

“Who Matters? How Many?”

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We sometimes forget the changes that have taken place in Australia in the last half century.

We finished the World War with 7 million people. Australia was virtually indefensible. Calwell believed there should be a major migration program. The ACTU supported it as did the political Opposition. Nobody asked for a referendum, a vote on this fundamental issue. It was only 7 years away from 30% unemployment, 600,000 men and women were waiting to be demobilised.

In 1947 the Immigration Advisory Council was established, as was the Immigration Planning Council in 1949, both filled with eminent citizens, both in reality designed to support the substance of the migration program.

In 1954 Menzies signed on to the Refugee Convention. This recognised that refugees often travelled by unorthodox means, often without papers and placed obligations on governments to assist such people reasonably and humanely.

These years were the beginning of a new age of enlightenment despite some serious backward steps. The United Nations, the World Bank and the International Monetary Fund were all established, collectively designed to establish a fairer and a more peaceful world. The late 40's, 50's, 60's and on into the 70's represented the optimistic years. Colonialism would be outlawed. People would look after their own affairs. The techniques of modern economics gave hope to governments worldwide, that unemployment could be banished. The Universal Declaration of Human Rights came into being in 1948. Many Conventions were negotiated, designed to give legal force to its high aspirations.

In Australia political parties did not play politics with race or religion. Political leaders of those years, both in Australia and in many overseas countries had experienced the depression of the 1930's and the terrors of the 2nd World War. They knew the world had to do better if civilization was to survive. They in effect established a new and more liberal age. A more liberal time of hope and optimism, a new enlightenment.

Political leaders and community leaders recognised that on sensitive matters of race and religion, those in authority had to make decisions, that it would be unwise to ask for a popular vote. If people of this city had been asked if they wanted Melbourne to become the biggest Greek city outside Greece, they would then have voted no. Now that it has happened they would overwhelmingly vote in favour of it.

If we had asked Australians in 1975/76 if they wanted to accept large numbers of Vietnamese and others from Indo-China, refugees from the war in which we had been an active participant, I believe they would have said no. They would have been fearful of the difference. People they did not know or understand. The Government

of that day made a decision and argued that Australia had no option on ethical grounds.

In these years we did not have detention centres, which should more properly be called jails, because they have all the necessary attributes. People were in the community, able to buy coffee, able to work. Because refugees seriously wanted a new home, they were not going to abscond. If they did they would not get refugee status. The Government would know before they knew. If the Government thought there was a danger of failed asylum seekers disappearing, they could have apprehended them at that point. It was an open, liberal society. Multiculturalism came to be accepted, although there are still those who seriously misunderstand that concept.

Every migrant group that I have met has always placed Australia first, understands the necessity to abide by Australian laws and customs, but appreciates, I believe, the openness with which their old customs can still be celebrated. We really believed in strength through diversity and that the acceptance of diversity would bring Australians closer together.

What led to change? In the middle to late 1980's a debate was started about Asian immigration. At the same time a labour Minister for Immigration decided new boat people should be placed in what he called detention centres, in jails. The Liberal Opposition accepted that fundamental change. The harshness of our refugee regime begins from that point. It has been fine tuned and made significantly more inhumane in the years since.

Pauline Hanson came on the political stage. She was roundly condemned for saying turn the boats back. When the current Government turned boats back, it won the Tampa Election, a substantial change in attitude. There was no official condemnation of Hanson from the Government. Certainly after a time there was a statement that the Government did not agree with her, but she had a right to say what she said. That gave an undeserved respectability to her views.

We had perhaps forgotten that the right to free speech does not carry with it the right to speak everything or to print everything. Without a sense of responsibility, of community, and of judgement, free speech can become divisive and destructive. Most recently that has been demonstrated by what might be called the cartoon wars. The cartoonists and editors who thought they were demonstrating a liberal point of freedom were in fact underlining a grievously immature judgement about what is necessary for an open and just society.

We were often told that debates about migration and race had no resonance throughout neighbouring countries, throughout Asia. But in visiting Beijing on one occasion, I spoke with Zhu Rongji. He began in this way, "as an old friend of China I feel I can ask you this without offence, tell me about Pauline Hanson?" Second question: "why then does not the Prime Minister condemn her?" And we have been told that people have not noticed and do not mind.

One of the small reasons for change is that now opinion polls often drive policy. Both the Government and Opposition use their internal party pollsters on many issues to

find out the basic views of Australians. Such polls can lead to extraordinary error, especially if the questions asked are ones about which there has been no public debate and which are therefore likely to attract an emotional and not a considered response. But all of this is not enough to justify or to explain the changed attitudes. Why have governments chosen to follow and not lead?

Political events in the Middle East and also Afghanistan were causing large numbers to flee. Upwards of 400,000 were arriving in Europe each year. 4, 5 or 6,000 came to Australia. At the time the Government was not doing well in the polls. It certainly needed an issue. The defence of Australia's borders, proclamations about deciding who would come here or who would not, sought to arouse a chauvinistic response. Boat people were demonised as evil, as queue jumpers, as prostitutes, as drug peddlers, even as potential terrorists and as having no appropriate family values.

I don't believe there was ever an explanation of the terrors from which these people fled, of Afghan families wanting a life for their female children knowing they would have none in a Taliban dominated Afghanistan. A father in such a family, if he had initiative and enterprise would do everything he could to get that family out of Afghanistan. Nobody in official places spoke of the reality of boat people where 85% in the administrations own judgements were demonstrated to be genuine refugees. Of those who come by air with papers and tickets only 12-15% were found to be genuine refugees. Policy was designed to penalise the most impoverished and desperate groups.

We sometimes forget the Tampa occurred before 9/11, much longer before the invasion of Iraq. The possibility of terrorists coming to Australia on refugee boats was only raised after 9/11. The terrible events in the United States of 9/11 occurred a couple of weeks after the SAS were placed on the Tampa. From these points on the politics of fear dominated the domestic environment.

What we do not know we often fear. What we do not understand we fear. People from a different religion we often fear. And what we fear becomes a threat. The politics of these issues has bitten deeply into the Australian psyche.

I was speaking to somebody only last week, rational, intelligent, who really believes Australia is going to be overrun by Islam. That reminded me too much of the bitterness, even hatred between Catholics and Protestants generated by Prime Minister Billy Hughes during the First World War, which was a part of political and public life certainly up to the end of the 1950's and some would say significantly beyond.

The War against Terror is important, although it should not have been called a war because if terrorism is going to be overcome it will be overcome by wise policy, much better intelligence than we have had to this point and by good policing. But it is a threat and I do not want anyone to construe my remarks as denying that threat. But I really believe our strongest weapon against terrorism are our own principles and belief in liberty. I do not believe we need to overthrow our principles and to the extent that we do, we give a weapon to the terrorist. The Fundamentalists describe us as hypocritical and simply as an enemy of Islam. And how often have President Bush's words or actions made it easy to come to that conclusion?

In your mind prepare two lists. One, what should you do to maintain a broad based coalition in the fight against terrorism, of the kind open to President Bush after 9/11 and another list, what should you do if you wanted to reinvigorate the terrorist movement and drive the West towards a decades long war against Islam.

On the first list I would have said to continue to act on our own principles, to maintain honest and open policies and to behave fairly to all people. Under current American policy that was never an option. The United States ran out of targets for its bombers in Afghanistan and then wanted a more emphatic demonstration of United States power. It made a decision to go to war in Iraq seven or eight months before the American, British or Australian people were told.

Since that invasion, later events have demonstrated in the clearest fashion why the first President Bush, whom I admire greatly, did not continue on to Baghdad and get rid of Saddam Hussein at that time. To get rid of a tyrant is easy. To replace that tyrant with a stable and reasonable government is quite another thing and may be quite impossible if one seeks to consummate it by force of arms.

That war has made it extraordinarily easy for fundamentalist groups to recruit would-be suicide bombers to fill the ranks of the terrorist armies. It has also made it very difficult for moderate Islamic Leaders to maintain their moderation, especially in the face of other breaches of principle by the West.

The President has established Guantanamo Bay, which we support, but Britain does not. The President has established special Military Tribunals by executive decree. They are not a product of the American legal system or of the military legal system in the United States. American courts would not allow American citizens to be tried under those tribunals because they know they do not accord justice. The British government has clearly stated that they do not provide justice. It has negotiated its British citizens out. Attorney General, Lord Goldsmith in more recent times has not only attacked the Military Tribunals, but the very existence of Guantanamo Bay and tortures there practised.

The Australian government is the only western government which has accepted that the Military Tribunals provide a reasonable standard of justice for its own people. A situation which the United States, the founder of those Military Tribunals, does not accept for American citizens. This is a condemnation both of the government and of the opposition, because the Opposition does not like criticising the Government if that means there is an implied criticism of the United States.

David Hicks is not the only Australian whom the Government has failed. Vivian Alvarez Solon was illegally deported. The Comrie Report found that three senior officers had been advised a long while before the matter became public, but had taken no action to have the wrongs redressed, that overall DIMIA's management was catastrophic. It also found that the faults in DIMIA were systemic and had continued at least since 2001, impliedly years before that. Cornelia Rau was illegally held in detention and denied medical attention. The Governments contract with Global Solutions Limited to run DIMIA's prisons was found to be fundamentally flawed.

It is reported that a significant number of other Australian citizens have also been wrongly held in detention centres. It appears that nobody has been held accountable, nobody has paid a price and that people do not care.

We now have a growing number who appear not to matter.

There is no real sign that the desperate third world condition of Australian aboriginals really stirs the government. Recent appointments to the ABC board would be regarded as a slap in the face to Australian's indigenous population, by most of that population. Boat people have been a significant group who don't matter. The potential number who don't matter is now to be significantly enlarged. All people, including West Papuans, who come by boats are to be processed offshore. Because of a few members of parliament there is a problem with the government's legislation. I hope it's a large problem and a substantial one.

These are groups which, under current policies, have no adequate protection under the law. The administration has avowedly pursued policies designed to deny access to the law to increasingly large groups of people.

A civilised society would be judged by its adherence to the rule of law, to due process and the ease with which all people would have access to the law. It would be judged by the way it treats minority groups. Australia would be judged badly. We seem to have forgotten that once discrimination starts, it spreads to more and more people. We seem to have taken the easy path and accepted the governments contention that these people aren't like us and therefore it doesn't matter if discrimination occurs and if access to the law does not apply. We have forgotten that discrimination once it starts, spreads.

Thomas Paine years ago said *"he that would make his own liberty secure must guard even his own enemy from oppression, for if he violates this duty, he establishes a precedent that will reach to himself"*

We are perhaps closer to this that we like to think. The new security laws diminish the rights of all Australians. Australia is the only country to have legislated for the detention in secret of the innocent. The authorities only have to believe that you may know something, you do not even know you know, to be secretly detained for a week, another week, another week. You are not allowed to make a phone call. You cannot ring your wife or husband to say where you are. You just disappear. You are not allowed to ring a lawyer unless that is specifically conceded in the warrant for your detention. If you answer questions satisfactorily that's fine. If you don't, you can be prosecuted and go to jail for 5 years. There is a defence against that prosecution, if you can prove you never knew anything, it is not an offence, but how can you prove you did not know something if you don't even know what they are talking about?

When such detention ends, you cannot tell your spouse about it, you cannot tell the press about it, it is an offence to talk about it, subject to 5 years in jail. If a journalist finds out about it and writes about it, he or she is subject to 5 years in jail. Secret detention of innocent people.

There are many other things. We have control orders and preventative detention provisions reminiscent of apartheid in South Africa and which are almost certainly a serious error in the fight against terrorism. Both devices would forewarn any potential terrorist that a certain person has been blown. The cell or group would disappear. It would be better policy to continue surveillance, to collect evidence, hopefully to make a charge at a later point.

In recent days there has been a report, by a group established by the government to review the Anti-Terrorist Legislation. This review precedes and takes no account of recent proposed changes to our refugee provisions.

This report, have in mind that it was written by an appointed Government Committee, was clearly concerned at a number of aspects of the governments security legislation. It said at one point that material available did not indicate that to date there has been excessive or improper use of the provisions that fall within the scope of the review. But how would members of the committee know if all uses of the provisions have been advised to the committee? It would not be possible for them to know. In any case I would argue that if a provision is wrong it should not be applied even to one person. A provision does not have to be used many times to demonstrate its manifest injustice.

The Committee pointed to several areas of specific concern.

First the process for prescribing an organisation as a terrorist organisation, which has been drafted in a way which could lead to serious prosecutions against individuals who may have been members of the group and without notice find they are suddenly members of a prescribed group. Subject to prosecution, such individuals could be sent to jail for ten years.

Another section which is designed to make it an offence to provide support to a terrorist organisation is drafted in such a way to transgress a fundamental human right to freedom of association and according to the review committee, interferes with ordinary family religious and legal communication.

The committee also has serious concerns about the definition of advocacy because of the possibility that innocent people could be caught by the legislation.

The committee also emphasises that recent events have had a profound impact on Muslim and Arab Australians. The committee points out that there is a considerable increase in fear, a growing sense of alienation from the wider community and an increase of distrust of authority. These concerns are more likely to lead to an increase in terrorist activity rather than in a diminution of terrorist activity. The review committee strongly recommends that efforts be made by government to combat these concerns.

To combat concern amongst Muslim and Arab communities in this way would mean the government should also moderate its rhetoric and its language and cease in efforts which can only be construed as designed to instil concern, even fear of that minority by the majority. We have seen statements which suggest that Muslims are different from other groups of immigrants. We have seen suggestions that people who don't

want to accept Australian laws and customs should go home. Suggestions that contain within them the view that Muslims are such people.

Overwhelmingly all migrant groups, accept the supremacy of Australian law and of Australian customs. Statements by a small minority should never be used in such a way that suggests they may reflect the views of a majority. Sensitivity and judgement is required.

For criticism to be equal handed fundamentalists from other religions should also have been criticised. In Ireland there have been fundamentalist amongst Catholics and amongst Protestants. In the United States Evangelical Churches preach the supremacy of Christianity and see Islam as a threat to their faith. There are some fundamental Protestants who argue that Islam is the personification of evil.

The title of this speech is “Who Matters? How Many?” The numbers who positively do not matter start as being quite small. But as I have sought to show those numbers grow and as they grow they diminish our society more. Unfortunately, if economically people are reasonably well off, and if there is a belief that these issues don’t touch me, don’t touch my family or my friends then it is easy to conclude that these issues don’t matter too much. We should remember, that as governments maintain support by playing on the politics of fear, so too they tend to exaggerate the fear and to expand the concerns of people.

This process leads to a further exaggeration of fear and to further alarmist reactions. If current policies led by the United States are to prevail, supported as the United States has been by Britain and Australia, then we run two risks. A decades long war against Islam with the possibility of extraordinary destruction throughout the world, and the very real possibility that our government will build within individual Australians such fear and concern of the followers of Islam that a peaceful community will be extraordinarily difficult, even impossible, to maintain.