

Submission to the Senate Inquiry into the provisions of the Anti-Terrorism Bill
(No. 2) 2005

Dear Senators

Friends of the Earth Kuranda is a community group based in far north Queensland. We are affiliated with Friends of the Earth Australia and thus linked with the global FoE network. We aim to promote environmental sustainability and social justice, especially within our region.

We write to express strong opposition to the latest 'anti-terrorism' legislation before Parliament. They are the most recent in a long series of new 'anti-terror' laws enacted over the last four years; taken as a whole, these new laws erode our civil liberties to an extent unprecedented in peacetime Australia.

On this latest occasion, legislation is proposed which inter alia resurrects the ancient offense of sedition and makes provision for control orders and preventative detention. These measures constitute a frontal assault on our democratic way of life. Every activist and protest group in Australia is a potential victim. Even if held in reserve by government, these new powers are conducive to instilling a political climate of fear and conformity.

We believe that so-called terrorism within Australia - the existence of which has yet to be conclusively demonstrated - can be countered, should it arise, by applying existing laws without fear or favor.

Existing (20th century) laws prohibit violent acts - and also provide a range of important defenses to protect against wrongful prosecution. Judicial process, operated in a clear, explicit and open way - helps ensure that those truly responsible for crimes are brought to justice and that justice is seen to be done by all. That instills trust in - and confers popular legitimacy on - the relevant authorities and the process of government. It's even more essential in the case of high profile crimes.

Once again, the Government and 'security services' are asking Parliament to grant them further powers, powers that amount to yet further exemptions from normal standards of accountability. These powers and exemptions will be at the expense of the civil liberties of the population as a whole. The public is implicitly expected to accept that adequate mechanisms are in place to guard against corruption and malpractice within the security services. Few suspicions to the contrary are ever voiced in the public arena.

We believe this polite silence should be broken. Trust must be earned - and a healthy, genuinely uncorrupted society can withstand more vigorous debate. Indeed, we cannot have a healthy, genuinely uncorrupted society without it.

It is noteworthy in this context that the ONE murder to date on Australian soil generally and officially regarded as a 'terrorist act' is yet to be solved - 27 years afterwards.

In the aftermath of the 1978 Sydney Hilton bombings, innocent people were persecuted with great media fanfare. Yet despite a unanimous resolution in the NSW Legislative Assembly 13 years afterwards [1], no Public Inquiry into this outrage has been held to this day! [2] A victim of the blast, ex-policeman Terry Griffiths, was deeply frustrated by lack of government willingness to investigate the crime seriously and conducted his own investigations. He concluded the Hilton bombing was probably a botched inside job, carried out by elements of ASIO and the NSW Special Branch [3], perhaps to justify their own existence and support a case for more funding and broader powers (both were subsequently granted a year).

What has happened to our politicians' memories and to media scrutiny? Why is it that, in the race to legislate yet more powers for 'security services', there has been no discussion AT ALL about what is generally regarded as the ONLY case to date of a 'terrorist incident' in Australia?

Under the new laws, a contemporary Terry Griffiths and anyone collaborating with him could be subjected to arbitrary control orders or silenced by sedition laws - by authorities with something to hide.

Australia's secret police agencies are modeled on similar British institutions. The ASIO website says "Australia had several security organisations between 1915 and 1949 beginning with the formation of a branch of the British 'Central Counter-Espionage Bureau' as part of an Empire-wide apparatus."

It is therefore relevant to Australia that in 1999, 75 years after the 'Zinoviev Letter' incident, the British public at last 'officially' learnt the truth about this famous letter, which helped change the course of the 1924 General Election. Apparently senior members of the British 'security services' at the time promoted the letter, knowing it to be a forgery. In other words, the archives revealed that kindred (parent?) 'intelligence agencies' subverted democracy on at least one crucial occasion - long before ASIO was even born! [4]

Agencies with such a track record and lineage, agencies that are already highly unaccountable by normal standards of modern governance, should not be granted even greater powers and less accountability without utterly compelling, solid evidence that additional powers are truly merited. Such evidence is notably lacking in this case and in all others in recent years. Meanwhile, unfinished business is conveniently overlooked.

This is law-making by mass amnesia!

We believe that Parliament urgently needs to strengthen - not further erode - the essentials of Australian democracy. 'Intelligence agencies' should be required to meet much higher standards of public accountability. Parliament should legislate for media diversification and enact a strong, progressive Bill of Rights.

We especially urge Senators to pursue the outstanding matter of the Hilton bombing atrocity with the Government and the relevant intelligence agencies on this occasion. Please demand the files are opened in full!

27 years is too long to wait for answers and for justice. A society with even the suspicion of serious unsolved crime perpetrated from within its core cannot be healthy.

Sid Walker

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References:

- 1) Hilton Hotel Bombing, NSW Legislative Assembly Hansard:
<http://www.parliament.nsw.gov.au/prod/parlment/hansart.nsf/V3Key/LA19911209005>
 - 2) NSW Legislative Assembly Hansard, 22/09/1994 - Hilton Hotel Bombing Inquiry:
<http://www.parliament.nsw.gov.au/prod/parlment/hansart.nsf/V3Key/LA19940922039>
 - 3) Hilton Bombing Victim calls for Inquiry:
<http://www.greenleft.org.au/back/1993/86/86p7.htm>
 - 4) The Guardian 4/02/1999: The Hidden Hand by former British Foreign Minister Robin Cook:
<http://www.guardian.co.uk/comment/story/0,3604,310229,00.html>
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