Unanimous backing for Howard's emergency anti-terror laws

A revealing line-up in the Australian Senate

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There are certain political events that assume critical importance because they reveal the essential character of parties and their leaderships. Last Thursday's Senate debate on the Howard government's emergency "anti-terror" legislation was one of them.

Prime Minister Howard announced on Wednesday that he had received "specific intelligence" about a potential terrorist threat. Within 24 hours, he had recalled the Senate in order to rush through the parliament amendments to existing anti-terror laws. Without dissent from any of the so-called opposition parties—Labor, the Australian Democrats and the Greens—the Senate recorded a unanimous vote for the amendments.

The day's proceedings began with various noisy objections from Greens' leader Bob Brown over the prime minister's decision to recall the Senate. It was, he said, an "outrageous abuse of this parliament" when the legislation could have been dealt with in the normal course of Senate business. Its real purpose was to divert from the "draconian measures" contained in new industrial relations legislation introduced into parliament the previous day.

Brown concluded by citing a warning of wartime Labor Prime Minister John Curtin that "those of us who concede ... great and important freedoms are doing the wrong thing. The Greens will not do that."

But, as events were to show just a few hours later, that is precisely what they did.

For his part, the Labor Party leader in the Senate Chris Evans could hardly wait to get to his feet to indicate that his party not only completely supported the Senate recall, but the amended legislation as well.

The main thing on the mind of Australian Democrats deputy leader Andrew Bartlett when he rose to speak was that the government had agreed to a Democrats demand for a three-week Senate committee examination of new anti-terror legislation that had just been introduced into the parliament.

Introducing the emergency amendments, Senator Ellison, the government leader, did not even bother to make a speech; he simply had his remarks incorporated into the written record. They again made clear that far from being a trivial issue, the amendments, which substituted the words "a terrorist" act for "the terrorist" act in existing legislation, have far-reaching implications.

The amendments "clarify that in a prosecution from a terrorism offence, it is not necessary to identify a particular terrorist act". Given that an offence is deemed to have occurred even if a terrorist attack does not take place, the amendments mean that the police and security agencies can arrest and charge someone without having to show involvement in any specific terrorist act. They need only assert that the person was discussing or preparing an attack, even if no date, target, location or method had been mentioned.

In the present period of rapid political changes, old categories, which once provided at least some kind of rough guide in describing political phenomena, become completely useless. Nowhere is this more apparent than in the sphere of parliamentary politics, where the category of "The Opposition"—the official title of the Labor Party—has become meaningless, even ludicrous.

In the course of a speech covering barely 15 minutes, Labor leader Evans insisted on at least nine occasions that his party fully supported the legislation. He went on to indicate at least three or four more times how it had supported "anti-terror" legislation in the past.

"We are debating this bill today as a result of a specific terrorist risk, identified by our security agencies. The Leader of the Opposition and the shadow minister for homeland security have received briefings on the specific threat that we are dealing with. As the alternative government of this country, Labor accepts the advice provided to us by the security agencies. The Labor caucus met yesterday and agreed to support the bill."

Evans, however, did have some criticisms of the government. The Australian people, he noted, were "rightly cynical of this government's approach to national security issues." There was a "well-founded perception that the government has not always played a straight bat on these issues" and that "the prime minister, the attorney-general and other senior ministers of this government have form on this."

Evans went on to cite the "children overboard" affair, as well as the discredited claims of weapons of mass destruction used to promote the invasion of Iraq. He noted that "Australians are also rightly sceptical of the government's failure to acknowledge that which everyone from [Australian Federal Police chief] Mick Keelty down has recognised—that our adventurism in Iraq has increased the danger of a terror attack on our soil."

But the purpose of his criticisms was not to attack the government, or expose its motivations in announcing the latest "emergency." They were aimed at demonstrating that Labor, as the "alternative government," would act no differently.

Evans continued: "Nevertheless, we are where we are. We have to deal with what we have to deal with. The government and the government's security agencies argue that this legislation is necessary and urgent. ... We can only accept that advice, given our obligation to Australian security. People might well express cynicism, but the bottom line is that the government and the security agencies have argued that it is urgent. As an alternative government we have no choice but to accept that argument as part of our obligation to ensure the protection of Australians." And so it went on.

Of course, the logic of the Labor Party's position, as articulated by Evans, is the formation of a police-military dictatorship. If there is "no alternative" for the supposed "elected representatives of the people" but to accept the demands of the police and security chiefs, based on secret information, on the most decisive issues affecting democratic rights, then why not dispense with the forms of parliamentary rule altogether?

Evans also made clear that when the government's major anti-terrorism bill comes before the Senate later this month, Labor will be ready to see it through, notwithstanding any investigation that might be undertaken. "We argue for a full Senate inquiry, and we argue that the laws be passed by

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Christmas," he declared in one breath.

Senator Lyn Allison, the leader of the Australian Democrats, began her remarks by making the observation that the government "is more interested in heightening the fear ... about terrorist attacks than it is about seriously protecting this country."

But the present legislation was "not especially scary" and the bill "fixes up some relatively minor ... errors in the drafting of the act that is currently relied upon by the government in the case of terrorist activities."

Allison also pointed out, correctly, that the bill before the Senate did not contain provisions that had been foreshadowed by Prime Minister Howard at his press conference the previous day. Howard had sought to amend the Criminal Code to widen the grounds for listing terrorist organisations, but this had been dropped. So why was it in the prime minister's media release "if not to confuse and to frighten people and the media?"

The government, she continued, stood condemned for misleading the media and the Australian people about what was in the bill and why it was so urgently needed. There were "plenty of arguments that suggest the government's motives are other than protecting all Australians".

But despite these criticisms, the Democrats had no intention of opposing the bill. In fact, they were rather pleased with themselves. After several weeks of pressure, the government had finally agreed to their demand for a three-week Senate inquiry into its major new legislation, instead of a one-day examination.

"I welcome the government's agreement to at least a half decent inquiry into the legislation," Allison gushed. "I personally do not think that the changes that are being mooted need to be dealt with before Christmas, unlike Labor. I think we could have spent much more time looking at them. It will be quite difficult for a comprehensive analysis of what is in the bill to take place. Certainly it will be difficult to pick up errors like 'the' and 'a' and whether they are consistent or whether they are dangerous, or whether they are going to make it difficult to put people into jail for a life term or something less than that. I do not think we will pick up the errors of that sort that the government makes. But it does at least give an opportunity for the criticisms that have already been aired to be brought before the committee for a more detailed examination of this enormous set of provisions."

Winding up her remarks, Allison again welcomed the government decision to allow a three-week inquiry, insisting that "the Democrats will be very much part of that inquiry."

One can only conclude that, in the perhaps-not-too-distant future, when the government of the day—Liberal, Labor or some type of coalition—proposes, on the grounds of national security, the passage of an Enabling Act, removing control of all laws on terrorism, war, and political violence from parliament, the Democrats will happily agree—provided, of course, they sit on a committee which first examines the enabling legislation, and thereby make themselves useful.

Australian Greens leader Bob Brown devoted much of his speech to denouncing what he saw as the motivation behind the amendments—an attempt by the government to shift its industrial relations legislation, introduced into parliament as the terrorist "emergency" was announced, off the front-pages of the press.

He denounced the "prime ministerial abuse of the people of this nation and their parliament" as "tawdry" and "disgusting". "This is a manipulative prime minister abusing the trust that this country should have in its prime ministerial office. He has done it before; he is doing it again. People say, 'It is cynical to question the prime minister on this.' No, it is not; it is looking at form."

Attacking the Labor leader Kim Beazley for leading a "compliant opposition," Brown declared that in such a situation "the Greens and Democrats [had] become the opposition in this parliament."

It was necessary, he continued, to take terrorism seriously. "But we also have a very serious onus on us, in a democratic parliament, to seriously defend the rights, privileges and freedoms that make Australia the country it is. We need to be on the alert for politicians who would sell that and erode it now, just a little at the edges, for political advantage now."

After such a build-up, one might have thought that the Greens were going to vote "No". Even if the new amendments were not important from a legal standpoint, as wrongly claimed by Brown and others, a "No" vote was politically critical in order to articulate the deep-going opposition felt by millions of ordinary people to the government's attacks on fundamental democratic rights. But this was not to be forthcoming from Brown. He went on to declare that the Greens were "not going to oppose the legislation."

After this open and abject capitulation, the Greens were in need of some rhetoric to cover their tracks. Enter their NSW representative Kerry Nettle, darling of the middle class radical groups such as the Socialist Alliance, who continually provide Nettle with a platform, promoting her as the "left" face of the Greens.

Nettle began by noting that she had been involved in debate on some 30 pieces of anti-terror legislation, which had given the government "extraordinary" powers. She then pointed to the "unprecedented debate" over the government's proposed new anti-terror legislation during the previous three weeks.

"The public outpouring of opposition to the anti-terrorism laws, despite the lack of leadership from the opposition, has been enormous. Not one significant legal figure has backed the government's proposed anti-terrorism laws. The Law Council, former judges and former prime ministers have all attacked the laws."

The proposed new sedition provisions, she declared, would "attack the right of free speech" and threatened to "close down debate" on issues like Australian involvement in the war in Iraq. "The rushed bill we are considering today is all about pre-empting the debate on these attacks on our fundamental freedoms."

In other words, Nettle was in no doubt about the political significance of the emergency legislation in preparing the way for the main anti-terrorism bill. In order to emphasise the point, she cited the remarks of well-known barrister Ian Barker QC that "we are on the edge of a slide into our own 21st century form of fascism: secret arrests, secret detention, secret interrogation by secret people."

"That is what these antiterrorism laws are about, and today is part of that," she declared.

Senators were not there to rubber-stamp more draconian laws. "This is not what democracy is about and, I and the other Australian Greens senators, will have nothing to do with it."

The record of proceedings, however, says something else. According to the official Hansard report, Nettle put forward an amendment to the emergency bill that it be subject to a judicial review after five years. This was opposed by the government and the Labor Party, and Nettle asked that their opposition be noted. But when the vote came on the bill itself, Nettle and the Greens were silent and the legislation went through unopposed.

It has long been an axiom of politics that the value of every crisis is that it tears away the ephemeral and incidental, revealing the essential character of parties, tendencies and organisations. And so it was in this case. There was nothing accidental about the line-up in the vote on Howard's "emergency" bill. Nor was it a product of individual, or even peculiar national processes, but the expression of international tendencies.

While the ALP has not formally entered a "grand coalition" with the Liberals, like its counterpart in Germany, it cannot in any sense be described as an "opposition." Moreover, in Britain, the Laborites' counterparts in the Blair government are responsible for the deep-going attacks on democratic rights on which Howard has based his own laws.

In the recent period, the Greens have been able to capitalise electorally on the deepening hostility to the Labor Party and the collapse of support

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for the Australian Democrats, particularly after they collaborated in the passage of the Liberals' Goods and Services Tax (GST) legislation.

But, in all the essentials, the Australian Greens are no different from their international counterparts, above all in Germany, where the Greens have played a central role in the revival of German militarism, especially in the Balkans during the latter years of the 1990s.

Notwithstanding their denunciations of the Howard government and the Labor Party, the Greens have no fundamental differences with the "war on terror" and all the reactionary consequences that flow from it. Their "opposition" centres on their conviction that the interests of the Australian state lie closer to home—hence their support for Australian troops in Timor and their praise for the Howard government's police-military intervention in the Solomon Islands.

The Greens accommodation to Howard is no aberration, much less a mistake. Rather, it flows from their essential, that is, class character. A consistent struggle in defence of democratic rights can only be taken forward on the basis of a socialist program that challenges the very foundations of the capitalist state—a perspective to which the Greens are vehemently opposed.

As the government's "emergency" legislation was being unanimously passed in the Senate, the Socialist Equality Party issued a statement on the new anti-terror bill. It concluded as follows: "The defence of democratic rights requires nothing less than the development of an independent political movement of the working class, fighting for a socialist strategy aimed directly against the profit system itself—the real source of war, social reaction and inequality."

The urgency of our warning has been underscored by the events of last Thursday.

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