

Presidents report: 2020

By Dr Kristine Klugman OAM

Being my final report as President, this is a good opportunity to critically review the progress of Civil Liberties Australia (CLA) over the past 18 years.

An earlier “Council of Civil Liberties of the ACT” had operated for about 30 years from 4 June 1969, formally dying at the end of 2001 when the Registrar cancelled incorporation for not submitting mandatory annual reports over several years.

Spotting the cancellation advert in the newspaper, Bill Rowlings and I agreed that the nation’s capital must have an active civil liberties watchdog, so we researched the history and spoke to previous stalwarts, aiming to incorporate a new body. To ensure it began life free of past political baggage, the name chosen was Civil Liberties Australia (ACT) Inc. On 10 December 2003 (International Human Rights Day), the ACT Registrar signed the CLA (ACT) incorporation certificate, creating a formal association, A04043. A media release said that CLA (ACT) would act as a watchdog, catalyst, publicist and educator, seeking to offer protection to people in both the private and public sectors. We had gathered a small group of friends and relatives to form a board and asked likely associates to join to show support.

From the beginning, CLA tried to anticipate significant issues and to set the agenda for public discussion ahead of time. With governments in Australia inherently and actively non-transparent, too often citizens are caught in reactive mode, when change to policy is well nigh impossible.

One of the significant achievements of 2020 was the completion of a history of civil liberties groups in Australia, including the ACT story and the CLA story: <https://www.cla.asn.au/News/history-of-civil-liberties-in-australia/>

What leaps out at you is the extremely small percentage of the Australian population who have ever joined civil liberties organisations. Although small in number, CLA has “punched above our weight” as one Labor heavy (former Special Minister



of State, Senator John Faulkner) remarked. We have had some influence in protecting liberties and rights, though qualitative impact is very hard to measure.

Considerable effort in 2020 – and ongoing – is aiming to secure a national human rights act, as well as state and territory acts in those state who don’t have one, particularly Tasmania and West Australia where strong CLA groups are pushing hard for promises and/or public wishes to be kept.

Three lines of argument which members can carry with them have emerged from CLA discussions:

1. A Human Rights Act (or bill of rights) in combination with an ICAC* is about restoring trust. * independent commission against corruption.

Recent Australian governments have broken the historic sinews of responsible government. The result is polarised politics, and the lowest recorded levels of trust in political institutions and politicians as measured regularly after federal elections. The promise of an ICAC and a HRA together will be a powerful demonstration of a future government’s willingness to earn the trust of the electorate by:

- identifying the rights it will protect from the consequences of decisions;
- being prepared to expose its decisions to independent referees;
- offering an independent circuit breaker for disputes between Executive government, Parliament and individual citizens on matters of liberties, rights, freedoms and integrity; and
- giving people access to remedies when they believe their agreed rights have been breached.

2. Human rights platforms are a familiar and useful tool in Australia and not a dangerous novelty.



Above: President Klugman and Vice-President Rajan Venkataraman, on an e-meeting and puzzling over how best to put CLA's viewpoint to a federal parliamentary committee.

Australians have accumulated 31 years' experience of enforceable rights in the shape of HRAs in the ACT, Victoria and now Queensland. While all three models could be improved on, CLA believes, they all demonstrate the benefit of establishing core principles for people to understand, follow and use.

3. Corporate Australia and big business are completely comfortable with a rights environment.

All big firms and entities CLA spoke with in 2020, including Aboriginal land councils and philanthropic foundations, support the contribution a HRA can make to the corporate and community environment. For large corporations, applying HRA principles and processes is just good risk management (look what happens when their rights/risk management lets them down: Rio Tinto and Juukan Gorge).

So MPs should not fear a HRA and the political, economic and social reforms it and a properly-functioning ICAC will deliver to less-privileged Australians, including Aborigines, women and people from rural and remote areas.

Looking forward, it appears to me that CLA and its members will have to spend more time campaigning for government accountability, and that safeguarding people's rights will become even more of a challenge, as a trend towards a populist

electoral environment continues, aided and abetted by social media.

The organisation is well placed to build on the springboard of 17 years of growth. We have a strong membership base, particularly in the areas where experience, knowledge and know-how, and connectivity to people and public entities matter. Strong groups in Western Australia, Tasmania, and Darwin in the NT are achieving 'wins' and establishing new ways that governments can, and should, be communicating with their citizens about liberties and freedoms.

And the 2020-21 Covid-19 pandemic has "educated" every Australian that rights matter, can be taken away at a moment's notice, and must be fought for continuously. I am hoping one positive benefit of the pandemic will be a greatly raised awareness about Australia's human rights and civil liberties...or lack of them.

Given the organisation's solid basis, I have every confidence that CLA will continue protecting people's freedoms in the testing years ahead. While I am stepping down as President, I am by no means leaving CLA behind: I look forward to continuing to contribute, as all our members do, just by their support for the Board and its activities.

ENDS



Above: President Klugman with Dr Tony Murney and former Board member Mark Jarratt, discussing the series of articles on security issues – and dangers to visitors – after massive changes at Parliament House, Canberra. (For links to, or copies of, the Parliament House security series, 'Tear Down Those Walls', contact the CLA CEO).