

SUBMISSION of
LESLIE JAMES HUNTER to the:

Inquiry into the legislative arrangements to outlaw serious & organized crime groups.

HONORABLE SENATORS,

1. I contend that two predications of your 'Terms of Reference' are seriously flawed.
 - 2.1 The indeterminate word 'Groups' occurs regularly throughout the 'Terms of Reference'.

And so, 'Guilt by Association' can very easily be established by the Selfserving who retain the prerogative of nominating the Members of a Group.
 - 2.2 If, subsumed in the main thrust of your Inquiry is the elimination of the synthesis & provision of illicit drugs, the West Australian 'Misuse of Drugs Act 1981' contains far-reaching avenues of investigation which are available to the West Australian Police Service, if its intention is to obtain evidence leading to the prosecution of Individuals.
 - 2.3 Two examples:-
 - (i) Control & Notification of the Purchase of Precursor Chemicals & Laboratory Equipment are well detailed in the 'Misuse of Drugs Act Regulations 1982', and
 - (ii) In order to identify offending Individuals within a Group suspected of synthesizing & supplying Illicit Drugs, formal 'Authority to act as an Undercover Officer' can be bestowed by the Commissioner of Police or his Delegate.
 - 2.4 The tools provided to the WA Police Service are already extensive, but with this departure from accepted forms of investigation & the blurring of boundaries of legal responsibility (as characterized by the current 'South Australian Legislation') this legal looseness smacks of the paradoxical attitude of the American Commander in Vietnam,

“To save the Village, we had to Destroy it!”

This opportunistic legislation could well set in place a decaying legal ethos.

- 2.5 The Notion of ‘Guilt by Association’ is very unsafe. As a schoolboy, I remember my Class being detained until the Culprit owned up & having a smouldering sense of Injustice at the time; that sense smoulders now.

The legitimization of ‘Collective Guilt’ among Individuals has a fine History; Vorwoerd’s South Africa, 1930’s Germany.

- 2.6 “Kill them all! God will know His Own!”

So instructed Inquisitor Arnaud Armaury, Abbott of Citeaux in 1209 in his direction to the Crusaders about to storm Beziers searching for Cathar Heretics living among the Faithful.

How, in essence, do the Legislative Directions now being taken differ from the good Abbott’s offhandedness?

Swoop on an Outlaw {& who declared them ‘Outlaws’?}
Motor Cycle Gang & let the Innocent establish their innocence,
Somehow?

- 3 Furthermore, your Committee, Senators, is charged with
“(d) the impact and consequences of legislative attempts to outlaw serious and organized crime groups, and membership of and association with these groups on: (i) society.....”

I suggest to you, Senators, that the prophetic is only within the purview of Poets & Mystics in societal matters. For Legislators, prophetic activity is problematic.

- 3.1 The Mathematical Work on ‘Emergent Behaviour’ generated by the Santa Fe Institute may, one day, extend the prophetic facility to Legislators, but that day is not here yet.
- 3.2 As I watched Sputnik 1 pass over Geelong on October 5 1957, no mention was made anywhere by anyone that I would one day submit to a Senate Inquiry by ‘email’ on the ‘Net’.
- 3.3 As I watched Ocean Liners in 1950 plying to Melbourne, bringing post-War Immigrants to Australia (essentially to construct the Snowy Mountains Scheme), nobody mentioned the imminence of Foccacia & Cappucino!
- 3.4 Land was compulsorily cleared in Western Australia with no mention

of the inevitability of Saline Soil! There was only enthusiastic reference by WA Agriculture Minister Troy to humungous Wheat & Cereal Incomes!

- 3.5 Does not Prophecy amount to Hubris? Jean Shrimpton's minidress did not precipitate the demise of the Melbourne Cup; the registration of Sir Elton John's civil union has not precipitated Moral Decay despite Mr Fred Nile's bluster & the lifting of the prohibition on Surf Swimming at Bondi in 1910 seems not to've resulted in Societal Collapse!

In the area of the prophetic, the dangerous voices are often wrong, but never uncertain.

- 3.6 USA Commissioner of Patents Duell must be feeling very silly, wherever he now is, having recommended in 1890 that the USA Patents Office be closed having asserted,

"Everything that can be invented has been invented."

- 3.7 To support the Legislation now being mooted in Australia, on the unchallenged & uncritical basis that it would inevitably benefit Society, is both unhistorical & risky.

To do so would be another example of a Frame of Reference reluctant to ponder a situation dialectically, thereby running the risk of introducing a point of inflection in Australian Law.

Does not this legislation let the genie out of his bottle by creating a precedent allowing Australia's current Rules of Evidence to be undermined by future Legislators?

- 3.8 Senators, I respectfully urge you to ponder the impact & consequences of these legislative attempts to outlaw serious & organized crime groups, with great circumspection.

