



Address to Annual Fundraising Dinner 2019

Speech delivered by Pauline Wright, President, NSW Council for Civil Liberties

**Sky Phoenix Restaurant
Westfield Tower
Pitt Street Sydney
10 September 2019**

I would like to acknowledge the Gadigal people of the Eora nation and pay my respects to their elders, past and present and to any Aboriginal people who are present tonight. I would also like to acknowledge their youth, because it is in their hands that is held our hope as a nation for a reconciled future.

NSWCCL has a proud past, having been founded in 1963 to protect and promote the rights and liberties of people in Australia and its Territories. We are now one of Australia's leading human rights and civil liberties organisations and, as a result, have gained UN observer status.

We monitor and fight against the infringement of human rights and civil liberties and the abuse of power by government, its agencies and others. We advocate strengthening democratic rights and liberties.

NSWCCL has over the years had a significant influence on public debate and government policy on a range of civil and human rights issues as well as representing individuals in cases of infringements of rights and liberties. We advocate to secure amendments to laws or changes in policy where civil liberties are not fully respected. We are not always wholly successful, but our efforts do remind those in power of the often unintended consequences of their proposals in terms of impacts on our rights and liberties.

And we do all of this on the smell of an oily rag, with only one paid employee, Amanda Keeling, our newly-appointed Executive Officer. We are unfunded by government and can truly say we are independent and beholden to no political party. Our members and volunteers are key to our success.

So, this is a good moment to segue into one of the main purposes of tonight's dinner! Membership and our Annual Fundraising Dinner are key to our survival, so please do help by participating in the raffle – we have some great prizes generously donated by so many people. Of course, you can also make one-off or regular donations via the website nswccl.org.au and we do encourage you to join the Council for Civil Liberties if you're not already a member.

But as well as being a fundraiser, tonight's event is a celebration of the people who make up the Council for Civil Liberties and the fine work that they have done throughout the year for the betterment of civil liberties in this country and beyond.

This time last year, we identified a number of issues that would take priority in 2019. They were:

- Promoting the rights and liberties of Aboriginal and Torres Strait Islander people
- Promoting the rights and liberties of refugees and people seeking asylum in Australia, and
- Protecting and promoting a free and independent press in Australia, including the ABC
- Protecting civil liberties against encroachments in the name of national security and counter-terrorism
- Protection of privacy in the information age

We have pursued these aims through advocacy, written submissions, giving evidence at parliamentary inquiries, we have held consultative meetings and engaged with the media and we are well on our way to establishing an operating Aboriginal Action Group within CCL.

I attended the funeral of the Hon Jane Matthews AO this afternoon. A sad occasion but one that caused me to reflect on her commitment throughout her professional life to civil liberties. After her retirement in 2018 (due to 'statutory senility' as she was so fond of pointing out), I spoke to her about CCL and it was her wish to help us in the formation of our Aboriginal Action Group. Sadly she was unable to realise that desire, but she was delighted with the initiative.

This year we have made submissions to the PJCIS in relation to the review of the mass data retention laws, and the inquiries into press freedoms and citizenship-stripping. We have actively promoted the advancement of women's reproductive health rights.

The subject of women's reproductive rights is an important one. CCL has for 50 years advocated for decriminalisation because, for so long as a woman is denied sovereignty over her own body, she is not truly free.

I urge all of you to go along to the demonstration supporting the Reproductive Health Care Reform Bill next Saturday.

We have opposed the over-use of strip searches and the routine use of bail enforcement checks, the effect of which is to oppress already vulnerable and marginalised people.

We have publicly condemned the prosecution of whistleblowers such as Richard Boyle as well as Witness K and his lawyer Bernard Collaery. And we have called upon government to:

- establish a broad based National Integrity and Anti-Corruption Commission with strong powers and the right to hold public hearings when that is in the public interest
- halt the excessive flow of National Security and Counter-Terrorism legislation and review the cumulative impact of the very large body of these laws on civil liberties, human rights and democracy in Australia
- work with Aboriginal and Torres Strait Islanders to achieve better outcomes on their priority issues including: enshrine an indigenous Voice in the constitution, establish a Makarrata Commission, implement the Pathways to Justice recommendations
- respect the rights of asylum seekers: end off-shore detention, implement the medevac policy on the Australian mainland in the spirit of the legislation; accept the NZ settlement offer
- ensure more robust and effective privacy practices in the digital era, remove exemptions for political parties from the Privacy Act, legislate the right to sue for invasion of privacy and set up an internet regulatory body

This is just some of the work we have done this year.

But we have also pursued our aims in another way. A fundamental way. It has long been recognised by the Council for Civil Liberties that a major barrier to the protection and maintenance of civil liberties in Australia is the lack of any overarching legislative or constitutional human rights protection. It is worth reminding ourselves that Australia is the only – yes the **only** – Western democracy that does not have a bill of rights or a human rights act. And within Australia, NSW lags behind Victoria, the ACT and Queensland in not having one.

Alongside our advocacy for a charter of rights, we have joined with other like-minded bodies in civil society in a targeted campaign for a Human Rights Act in NSW and there is a real sense that momentum is building and change is in the air.

In advocating for human rights legislation, I have been asked why we need human rights protection. The fact that Australia is a signatory to the UN Convention of Human Rights and other UN treaties on human rights is cited. And we already have laws that prevent discrimination on the grounds of age, disability, race, sex, intersex status, gender identity and sexual orientation.

But the fact is, the UN conventions and treaties are not enforceable under domestic law and our laws do not guarantee a whole host of rights and freedoms most Australians would expect we should have. These include equality before the law and freedom from torture. And they do not protect us against affronts to basic human dignity – recent examples being the over-use of strip searching and the proposed expansion of cashless debit cards for already marginalised people and people on welfare through no fault of their own – single women supporting disabled children. and the right to basic human dignity.

It would have been unthinkable to those like my father who fought in World War II that Australia could ever countenance the indefinite internment of human beings in detention centres. Well may we ask what has become of us as a nation that we are prepared to sit back and watch our fellow human beings, people who have turned to us for protection, suffer in detention with ever-diminishing hope.

Many people who have traditionally opposed a charter of rights for Australia are beginning to recognise the fact that the world atmosphere has changed and we can no longer trust our governments to be the benevolent custodians of our conventions against abuses of power and breach of rights and liberties. We need legislative if not constitutional protection.

Tomorrow is the 18th anniversary of the 9/11 attacks on the World Trade Centre in New York. Since then, we have seen over 70 pieces of legislation enacted that encroach on our rights and liberties in the name of national security. We ask what is it that we want to be secure from? Authoritarian regimes? The loss of human rights? The loss of civil liberties? Yet we seem to be happily throwing out the baby of freedom with the bathwater of fear.

And governments have become more and more wary of public scrutiny. Ours has been described as the most secretive government in the Western world.

We have seen in recent times that the freedom of the media is under assault. The freedom of those who would expose government maladministration, corruption and other bad behaviour is under assault. The prosecution of Witness K and Bernard Collaery and the raids on Annika Smethurst and the ABC are stark reminders as no doubt tonight's keynote speaker will attest.

CCL recognises that constitutional change may be a way off, but we call upon our governments to address the protection of human rights and civil liberties and to begin by enacting human rights legislation. Only then can we begin to effectively hold our politicians to account for the decisions they make affecting our human rights and liberties. It would require them to consider the impact of laws impact on our rights and liberties, and to respect human rights when developing policy. CCL is of the view that the Courts should properly have the ability to assess whether laws are compatible with our civil liberties and human rights.

It is our firm view that in the long term, this would encourage more robust debate, promote a more open and transparent government, and help strengthen our democracy.

CCL calls upon you all to speak to your local members and encourage debate on this fundamentally important issue. For if we don't have built-in human rights and civil liberties protection our governments have demonstrated that they are likely to keep enacting laws that give unprecedented powers to government agencies that, in the wrong hands, are the tools of authoritarianism.

Public scrutiny is essential to hold governments accountable. Lawyers, journalists and academia and teachers are key to maintaining an informed democracy. CCL is proud to include members from all of these sectors of civil society among its membership and tonight I am delighted that we introduce our inaugural awards for journalism pertaining to civil liberties issues, in part to celebrate and in part to encourage the fine work being done by our media sector. I congratulate all the finalists – but we will hear more about that later in the night!

For now, I hope that you will sit back, enjoy the fine company of likeminded people, sample the delicious food, and look forward as I do to what will no doubt be a fascinating address from our keynote speaker, ABC Chair, Ita Buttrose AC, OBE.

Thank you.