

Committee Secretary
Senate Foreign Affairs, Defence and Trade Committee
Department of the Senate
PO Box 6100
Parliament House
Canberra ACT 2600
Australia

Dear Kathleen Dermody,

I wish to comment on the Defence Legislation (Miscellaneous Amendments) Bill 2008. In particular I wish to comment on Schedule 3—Joint Defence Facility Pine Gap, Defence (Special Undertakings) Act 1952.

The purpose of this section of the Bill is to attempt to provide a legal basis for imposing heavier penalties on protestors, who try to raise into public debate the true nature of the work carried out at Pine Gap. The nature of the activities carried out at Pine Gap has been shrouded in secrecy since its inception, secrecy so tight that even parliamentary committees charged with investigating and understanding Australia's defence facilities were not ever given full information about what went on at Pine Gap.

To what extent is the work carried at Pine Gap truly in the defense of Australia? Unless there is transparency in the operations there, this question cannot be answered. Without public access to information such as this, the democratic process cannot operate.

In June 2007 Judge Sally Thomas correctly rejected the argument of the prosecution, who asked for a stiffer sentence against the four defendants who walked onto the base at Pine Gap in December 2005. In February 2008 Chief Justice Brian Martin said, 'The defendants were deprived of a possible defense, mainly establishing that the facility was not necessary for defense purposes,' when the full bench unanimously acquitted all four defendants of their convictions.

This section of the Bill should be deleted.

Sincerely,

Dale Hess