



Honesty and Accountability: Government Obligations

A talk given to CES Canberra Chapter by Tony Kevin
at the Rheinberger Centre, Yarralumla, ACT, 25 September 2007

“Government obligations to set a framework for an ethical and compassionate plural society - honesty and accountability being essential elements for that framework”

This is a big subject for one night, and I can't offer any simple thesis leading up to a neat set of conclusions. Democratic politics is too messy for that. Rather I am going to look at several angles on current politics in Australia – some themes that seem to me relevant to the topic. This involves selection – I may not mention some issues important to some people here tonight. And forgive me also if I fail correctly to attribute authorship where I should. I have borrowed many of these ideas from the work of others.

The nature of political power

We human beings are complex creatures with both base appetites, and high generous aspirations. We have a capacity equally for good and for bad – as do the political parties and leaders we elect. We are all wired both for greed, self-gratification and self-advancement – the ‘me’ attributes” (Crikey is selling a t-shirt now with the logo “ME 07”) and for altruism, compassion, selfless love, and sacrifice for others. As leaders experience the tensions and temptations of power, they may go one way or another – the die is cast. Some retain integrity, and some sell their souls to the devil. (Sometimes, the choices they make show on their faces – Oscar Wilde's fable of the portrait of Dorian Gray).

The political institutions and structures we create in democracies, the leaders we choose, reflect that moral duality in ourselves. Leaders can speak either to our good angels or to our bad angels. By the way they speak to us, and the way we respond, countries change over time for good or bad.

So a **democratic vote is a moral choice**. It is about compassion as much as self-interest. We are as capable of voting for good government structures and leaders as for bad ones.

Some of you may have seen the fine film “Amazing Grace” about the political achievement of Wilberforce, the anti-slavery activist in early C19 Britain. Leaders like Wilberforce, Martin Luther King, Jefferson, Lincoln, or here Ben Chifley, may raise us up, show us what we can be. Leaders like Hitler or Franco – and there are examples closer to home - may pull countries down towards their level.

We can – if democracy has not been lost meanwhile – come in time to regret bad choices of leaders. If we are lucky, we can learn from such bad experiences.

Politics is a controlled rules-based conflict of ideas and interests. Tolstoy said something like (as I heard in the brilliant Russian film of “War and Peace” the other night) - “It’s very simple: if bad people come together to do bad things, good people must come together to oppose them”.

This is why politics tends usually to come down to two parties – the party in power trying to stay there, and the party out of power trying to get into power . Each thinks of itself as “right” and its opponents as “wrong”. Of course democratic politics must be adversarial. Under tyranny, politics is no longer adversarial, because all power has been appropriated by the leader. Politics then becomes simply courtier politics, pandering to the leader in the hope of being delegated some of his powers.

So we should not fear adversarial politics, because it protects our freedom. But we expect, or we should expect, politicians to keep the same sorts of moral rules that we try to observe in our lives as citizens. We should expect our leaders to practice some key values – honesty and compassion. Or, to break it down in more detail - values like accountability, consistency, peace, justice, and mercy.

When politicians set themselves above the law, democratic communities sooner or later will reject them.

But in recent years, the techniques of government spin and media manipulation have been perfected to such an extent that ruling parties seriously came to believe they could stay in power virtually for ever, by deftly adjusting their public agendas according to constant focus group monitoring, and manipulating words and symbols through saturation political advertising (paid for by us) – in order to condition the way electorates would perceive government performance. Skilful politicians have always spun words well –Mark Antony does it superbly in Shakespeare’s “Julius Caesar” funeral oration, and in a different way, we see how craftily Iago messes with Othello’s easily manipulated mind. But these dark arts have sunk to a new low by top political advisers to leaders like Blair, Bush and Howard. Recall all the lies about why the US-led coalition invaded Iraq.

A seriously arrogant claim was made a couple of years ago, when Bush was still popular at home, by an unnamed Bush adviser – to a senior American journalist. I paraphrase here:

Your mistake is to try to report political reality. You always fail, because the truth is, we create our own reality as we go. While you are busy trying to analyse the last reality, we have gone on to create a new one, leaving you always struggling to catch up with us.

Well, that political adviser was wrong. Because eventually, the public realises it has been conned. Objective truth – which never really goes away, though courtier elites work hard to obscure and bury it under their shifting versions of truth – reasserts itself.

It is the wisdom of the fable of the Emperor’s new clothes that the perception of truth often starts at the bottom: often, in our society, with letters to the editor or calls to talkback radio, from ordinary people of no great fame or political weight - and gradually works its way upwards. A polity, like a fish, truly rots from the head down, but the reverse is also true – moral healing and community decency often starts at the bottom and work their way up, as happened with Rural Australians for Refugees, whose successful grassroots activism built a

public platform for Petro Georgiou's reform group's eventual successful denunciation of human rights abuses in the refugee detention system. That reform did not come out of two-party politics – it came from the grassroots.

We saw this also in the spontaneous surge of public opinion in support of freeing David Hicks that welled up between 2004 and 2006. The political courtier class is often the last to know, the last to catch up.

What we are starting to see now in Australian politics, I believe, is the beginnings of a broad-ranging moral renewal – and it is starting mostly from the bottom. New politicians like Maxine McKew are actually part of it. She spoke the other day movingly in Canberra, in her fundraiser at Old Parliament House, of a “stirring in our souls”. Something is definitely happening here, and the revival of “faith in politics” - Kevin Rudd's perceptive and well titled essay in “The Monthly” last October –is an important part of it. I'll come back to the impact of Christian faith on Australian politics at the end of this talk.

Auditing government performance

It is not easy for us as voters to audit democratic governments. They have so much power and knowledge, and we have so little. Even opposition senators with all their parliamentary privileges and immunities have too little power to audit governments – even when they are in a voting majority, as they were in the Senate before 2004. The Executive and its bureaucratic servants can still find ways to dissemble and decline to reveal the full truth, as we found over Children Overboard, SIEV X, tortures at Abu Ghraib, the AWB scandal etc. Only rarely does the Executive trip up. Institutions like the Ombudsman or the Freedom of Information Act have become weaker, increasingly hemmed in by listed protections against disclosure and by administrative constraints.

Our vote every three years is a very blunt instrument to register our approval or disapproval. We get one simple binary choice to change what some call an elective tyranny - government stays, or government goes. We don't get the chance to declare *why* we voted either way.

We are meanwhile offered up suggested reasons why we vote the way we do, by the same courtier elites that generally work hard during terms to persuade us that the government in power is really governing well. The mainstream media tend to support governments in power – perhaps because the economics of mainstream newspapers inclines them to the status quo, perhaps because it's simply easier to go with the flow of power.

We voters are now being told by such pundits that the reasons for the persistent polls against the present government, and the reasons why we may soon reject the Howard government at the polls, are:

- because we have become bored with Howard under the reliable prosperity that his government's policies have brought us;
- because he is now too old and stodgy and grumpy;
- because Rudd offers a fresher more lively style;
- because we are worried about interest rates and our inflated mortgages.

All that may be true, but I believe there is more. I believe we voters might also be unselfishly exercising moral, community-based choices. We might finally have rejected Howard's routine

mendacity and corruption of good governance, and his grave human rights abuses towards indigenous people, refugees and the Iraqi people in particular. We might be rejecting his subservience to powerful oil and coal lobbies, his indifference to the fates of our children and grandchildren under global warming, and to their increasingly insecure employment conditions under Work Choices. We might be rejecting the way he panders to US military-political elites and weakens Australian sovereignty in important areas of governance like the power and responsibility to initiate war, defence planning and procurement, trade, quarantine, cultural policy, public health and provision of medicines.

Nevertheless, Australian politics remains always at risk of descending into the kind of culture we tended to have before Rudd became Labor leader - opportunistic, cynical, whatever-it-takes politics, with both sides racing for the bottom, and the public despising them both. Howard versus Howard-lite. Sadly, there is still some of that around. I hope we can trust Rudd to offer something different in federal politics if he becomes Prime Minister. Rudd declared in his October 2006 essay for "The Monthly" that he stands for something more:

"There is a danger that John Howard's form of political statecraft will become entrenched as the national political norm. The prime minister's now routine manipulation of the truth poses significant problems for the long-term integrity of our national institutions, including the great departments of state. As time goes by, all are in danger of becoming complicit in protecting the political interests of the government rather than advancing the national interest of the country."

Crikey reports that on at least one major issue – Commonwealth –State relations – Rudd plans a major review. And we certainly need it!

Note how the present government mocks Rudd's promises of reviews. Their message is a cynical one:

All politicians are the same, you cannot trust any of us, Rudd is just as phoney as we are, you might as well stick to the experienced phonies that you know we are – we won't rock any boats, we won't change anything.

That is the government's message, essentially - **trust the crooks you best know, because you know that we are all crooks.**

By way of political balance, let me offer three current Labor Government examples of governance lacking in honesty and accountability:

1. The Tasmanian Government's subservience to the monopolised Tasmanian timber industry, and the resulting social damage.
2. The NSW government's denialism of its own policy responsibility to combat global warming, as it approves huge new coalmines, coalfired power stations, and a white-elephant energy-eating desalination plant, instead of making serious moves to move towards renewable energy and to recycling the fresh rainwater that the Sydney coastal region has in abundance .
3. In the ACT, a public history of avoidance of truth and accountability in the Clea Rose affair, and on the general issue of regulating police car pursuits in the interests of public

safety. We are still not getting full disclosure from government and bureaucracy on those issues. Powerful entrenched interests continue to resist transparency, preferring the traditional approach of “don’t challenge us, we know best”.

The role of citizens in the public political conversation

I spoke on this on 27 May at a New Pentecost Forum in Sydney – “Election year strategies for bleeding hearts”. I argued then, and still believe, that we should give Kevin Rudd enough breathing room to get elected. Because those better angels in our national community need time to reawaken, to stretch their muscles. Too many of us have been lulled into cynicism and selfishness, too much damage has been done in the way we think about politics, and getting Labor elected is the art of the possible. We must not let the best become the enemy of the good.

New possibilities for good governance and accountability will have their chance once Rudd gains government. Meanwhile, as I see it, federal Labor has had to tread softly these past eight months on some important issues, to avoid the risk of being wedged by Howard – such as policies to counter global warming, the corruption of the US alliance and other threats to Australian sovereignty and national interest under the Howard-Bush-Cheney connections, the Tasmanian pulp mill issue, over-the-top laws and policy administration on counter-terrorism and sedition as seen in the Haneef case, the ongoing official cruelty towards asylum-seekers on Nauru.

Rudd is, as I see it, now offering real policy differentiation on other important issues – Work Choices, where Labor has broken through vast amounts of government spin to expose the truth of unacceptable undermining of ordinary workers’ job security, and on the corrupted Howard Government version of federalism - on which more below

Good new candidates like Maxine McKew and Mike Kelly foreshadow a new kind of politics. The important thing is to help Labor get elected.

What can we do meanwhile as concerned citizens? Do we become complicit in moral compromise by keeping silent? I think not. So what can we best do? Few of us have the ear of prime ministers or their close advisers, or of opposition leaders and their close advisers. Few of us can expect our letters or emails or phonecalls to such leaders’ offices to receive more than at best *pro forma* courtesy thank-you replies. We mostly have no idea if our suggestions will ever be read seriously by anyone. That should not stop us offering such advice – it is our right and duty to do so. I still send such letters - perhaps an example of the triumph of hope over experience!

Or we can float our ideas through taking part in the public conversation – in letters to newspapers, or opinion essays or magazine articles if we are lucky enough to have them published, in essays or online comments to public access websites like *New Matilda*, *Eureka Street* or *Online Opinion*, in the hope that some policy advisers will be scanning these sites for pointers to useful policy ideas.

Or we can issue group statements.

It is a mistake to become disheartened, to opt out, to give way to a general cynicism and apathy against politics. We must not do that, because voter cynicism drives good men and women out of politics, and eases the way for the very worst to flourish there.

In sum, our task as human communities is to demand of our politicians that they manage power and adversarial politics - accepting the inevitability of these things – within structures of civility and social order, to keep their competition for power from breaking down into corruption, or tyranny, or the breakdown of community peace and civility. We must hold our politicians to moral account, even when this is thankless and distressing work.

I had that kind of engagement with politics over the sinking of SIEV X, from 2002 to 2004, and over the Iraq War, from 2003 to around 2005. I also engaged with the Stanhope Government – a government which I generally admire – over abuses of governance and procedural justice in the Clea Rose case.

To take on such roles – unwelcome Cassandra roles - can expose one to mockery and abuse, even to hatred. The risk of personal burn-out is high. But it has to be done by someone, because as Jefferson said, we are all individually accountable for the governments we elect.

I have found that there are more quiet supporters for this kind of work, people who thank you for your sacrifice, than I knew when I began it.

Checks and Balances on power, and the separation of functions – “Put not your trust in princes”

I believe the most reliable way we can improve the quality of our governance in Australia is to strengthen checks and balances in the system, which have been becoming weaker in recent years. Because, as Lord Acton said famously in 1887, *power corrupts and absolute power corrupts absolutely*. That is why he counselled strong checks and balances on power, through the deliberate disaggregation of functions, to reduce the risk of too much power flowing to the top. That is the best argument for strong federalism, as in the US, Canada, and – at least until recent years – Australia. Here are some key elements as I see them -

1. Having several tiers of govt, each with their own specified powers and responsibilities:

Real federalism means that the federal, provincial or state, and local government tiers should each enjoy independent taxing powers, commensurate in scale with their spending responsibilities. We don't have this system in Australia. Most Australian tax collection is done by the Commonwealth. As a result the Commonwealth is awash with discretionary money which it can spend itself or distribute to the states. The temptation is to spend in wasteful or corrupt ways, as we are seeing in so many areas now. On the other hand, the states have too small a tax base for their heavy spending responsibilities, which has tempted them into over-reliance on the gambling industry and on taxes on property development profits – recipes for misgovernance.

We now have a new element, in the recent cynical, whimsical style of federalism which John Howard is playing with. If the federal tier, which is supposed to distribute our tax money impartially to the states for public functions like health, education, welfare and transport, trumps them with selective direct federal handouts to particular public facilities in marginal

seats – hospitals, schools, roads, ports, according to the Prime Minister’s whim – it is corrupting its own allocation systems. Such an approach is destabilising, and a recipe for corruption or intimidation. We cannot go on like this.

Hopefully, it is Howard’s last throw of the dice, and won’t flow through to a Rudd government.

2. The Westminster system . This separates politics from administration, by nurturing a non-partisan career civil service, whose duty it is to offer frank and fearless advice to governments according to its informed professional understanding of the national interest. We had that kind of a public service 20 years ago. But now, that ethos seems to still exist only in the Reserve Bank. I think that it still exists in Treasury, but Treasury is more and more sidelined, as on the Murray-Darling water crisis.

Many of our other “great departments of state” have succumbed to the relentless pressure to be “responsive” to government policy requirements. We no longer get good national-interest policy analysis out of many of these departments now. Most have become, simply, implementing agencies. Whatever the elegant sophistries of some of the present generation of departmental heads, we no longer have a Westminster-style public service.

3. An independent judiciary – a clear separation of lawmaking (Parliament’s and the Executive’s responsibility) from those who administer the law (police, courts). The trouble with recent national security laws – as we see in the ongoing Haneef case - is that they set up Ministers as default police, prosecutors, and judges. If the Minister does not like what the courts decide, he can simply override them with another Ministerial *diktat*.

4. Each organ of society to be as autonomous as possible, with its own professionalism and code of conduct – e.g., for doctors, nurses, lawyers, administrators, soldiers, police, clergy, teachers, trade union members, media We have suffered in recent years from Ministers more and more lecturing professionals, from a position of power, on how to run their vocation or profession.. It is an ugly trend, redolent of past totalitarian states. Stalin used to tell Shostakovich how to compose music, Pasternak how to write literature, scientists like Lysenko what theories of genetics were right or wrong. How far are we from that now in Australia? Where Ministers tell teachers what to teach, doctors how to heal or prescribe, scientists what issues to focus their research on, lawyers how to practice law, farmers how to farm, trade unions how to operate, nurses how to train, media how to report politics, even bishops how to morally advise their flocks ...it is all really becoming quite dysfunctional.

5. Finally, but very importantly, **the subsidiarity principle: delegating powers to the lowest level**, closest to those who feel the impact of decisions. – and in this way, nurturing local initiative, and building respect and autonomy for local government and local communities. I’ll come back to examples of this later.

I saw recently in Spain how, by nourishing delegations and separations of powers, a healthy political pluralism can flourish. **We should not fear untidy outcomes.** Decentralised systems are often apparently inefficient, when judged purely as economic/managerial systems. Centralism can almost always be justified on economic efficiency grounds. But it is not good for democratic governance. Antheps and beehives are efficient economic structures, but they are not democracies.

Downwards devolution of powers diminishes the public *personae* of individual ambitious national politicians, makes them less newsworthy, makes it harder for them to accrue power. But it helps to protect us, the community, from abuses of power. One of the things I discovered to my delight in Spain was that the cult of personality in politics has gone missing.

Many people involved in Australian politics find it hard to see the need for separation of powers. Their assumption often is – and it is only human - that “I and my team will be more virtuous, we are in this from altruism and patriotism - the noblest of causes - and we only want to accumulate power in order to do good”. So let me say that I believe Lord Acton’s maxim applies equally to Kevin Rudd, Peter Beattie, Morris Iemma or Jon Stanhope, as it does to John Howard or Peter Costello or Malcolm Turnbull. Peter Beattie - a likeable man - could not see that his council amalgamations plan was unpopular because it was wrong. As a property owner and ratepayer in the now defunct Yarrowlumla Shire, I know he was wrong.

A strong separation of powers is not going to make politicians more virtuous. Its effectiveness is that it balances off the powers of politicians – who are no better or worse than the rest of us - against the powers of other politicians

“The Australian Government, Canberra”

It took decades of discussion in the proudly progressive self-governing colonies in the second half of the 19th century to agree to surrender sovereignty to a new Commonwealth of Australia. Why? Any logical person – certainly any economic owner, manager or trader - saw the case for one political entity, Australia. The term was already in common usage. The self-governing colonies shared a common language, history, values and aspirations. But federation took years to negotiate, because people valued the democracy and autonomy they were building as independent colonies. They did not want to just hand it all over to a higher level, to see power drain away from their states to a remote federal government. They argued over federalism because to them, states’ rights, local regional rights, really mattered..

There was great and justifiable pride invested in state and regional independence. Look at the magnificent public buildings of Sydney, Melbourne, Brisbane – all mostly built before federation. The people who built these parliaments, seats of government, courthouses, state libraries, universities and museums and art galleries and town halls, were funding and building them before Australia became a federation, as the proud expression of their state and local political communities. The Brisbane and Melbourne State Parliament buildings of this period take your breath away for their solidity and presence.

We are encouraged now to see this period negatively, as jealous petty colonial state elites trying to hang on to their bit of power, selfishly opposing the “obvious” national interest in federation. That is the civics history I was taught at school in the 1950s. But I don’t believe it any more.

There are actually nine Australian governments, not one. – WA, SA, NT, Qld, NSW, ACT, Victoria, Tasmania, and the Commonwealth. That is why the COAG – *Council of Australian Governments* – still has the same name it was given in 1992, though one does not see it spelled out in full very often – I guess it already seems somehow anachronistic. Such is the power of government use of language to affect perceptions.

We have now been schooled to think of the term “the Australian Government” as applying only to one government, the Commonwealth or federal government. Every time I see those innumerable government adverts that we pay for on TV, with the obligatory final recited words and on-screen message “Authorised by the Australian Government, Canberra”, I want to throw something at the TV screen ! Because I know a false claim is being made here, and it matters. The correct term “Commonwealth of Australia” is less and less in public usage. It is a derogation from Australian federalism that we have let our political language be abused in this way –and it is not accidental that it happened.

We need to value our state and local governments and communities a lot more. We need to expect more of them. And we need to hold them, as well as the Commonwealth Government, to account.

A Civil Society

The brilliant ABC Boyer Lectures in 1997 by Martin Krygier on civil society, “Between Fear and Hope” are well worth re-reading now. One of his many valuable insights was this – again, I paraphrase from memory:

In a plural society like ours, we do not have to love one another indiscriminately, or even to be like one another, in order to share our civil space. We only have to agree on values to a limited extent. There are many we share civic space with, who as individuals or groups we might not like or trust very much. They might feel the same way about us. Yet we need to share some important mutual assurances for a plural civil society to work. We rely on agreement on some basic values and structures to be able to live together in peace.

We have to believe that certain things will work in much the same way for everybody in the society, not just for citizens or for Christians of orthodox or less orthodox denominations but also for Jews, Muslims, Hindus, non-citizen residents, temporary foreign workers on Class 457 visas the benefit of whose hard work and skills we are enjoying at low cost, people without papers who arrive on our shores seeking refuge and compassion and new lives, trafficked women, or little Pumpkin left in a Melbourne railway station.

I think that in a civil society we need to agree on three basic operating principles -

1. Respect for human life and human dignity. We are all equally precious in the sight of God, we are all made in the image of God (my preferred religion-based way of saying this) or we all share a common humanity (Raymond Gaita’s or Manning Clark’s more secular way of saying it, but with the same sorts of practical policy outcomes).

This is not just about the right to life of unborn children – it is as much about the right to life and dignity of people who have been born, and have those rights as a result of being born and living in this world. It is a universal right. It is not a right that flow from being the citizen of any particular country, or belonging to any particular religion or to none at all.

2. The rule of law, backed up by whatever coercive institutions are needed to make it workable – this entails *just laws*, passed after a real process of public discussion and community involvement (not just by the Executive rushing bills through compliant

parliamentary majorities) and that thus command broad public acceptance; courts that are not arbitrary, intimidated or corrupt; police that are not arbitrary, intimidated or corrupt; humane prisons for the penal housing and rehabilitation of offenders; and a defence force and national security services that operate according to the rule of law.

3. Security of property – which I define broadly, to include real estate property, as well as bank deposits, shareholdings, collective or communal property, intellectual property, skills banks ... hence the government's obligation to control inflation, and to protect people from their own mistakes by running a prudent financial system with safety nets. The right to decent working conditions is also, by this broad definition which I favour, a kind of property right as well as a right to life with dignity. The worker owns his labour skills. If an industry becomes redundant, e.g. from climate change, workers in it have a property right to state retraining for new occupations.

These are not easy operating principles to reconcile in actual policymaking. They regularly come into conflict, and they are regularly abused or ignored.

Let me touch briefly on some important examples of where in my opinion, Government obligations to set a framework for an ethical and compassionate plural society - honesty and accountability being essential elements for that framework – are not currently being met in Australia:

The impact on Australian regional civil society of the Murray–Darling water crisis. The rule of law and the market model tells us we must protect as property rights existing overly generous water allocations like those owned by Cubbie Station cotton farms and rice farmers, even when this misuse of now very scarce and precious water gravely harms river flows and thus directly threatens the very existence of major human communities downstream. Permanent plantings – orchards, vineyards, olive groves – the lifeblood of Murray-Darling agricultural communities – are being ripped out. How do we solve this equitably? We cannot just leave it to the profit motive under market forces. How do we factor in the dignity and right to life of threatened rural-based communities along the Murray and its tributaries? What is going to happen to river towns like Mildura or Echuca, and the many struggling smaller towns and settlements along the inland rivers? Do we shrug our shoulders as we watch such communities shrivel and die, saying “too bad, that’s the market?” I don’t see any political discussion of *how best the nation can help these regions sustain themselves as viable human communities as our national water supplies shrink*. So far, all the debate seems to be on the economics of trading in farm water rights, the economics of retiring farmers from the industry “with dignity”. Yet we seem content to just let the human communities of inland Australia dry up and die. It is gross misgovernance that there is no debate of this kind yet taking place. Economics, which should be the servant of society, has become the master in this crisis.

The subsidiarity principle as it applies to community property rights in pubs and clubs. This is another area of dysfunctionality in governance. In country towns and city suburbs or neighbourhoods, pubs and clubs used to be important builders of a sense of local community – as they still are in some European countries (as I saw in Spain). But in Australia, the administration of liquor and poker machine licences is pretty much destroying the basic human institution of a local pub or club where people can meet and socialise together in enjoyment and security. Nowadays, such premises’ major financial assets are often the poker machine permits and the liquor licences. These licences are not tied to the place, and can be traded to entrepreneurs who see better profit opportunities elsewhere. In rural Australia as in

city suburbs, pubs struggle to stay viable. Many just give up. Why are there no proper mechanisms for local government support of country pubs as valued community centres? In cities, why are the assets and licences of ailing local community clubs and pubs in Sydney allowed to be bought up by fast-buck developers who “rescue” the club financially by destroying its community basis and turning it into a profitable poker machine-filled beer barn? Why do local communities have no say over pub opening hours, with street boozing and shouting and violence well after midnight destroying the amenity and security of local communities?

I admire the courage and vision of Russell Crowe and Peter Holmes A’Court in trying to persuade the Rabbitohs membership –many of whom, Russell Crowe points out, live on social security pensions which they waste on the pokies - to banish poker machines from this now quite financially secure club. As Jack Waterford said recently, why should the community welfare work of clubs be subsidised by the gambling addictions of a minority of members in those clubs, often people who can least afford it?

Why do we tolerate a system of governance of pubs and clubs that so clearly sacrifices quality of life and community to the profit interests of powerful individuals and organisations in this sector? Governments must find ways to reconnect the public governance of pubs and clubs to the needs and welfare of ordinary people.

Police pursuits and human life. The still unfinished Clea Rose inquest in Canberra raises public-interest questions like: what is more important, a human life or trying to recover a suspected stolen car? Do we accept the loss of Clea, an innocent bystander to an out-of-control car chase, as necessary collateral damage in the maintenance of public respect for the police force and in deterring car theft? Do we think that efforts to discourage the holding of a public coronial inquest accord with the rule of law? Do we accept as procedural justice that the pursued drivers were tried and sentenced, long before the full facts of the car pursuit through East Row were in? (They are still not in, over two years after the tragedy).

Most ACT voters would say “in principle” that of course we would put human life first. Yet consider the history. The ACT government, under pressure from public concern over the Clea Rose tragedy and a later car chase-related fatality in Woden 15 months later, commissioned an independent report into police car pursuits by an eminent former Ombudsman. He wrote a good report, offering sensible recommendations for tightened-up procedures for pursuits, recommendations that could save many lives like Clea’s in future. Yet when the report was published, both the Minister and the police seemed keen to distance themselves from it, indicating that deterrence of car theft is still properly the highest priority and that high-speed police pursuits are an essential tool in law enforcement. Our city governance seems to be passively accepting the status quo. How heartbreaking for the Rose family, who have striven in their grief for safer police pursuit procedures in Canberra to be their memorial to Clea. How much public distress have they gone through in the past two years, to arrive at this disappointing place now.

I turn now to some more familiar examples from federal politics:

David Hicks. No rule of law A long-delayed, quasi-legal military commission system, finally ironically itself politically bypassed in a dramatic final fix in March 2007, just one month after US Vice-President Cheney had travelled to Australia for a meeting with John Howard at which Hicks’ detention was discussed. Because the five years of abuse of Hicks’ human

rights at Guantanamo had by now become a major electoral liability for Howard, it had become politically necessary for him to get Hicks home with a short sentence, and thus to get his name out of the news until after the election - and Cheney obliged.

The Hicks history is of serious violations of this man's rights and dignity, and serious betrayals of his trust in his government to give him the protection of law as an Australian citizen in trouble abroad. The history also shows a serious, self-inflicted, violation of Australia's national sovereignty, by those whose responsibility it is to safeguard it – our national government.

Mohammed Haneef . Arbitrary violations by the Executive of the rule of law, trampling over Dr Haneef's right to human dignity, his property rights as a medical professional, his capacity to support his extended family. Ironically, we now see flow-on community damage too – in terms of a sharply reduced interest by foreign doctors, on whom much of our public health system depends, in working in Australia.

Bali Nine death sentences in Indonesia. Faced in a joint Australian-Indonesian police investigation with a discretion as to where to arrest the Nine - in Indonesia on departure, or in Australia on arrival - the Australian police knowingly chose the former, ignoring their obligations both to protect the lives of our citizens, and to act in accordance with our rule of law which has no death penalty.

Iraq War. From 2003 onwards, the invading coalition showed no respect for Iraqi people's lives or dignity. In 2004, in response to urban guerrilla resistance, it sacked a major civilian city of 250,000 people, Fallujah, using overwhelming and disproportionate firepower against civilian populations and their homes, in violation of the Geneva Conventions. The occupation resorts to massive use of mercenary forces like Blackwater outside the rule of law. It has conducted torture regimes outside the rule of law. Iraqi casualties of the fighting are set aside as not even worth counting. There has been huge ongoing destruction of property and national heritage. The coalition occupation has brutalised a society that under Saddam still had some residual stability, civility and sense of self-worth. Such war crimes are shrugged off with the totally cynical assertion that the coalition is there to help the Iraqi people build democracy, and that it is the Iraqi people's fault if they resist. . .

Treatment of boat people. In 2001, neither the lives of boat people were respected – they were left at grave risk on, for example, the unseaworthy vessels Palapa, SIEV 4 (Olong), and SIEV X - nor were their dignity and rights to freedom and due process access to Australian refugee law respected.

The NT aboriginal child health intervention offends the dignity of aboriginal people, in saying in effect that all aboriginal adults are suspected child abusers. It is overriding aboriginal communal property rights.

The **unaccountable treatment under terrorism or sedition laws of detained suspects or other persons**, on which Julian Burnside spoke so well at the National Library on 13 September.

The Australian values issue, the new citizenship tests, and other manifestations of **divisive attacks on Australian Muslims**. Such agendas single out Australian Muslims as a suspect minority and are damaging to their human dignity and sense of security and belonging. Even

before 9.11, the federal government was not treating Australian Muslims with dignity and impartiality. Government ministers in their rhetoric were already putting these communities under the microscope, as suspect communities that had to “prove” their loyalty and good faith. A recent symposium on representative Australian attitudes to Muslims in Australia – Cardinal Pell took part – showed how much damage has been done to community relations by these divisive agendas.

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There is not a lot of good news here. So let me mention three things that are uplifting – the SIEV X Memorial in Weston Park, the SIEV X Year 10 Schools Study Kit, and the James Maconachie Centre (or gaol) now under construction at Hume – the first purposefully human-rights designed prison in Australia. Whatever the regime there - and the staff culture will have a lot to do with that – at least there will be same -city regular access for prisoners’ families – a basic human right for detainees and their families who of course miss one another. I visited a friend in a Perth prison a few years ago. I was struck by the pain and loneliness of separation for everybody involved – dads, mums, kids. At least it’s better if one’s imprisoned loved ones are in the same city and so can more easily be visited. A decent society finds money for this. Jon Stanhope’s government has, and I take my hat off to him.

The two SIEV X related ventures show a determination by public-spirited and decent people that SIEV X will not be erased from our history, that future generations of Australians will have opportunities to learn the facts, and to consider the place of this huge unexplained tragedy in Australian history.

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I do blame John Howard for much of the degeneration in our civil society over the past twelve years. I think his politics-driven and uncompassionate personality, his lack of sense of community, his willingness to trade off national interest for personal political prestige or vindication, so acutely analysed by people like Judith Brett, David Marr, Mungo McCallum, Robert Manne, Clive Hamilton, and now Linda Weiss, Elizabeth Thurbon and John Mathews in their important new book “National Insecurity”, has damaged our civil society – which I had thought was pretty strong in 1996.

It was more fragile than I knew, and we have a lot of ground to rebuild. If he were still alive, Geoff Yeend, my boss in PM & C in the mid-1990s and an admirable old-style public servant, could not believe what the Commonwealth public service has become. Julian Burnside suggested the other day that Australian civil society may take fully a generation to get over Howard, to escape from the “new normal” that his leadership has conditioned our society to accept.

But I am optimistic that we have already started down that road to recovery. Green grass and flowers are starting to grow though spreading cracks in the grey concrete. But it is very important to correctly diagnose what we have been through, as we set about curing the damage.

We cannot pretend there has not been real damage. We will need well-targeted policy reviews, education, and affirmative actions to help restore general community health to a country that has taken many wrong turnings over the past 12 years.

Finally: Ends and means, and the role of faith

The sorts of issues I have been discussing are often very complicated. It isn't always easy to agree on the right policy outcomes, on a complicated question like protecting Murray-Darling inland communities from climate change, or managing pubs and clubs in community-friendly ways, or improving child protection in aboriginal communities. People of good will can come up with different answers.

All the more important, then, to try to agree on the public morality of *the means employed*. I was taught by the Jesuits – one of the most important truths they left with me – that *the end never justifies the means*.

In this context, I am enormously grateful to be a Christian, because of the perspectives that an ecumenical, “enlarging” kind of Christianity can bring to bear on such issues. Christians can and should work productively together with other religious people and with secular humanists, towards the common social goal of a just and compassionate and open civil society. This is about the means we employ – *not just what we do, but how we do things as a society*

Good reforms are all, I believe, more easily achieved if our collective efforts can be informed and reinforced by a compassionate and open-minded reading of Christianity. One of the things I learned on the camino in Spain is that Christians are truly blessed, in that we can seek real Help in facing the rigours of an arduous journey - whether it be a long pilgrimage, or a political endeavour. Put simply, for us, The Light on the Hill that inspired some of our greatest Prime Ministers is not just a political metaphor. It is something real.

25 September 2007

[Note: this is the full text, 7500 words – a shorter version of the talk was given on the night]
