Department of Immigration.

So, where will it all end? Somewhere in the backblocks of Australia, with the Four Horsemen of the Consultation split into pairs, which they plan to do for other than the big-city consultations.

Chairman Brennan, in the manner of such public inquiries of late, asked for an extension of time...but before the consultation had even begun. That's chutzpah! He was given one month, with the deadline extended to 31 August 2009 for the report to be with government. In truth, the Fateful Four have been given an almost impossible task, to divine the will of the people of Australia over human rights in just six months.

In fleeting forays to coastal and heartland Australia, they will have to be miracle workers to produce anything meaningful in the timeframe. Perhaps that's way Prime Minister Rudd and Attorney-General Robert McClelland put a priest in charge!

The likely outcome is a wishy-washy report which sits on the fence, allowing the PM to park the issue in the 'too-hard' basket in the period leading up to an election in 2010. After all, Labor Party policy is simply to 'hold a consultation' – it is not to actually implement anything.

One solution is to complete the Four Winds consultation, then pass the task of finalising a benchmark statement on what Australians' civil liberties, rights and responsibilities are – and what they should be – to a committee of the Australian Parliament.

That will put the parliament back in charge of the process, and likely secure cross-bench support, which this current process does not enjoy.

Find out when the Consultation Committee on rights comes out of left field to a venue near you:

<http://www.humanrightsconsultation.gov.au/> |