

Dear Senators

I wish to make this following submission to the Senate Legal and Constitutional Committee Inquiry into the provisions of the Anti-Terrorism Bill (No 2) 2005. The submission consists of two articles the first has been published at On line Opinion

<http://www.onlineopinion.com.au/view.asp?article=100>

the second has been submitted for publication to another publisher.

yours sincerely

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ON LINE opinion - Australia's e-journal of social and political debate

The triumph of paranoia over experience

By John Tomlinson

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In subscribing to John Howard's terrorism package the state and territory Labor Party governments have avoided a short term electoral disadvantage. The Australian public has clearly bought the Federal Coalition government's line that we are facing a terrorist threat. But the Labor Party have handed the Howard Coalition a long term electoral advantage. The Federal ALP, by agreeing with the Howard agenda on terrorism, will find it harder to mount a serious challenge to the present Coalition government at the next election. This is because agreeing to such joint action means it is harder for the opposition to differentiate itself from the Howard Coalition. Bomber Beazley's background as an expert in military strategy predisposes him to accept the inane advice which emanates from the misnamed "intelligence establishment".

Since the start of the cold war, ASIO and the rest of "spooks incorporated" have pursued a pro-US and anti-progressive agenda. "Spooks incorporated" finds it easier to attract funds whenever they can manufacture a crisis. Proponents of progressive agendas in the 1950s and 60s found they were subsumed within the "reds under the beds" anti-communist drive. Other examples were the crackdowns on those opposed to the US and Australian invasion of Vietnam in the 1960s and 70s, the dreaded anti-nuclear protestors, pro-Timor activists, environmentalists, refugee advocates and anti-Middle East war demonstrators more recently. These people all become grist to the "intelligence establishment's" mill.

The strategic experts are never wrong. They are, after all, experts. Few of those who believe that there is real threat of terrorism in Australia stop to ask, "If they couldn't find the weapons of mass destruction in Iraq, might not the 'intelligence establishment' have misled us? If they were capable of coming up with the advice which the Howard Government wanted them to provide on weapons of mass destruction, is it not then possible that they are doing the same now?"

It might just be time to stop and take stock. We might ask how many Australians (anywhere in the world) have died at the hands of "terrorists" in the last two decades. The answer is fewer than 200 dead. We might like to ask how many Australians have been killed while in police custody in the same period. The answer is at least double that number. We might put along side that figure the people the Australian military forces have killed in Afghanistan and in the two Iraq wars. We can add at least another half a million Iraqi people who died as a result of the decade long blockade of that country maintained by Australia and its allies.

We might like to ask how many asylum seekers have been driven mad by the brutal mandatory detention policies of the present federal government. We could try to

calculate the number of East Timorese who died because of Labor and Coalition governments siding with Indonesia in return for lucrative oil deals in the Timor Sea for over 20 years. It would amount to 200 a hundred times over.

We could ask how many people are killed or have their lives ruined as a result of domestic violence each year in Australia - thousands. We need to ask why then is domestic violence not given a greater priority than Ruddock's home detention for people suspected by Mister Plod of being likely to carry out an act of political violence. If the same logic was applied to domestic violence as is being used to justify the new anti-terror legislation then it would be necessary to take all Australian men into preventive custody - they are, after all, the prime perpetrators of domestic violence.

We might ask how many people in poorer suburbs die prematurely because of the failure of the government to ensure decent health and community services. We may even be sufficiently recalcitrant to ask why it is acceptable in the 21st century to have Indigenous Australians dying 20 years younger than other Australians. The reasons Indigenous Australians are dying at such a young age are known - the failure of governments to ensure that adequate water, nutrition housing and sanitation services can be accessed by Indigenous people. If over 1,000 Indigenous people die prematurely each year because of government inaction, neglect or sheer indifference why is this not regarded as a greater cause for concern than the possibility that some political extremist might kill a few people with a suicide bomb.

We don't know how many unemployed Australians breached by social security are made homeless or commit suicide each year. We do know that in 2001/2 there were 386,946 breaching orders issued by Centrelink. The thousands of disability support pensioners and single parents whose youngest child is at school after June next year and who will have their income significantly reduced by the Howard Government, might be more interested in justice than terrorist legislation.

Perhaps the "intelligence establishment" has convinced the Howard Government that, irrespective of the real level of terrorist threat in this country, Australia should play along with the anti-terror games of Britain and the US just to show it is a good friend of our great and glorious allies. If Australia wanted to be a good citizen of the world it might meet its pledge to the United Nations to lift its foreign aid budget to 0.7 per cent of gross national product. Then we might be in a position to do something about the 42,000 people who die of hunger and malnutrition each day on this planet.

If all this is too much to ask and Australians would rather believe the fairy stories about 800 fanatical suicide bombers just waiting round the corner to attack then there are much cheaper ways of combating terrorism than employing over-paid ASIO operatives. The most effective method is to rip up yesterday's newspaper into small pieces and release them out of car windows one piece at a time. I assure you it works. I've been doing it for years and so far have succeeded in keeping Australia relatively free of terrorists.

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If you meet a nice ASIO person then be alert and very alarmed.

The Howard-Ruddock's "We did it to the refugees and now it's your turn" Acts are being rushed through the parliament. If you are questioned you should state your name address and date of birth. You might also give your serial number in the Class War. In case you've forgotten, everyone's number is "one". You should at this point mention that you are relying on the protections provided by the Geneva Accord. It is then unwise to answer any further questions until you have had time to research the various acts and regulations which are being used to provide the pretext for questioning you. It is equally unwise to refuse to answer questions as this will be used by the spooks against you. You need to make it clear that you are willing to answer the questions after you have completely clarified your legal situation.

Spooks incorporated will probably refuse to provide you with copies of the relevant legislation and regulations. By the way, inform them that you will need to have a copy of the Acts Interpretations Act, which has recently been updated, to assist you to understand what the other acts mean. You will of course require all the current "terror" legislation plus drafts of foreshadowed legislation. The reason you need to have copies of the foreshadowed legislation is because it may subsequently be made retrospective.

Mr. Plod will tell you that you can rely on your lawyer (who specialises in conveyancing most of the time) to be fully on top of this "terror" legislation arguing there is no need for you to have access to the legislation. Stick to your guns, failing to know the law is not a defence in Australian courts - let alone the soon to be set up Kangaroo courts. It would be unwise to even answer the question "How are you?" with the response of "Ok." This is because, if you were to fall ill during a subsequently interrogation you could be charged with providing a false answer to an ASIO agent.

Of course, it is not wise to discuss any of your activities which might constitute your defence with anyone whilst you are being detained. Besides saying anything before you have had time to read and digest all the relevant legislation is not smart. Let your lawyer advise you but keep your own counsel whilst incarcerated, because ASIO will be listening to every word you say. Lawyers don't like going into court hearings without knowing the grounds you are planning to use as a defence - but you'll have time to discuss that with your lawyer in the court room itself. Make sure you indicate, to which ever macropod is presiding over the Wallaby tribunal that you need to talk with your lawyer in the court room itself. ASIO is not yet game enough to place electronic bugs in court rooms.

ASIO operatives, Mr. Plods and their assorted hangers on will, no doubt, tell you that by "not cooperating" you are lengthening the time you'll remain in custody. Such advice is designed to con you into saying something which can then be used against you and should be treated with the contempt it deserves. The forthcoming industrial relations changes and the Liberals war of terror legislation are driven by a similar "control the powerless" mentality. Howard and Ruddock want to silence all opposition to them. So if we are picked up then "silence should be our firm rebuke".