

SEEK THE TRUTH AND SERVE HUMANITY

## Where are our principled politicians?

EDITORIAL

'Politicians are in bed with corporate crooks. They don't give a damn about life, liberty, equity, justice, and human need. Policies they support show it. Growing inequality is institutionalized. America is heading for oblivion. People needs are ignored. Depression conditions threaten to become catastrophic. Policymakers able to act don't notice or care. Self-interest defines them. They infest Washington like a metastasizing cancer'. **STEPHEN LENDMAN**

The above words draw our attention to our own federal parliament, with both sides becoming the object of derision, contempt and disgust as our elected representatives ignore the urgent needs of the Australian people and sink to new lows of name-calling and brawling. It is commonly believed that parliamentarians are servants of the people. We authorise them to collect taxes for dispersal in the form of services to the people. However, more and more people are recognising that instead of 'servants of the people', they are isolated, arrogant, ignorant of people's daily needs and impervious to their electorates.

They waste our hard-earned taxes funding wars that we have no right to be a part of, prop up financial institutions whose corrupt practices have brought the world to the brink of bankruptcy, allow the wealthy to avoid taxation, punish the unemployed, cut funding to important services, sell off our precious infrastructure and resources, demonise those fleeing from the very wars we are immorally involved in and sink lower and lower as they abrogate their responsibilities. They encourage suspicion and racism between different religious groups, employing scapegoating to divert attention from their actions.

Where are the leaders of either major party that we can trust, be inspired by and support? Where are the politicians who have the courage to insist on an independent foreign policy, not one dictated by the United States? Their subservient grovelling embarrasses us before the world.

Where are the policies that will house the homeless, employ those without jobs, meet the health, education and cultural rights of all of the people? Where are the leaders who care about the environment and who put its future before industrial profit? What does it profit us to vote every four years when all we get is more of the same? If we

wait for parliamentary politics to bring us a better world, we condemn ourselves and future generations to a bleak future.

The media, owned or supported by the very corporations that exploit our resources and impoverish the people, consistently present a false picture of what is happening, both here and overseas. It is said that truth is the first victim of war. Well, we are in such a war, between those who have too much and those who have too little: between the few with power and the many without.

Voting every four years does not constitute a democracy. A vigorous and demonstrable democracy is one where the majority has control over decisions that affect the majority. We need to exert that control.

A fine example of 'undemocratic' elections was clearly demonstrated by recent local government elections. Some wards in some cities had over 20 candidates yet most voters had no idea what these people were standing for or what kind of representatives they would make. The majority of them had never been active in their community so couldn't be judged for their leadership capabilities or their views. Yet these will be the leaders of the level of government closest to the people.

We have no control or even knowledge of those standing for state or federal positions: they are simply selected by their parties for factional reasons or for their compliance with machine politics.

The road Western parliamentary democracies is following is a disastrous one. It is based on profiteering and extending power even if it means murdering populations. If we want a better world, and if we are committed to 'Seeking the truth and serving humanity', then we have to take a more active role in society. The future is in our hands. ■

# Sojourn in Scotland

## PART 2

by *Anne Sgro*

In the August Newsletter, I made some sobering observations about the social and economic impacts of the Conservative government's policies. There were also many highlights that showed people's common humanity and struggles for a better life. They made my heart sing, and I thought that I would share them with you.

**WORKERS' WINDOW** Among the many truly beautiful stained glass windows in the huge medieval Glasgow Cathedral, the only one to survive the Reformation, there is one donated in 1951 by Glasgow trades bakers, barbers, weavers, coopers, fleshers ... with exhortations to unity, solidarity and common purpose.

**THE PEOPLE'S PALACE IN GLASGOW GREEN** (the city's oldest park) documents the social and economic history of working people and their struggle for a decent life. There are union banners and campaigns, information about housing, social engagement ... and a wonderful tea set in the suffrage colours, along with a nifty kind of waddy with which some women defended themselves. The People's Place in Edinburgh is also good value. Both museums celebrate the humanity and activism at the heart of so many conditions that we maybe take for granted.

**NEW LANARK** This model village, now a National Heritage Centre and a mix of a live community and living history, shows how much Robert Owen, mill owner and philanthropist, was ahead of his time. Founded in 1785 by industrialist David Dale, and taken up by his son-in-law Robert Owen, by 1800 New Lanark, on the banks of the Clyde, was the largest producer of cotton in Britain. Owen provided housing for his mill workers, childcare and schooling for children that emphasised happiness and excluded religion (although children did begin work at 10), and he built public buildings. He endeavoured to foster a thoughtful community and showed that commercial success need not undermine the wellbeing of the workforce.

**SCOTTISH FISHERIES MUSEUM**, Anstruther, east coast. This little museum provides a great social history of the incredibly hardworking lives of the men and women from the fishing communities. It features the independence and strength of the women who gutted and handled the catches, and who followed the fish along the coast.

**FLORA DRUMMOND 1887–1949** In an exhibition at the Scottish Portrait Gallery: *Out of the Shadows. Women in the 19th Century, there she was!* a sturdy, matronly woman in her 50s, proudly wearing a suffragette medal and a necklace in the colours. Flora Drummond was a militant member of the women's suffrage movement in the early years of the 20th century. She organised demonstrations in London and was known as 'the General' because she rode on horseback at the head

of the procession wearing a military-style uniform and a peaked cap of purple, white and green. Above the arresting, magnificent portrait was a quote from Emmeline Pankhurst from a speech made in the Albert Hall, London, 17.10. 1912. It's as valid now as it ever was.

**'Be militant each in your own way' and 'I incite this meeting to rebellion'.** We could do with a bit of that now, I think.

And a report from the Archive:

### **14 JUNE 1908, 10,000 WOMEN MARCH FOR SUFFRAGE.**

UAW member Nancye Smith's grandmother was one of them.

(*The New Review* 17.6.12. *The Observer*). This is an edited extract from the original report.

*'Fine lot o' sportswomen; I wish 'em luck!' exclaimed a major of an exclusive line regiment as the tail of the great suffrage procession of 10,000 women passed one of the Service clubs in Piccadilly yesterday afternoon and became merged in the crowd.*

*He spoke for London. His views were those of the vast Majority of those who thronged the streets. They had gone out, so far as one could judge, with vague ideas of the attitude they intended to adopt. It was touch and go. A false move on the part of the women might have caused a storm of "boos" and a hurricane of ridicule. There was no false move. They marched as if they meant business. They looked as if they wanted votes, and meant to have them, whoever said "No", and on their faces was a smiling consciousness of triumph which disarmed all potential hostility.*

*The women gathered in their thousands on the Embankment. Motor-cars, brakes and cabs drove up every moment laden with women who wanted to demonstrate.*

*At the first bang of a big drum, the procession started, marching at a quickstep between the close lines of spectators. It was a critical moment. Would the crowd be sympathetic or would they jeer? With a fine eye for the picturesque the women settled the matter for themselves. They marched with spirit. They carried themselves with the air of people who meant to win. Here and there they encountered knots of opponents.*

*The moment these groups declared themselves, bodies of socialists assembled close by, cheered every touch of red on the flags and reduced themselves to hoarseness giving cheers for the social revolution.*

*The procession was a new thing to London. The crowd was half bewildered – but entirely convinced – by the number of women wearing academic regalia. Some feeble jokes were attempted as medical sections passed, but the women doctors, wearing their scarlet gowns and hoods, looked so completely indifferent that the ridicule changed to admiration.*

*Some striking figures were seen. Lady Frances Balfour, who is indirectly connected with the blood royal on one side and a distinguished political family on the other, dared all the glances of Piccadilly ... Miss Emily Davies LLD, frail but determined, set the pace bravely along the*

*streets. She was one of the women who presented the first petition to John Stuart Mill years ago ...*

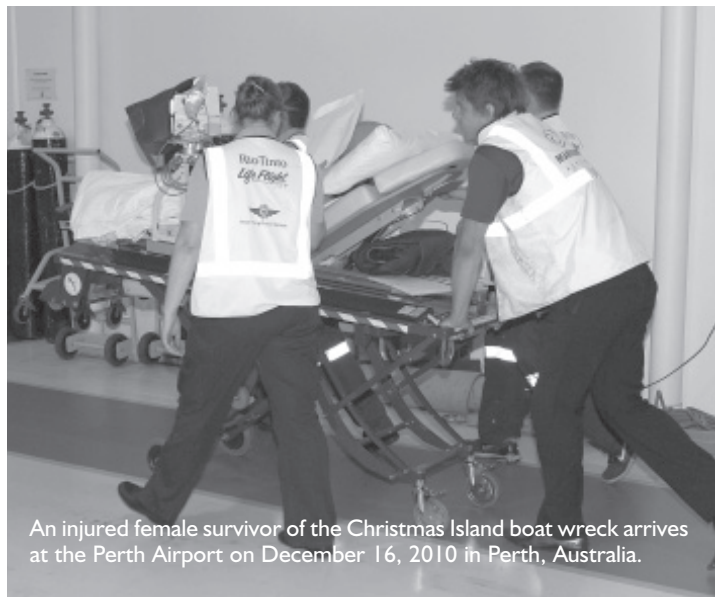
*But the finest sensation of all was created by the Florence Nightingale banner. By special permission of Queen Victoria, the magic word "Crimea" was charged on Miss Nightingale's arms – just as if she had been a regiment. Nurses in uniform carried this honourable banner.*

*The veterans of the Service Club bared their heads with reverential homage as this noble memorial came in view; and the crowd, quick to catch an emotion, bared their heads as well.*

Women finally achieved voting equality with men in Britain in 1928. ■

Source: UAW Newsletter October 2012

Most Australians have trouble understanding what it means to put your life in the hands of a people smuggler, or why anyone would do it.



An injured female survivor of the Christmas Island boat wreck arrives at the Perth Airport on December 16, 2010 in Perth, Australia.

# Driving refugees mad

by *Julian Burnside AO QC*

**T**ry to imagine that you are a refugee: you are part of an ethnic minority in Afghanistan. Your people have been the target of ethnic cleansing for more than a century. You have friends and family members who have been killed by Taliban snipers and suicide bombers. You know children who were blown to bits when the Taliban used them as mine-sweepers.

You know of the teenager who was forced back to Afghanistan from Nauru in 2002 and who was hunted down by the Taliban: when they found him in his village, they dragged him out of his house and threw him down the village well, and dropped a hand grenade in after him.

You have borrowed enough money to get to Australia: it is cheaper than getting to Europe or America. With your family you make your way to Indonesia, passing through Muslim countries which do not offer protection because they have not signed the Refugees' Convention.

In Indonesia you can go to the UNHCR and get a card which vouches that you are a refugee, but it doesn't mean much because the Indonesian government will jail you if they find you, and you aren't allowed to work, and you can't send your kids to school. You will wait in the shadows until some country offers to resettle you. It could take 10 or 20 years.

There is one line of escape: you can pay a people smuggler who will take you to Australia by boat. It is dangerous, but it is a chance for freedom and safety, for you and for your kids.

Imagine yourself there. What would you do?

What would most Australians do? What would our political leaders do, if they were in that position?

I know I would take the risk, and I suspect most Australians would do the same. You know that if your luck runs out you could die trying to reach safety. But if the Taliban get you, you are just as dead as if you drown.

## Getting on a boat and arriving in Australia to ask for protection is not an offence. It is not illegal. Boat people have not broken any law. They are innocent people.

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Most Australians don't have to make these agonising choices but if we did, we would not be grateful to a government for cutting off our last line of escape. But that is exactly what Australian politicians want to do.

The Report of the Expert Panel has recommended a package of 'incentives and disincentives' calculated to stop people from getting on boats. The Government and the Opposition are ostensibly concerned about people risking their lives at sea.

Let's be clear: the Government (and the Panel) have two guiding ideas:

- Deter people from risking their lives at sea. This is supposedly motivated by a concern for the safety of boat people.
- Make sure boat people do not get faster resettlement than others who wait (in camps or wherever). This whistles up echoes of the 'queue-jumper' mantra.

I want to look at the first of these, and consider the ethical problem of deterrence.

The idea of deterrence is to make getting on a boat less attractive than the alternatives. Take the example of a Hazara from Afghanistan (over the past 15 years, most boat people have been Hazaras from Afghanistan). They get here by being taken through Pakistan then to Malaysia by plane and from Malaysia to Indonesia by plane. Their travel papers are provided by the people smuggler, who takes them back again when they reach Indonesia.

If the journey is intercepted in Malaysia or Indonesia, they face the prospect of staying there for years or (more likely) decades until some country offers to resettle them. Pakistan, Malaysia and Indonesia have not signed the Refugees' Convention and will jail them if they are found.

So, put broadly, the alternatives are a life of real fear and persecution in Afghanistan or Pakistan, or a life of fear and hopelessness in Malaysia or Indonesia. When the alternative is a dangerous boat trip to a life of safety in Australia, only the timid will be deterred.

Getting on a boat and arriving in Australia to ask for protection is not an offence. It is not illegal. Boat people have not broken any law. They are innocent people. What the Expert Panel proposes is similar to what the Howard government did: treat innocent people in such a way as to deter others from trying to get here for protection. Specifically, they will be sent to Nauru (population 8,000), or to Manus Island (population 43,000; the island is mostly covered by tropical jungle).

There are two reasons for choosing these places.

- First, they are outside Australia, and the subtext is that when we send boat people there we will shut the door behind them. So we remove the promise of safety and protection and substitute an uncertain, uncomfortable future of waiting. Substituting despair for hope is a pretty effective deterrent.
- Second, they are out of sight and difficult to get to. Community support, which is so important to detainees in Australia, will disappear. We can expect that, like the Howard government before it, the Gillard government will make sure that refugee supporters will be denied access to detainees in Nauru and Manus Island. This will enhance the sense of despair of people sent there.

The 'no advantage' principle embraced by the Panel's Report is calculated to ensure that people who come by boat will not be resettled any quicker than people who come by authorised channels. It works on the proven theory that years of isolation and uncertainty drive people to despair and misery: we have seen this in Pacific Solution Mark I, we have seen it in detention centres onshore and offshore.

Perhaps someone has done some figures to see just how many years of despair are enough to deter people from having a shot at freedom and safety. Presumably someone in a dark corner of the Department will do some figures, because it is fantastically expensive to deter people this way. Because Manus and Nauru are remote places, it costs a lot to build the necessary infrastructure and it costs a lot to maintain staff there.

Typically, it costs about 5 times as much per person per day to warehouse people on Nauru or Manus. So, in order to make Australia look less appealing than the Taliban, we will spend about \$1,600 per person per day during the time they are held on Nauru or Manus. And if the 'no advantage' principle is applied, we will hold people for at least 5 years. That comes to about \$3 million for each person detained. (Those who think boat people are just economic migrants might lobby government to offer them \$1 million per person to go back to where they came from. If it worked, it would be a lot cheaper.)

The Government is willing to implement the Panel's recommendations; the Coalition is falling over itself with happiness at the idea of warehousing people in Nauru again. Perhaps it is keen to continue its research into techniques for driving people mad.

It will only happen if the Parliament makes four assumptions:

- first, that the Panel's recommendations are effective
- second, that we don't mind spending huge amounts to warehouse people who came looking for help
- third, that it makes sense to send refugees to tiny, remote places with very small populations, rather than look after them here in a conspicuously big, sparsely populated continent
- and finally, that we don't mind making Australia look hostile enough that people will prefer the Taliban.

Apparently both major parties think that, as a country, we are comfortable with these assumptions. Speaking for myself, I thought we were better than that. ■

**Source: Adelaide Voices Sept–Nov 2012**



# With Liberty and Justice for Some

by Keith McEwan

**This latest book by Glenn Greenwald, one of the USA's fearless political commentators, describes how the nation's laws are used to destroy equality and protect the powerful.**

It is a scathing critique of a two-tiered system of justice. The author reveals how, in the nation's beginnings, the law was to be the great equaliser in America, but over the past four decades the principle of equality before the law has been effectively abolished. The duplicitous system of justice ensures that the country's political and financial classes are virtually immune from prosecution and 'legally' licensed to act without restraint, while the politically powerless are imprisoned more easily and in greater number than in any other country.

The book will be rewarding for people concerned about the expansion of prisons in Australia in recent times as a result of vote-seeking political leaders responding to populist calls for 'Law and Order'. Careful reading of Chapter Five – entitled *American Justice's Second Tier* – highlights the gravely harmful effects such a response will have on our justice system if we continue down a similar path.

As Greenwald explains:

The United States now imprisons more of its citizens than any other nation in the world, both per capita and in absolute terms. The United States has less than 5 per cent of the world's population ... yet nearly 25 per cent of all prisoners in the world are on American soil. It is 'a nation of jailers'.

In July 2010, *The Economist* reported that there were 2.3 to 2.4 million Americans in prison. In China, the nation with the next-largest prison population, there were an estimated 1.6 million people in prison. (With the populations respectively 300 million and 1.3 billion, the rate of imprisonment in America is extremely high by comparison with China.)

The United States has the highest imprisonment rate of any nation: 756 people in prison per 100,000 citizens. The median imprisonment rate for western Europe is 95, whereas in western African countries it is 35. American Justice Department statistics in 2008 revealed that more than 7.3 million people – one in every 31 US adults – were on probation, in jail or prison, or on parole. And that's not even counting the nation's 4.3 million ex-convicts who have fulfilled their parole obligations.

Over the past 40 years the growth in the American prison state has been unremitting. In 1970 fewer than 190,000 people were incarcerated in the United States; since then there has been a tenfold increase, along with a dramatic increase in parole numbers.

In 2008, research centre Pew released a comprehensive report on America's prison state, reporting that 'for the first time in history more than one in every 100 adults in America are in jail or prison'. The increase in probation and parole numbers has been similarly dramatic.

These trends have continued through periods of rising and falling crime, through prosperity and economic downturns, through war and peace and Democratic and Republican rule. Over the years there is little if any relationship between fluctuations in crime rates and incarceration rates. Clearly,

the growth in prison population is not a response to national circumstances. What it represents is a deliberate choice by the political class to lock up more and more people for longer periods and for ever more trivial offences. While wealthy and powerful Americans are able to avoid suffering any consequences for their lawbreaking, ordinary Americans have had little means to resist the punitive onslaught.

## Prison expansion began in the sixties

The American prison system began its expansion in the 1960s. Barry Goldwater, the rightwing Republican candidate, vowed to make 'the abuse of law and order in the country' a central issue. This meant more aggressive policing, longer prison sentences, stricter criteria for parole and probation and less leniency in general. This occurred at a time of social unrest, the civil rights movement, anti-war protests, urban race riots and assassinations.

Presidents Richard Nixon and Ronald Reagan took on 'law and order' issues at election times to win votes. Conservative politicians used appeals to law and order to mask their opposition to social welfare programs. Goldwater repeatedly blamed the welfare state for America's growing crime problem. Lyndon Johnson attempted to sell his sweeping social programs to America's middle class by packaging them as a law-and-order solution, arguing that poverty was the root cause of lawbreaking.

Issues of race as well as class pervaded discussions of criminality: opponents of racial equality channelled their animus into law-and-order rhetoric.

Over the following decades, the law-and-order mentality of the 1960s became one of the most influential forces in American political culture, consistently targeting the poorest, most marginalised, and most powerless Americans. (Note the similar trend in Australia in recent times.)

Scapegoating judicial and political liberalism as the prime cause of crime, Nixon dramatically increased the power and scope of federal law enforcement agencies – most notably with the 1973 creation of the Drug Enforcement Agency – as well as appointing conservatives to the Supreme Court. Multiple new laws, including the Anti-Drug Abuse Acts of 1986 and 1988, imposed draconian minimum sentence requirements on those convicted of trafficking in illicit substances or even merely possessing relatively small amounts of them.

In the 1988 presidential election, a prime cause of the defeat of the Democratic candidate Michael Dukakis was the George Bush campaign's vilification of the Massachusetts governor as 'soft on crime'. There was little to gain and much to lose for any politician advocating moderation in criminal punishment of the marginalised.

In the 1992 presidential campaign, Bill Clinton branded himself a 'New Democrat' by touting his unflinching belief in 'tough-on-crime' measures. To underscore the point, as the governor of Arkansas, he left the campaign to preside over the execution of an African American convicted murderer who was functionally retarded and entirely incapable of understanding what was taking place. Clinton's carefully crafted crime-warrior image was an important factor in his

Continued page 10



A talk given at the church by **Burt Blackburne**, Church member on 14 October 2012

**T**hank you for the opportunity to speak to you today regarding the dangers associated with coal seam gas (CSG) mining, not only in Gippsland but across Australia.

Exploration of CSG began in the Bowen Basin Qld, in 1976, but it was not until the 1990s that production wells began to operate. It is estimated that there will be 40,000 wells just in Qld by 2030 and 16.3 million tonnes of LNG/CSG will be exported during 2014/15.

In Victoria, CSG mining and exploration licences have been issued from the shores of Westernport Bay down to Wilsons Prom (not on the Prom) up to Warragul in the north and across to Sale in the East. This region comprises some of Australia's highest food producing areas and hence local communities and farmers are involved in what a local newspaper described as an 'uprising against CSG mining'.

You are probably aware that the Port of Melbourne is Australia's largest shipping port. What you may not be aware of is that the biggest single exporter at this port is Murray Goulburn Cooperative, recognised as a world-class supplier of dairy products. On the latest figures I have, Gippsland produces 30% of Victoria's dairy products and 25% of beef production.

A key element of this question has to be about food security and local food production. Do we want to have to import our food over thousands of kilometres from places like China and India because our local food bowl has been destroyed by mining interests?

#### **FRACKING**

Coal seam gas is extracted by the process of hydraulic fracturing or fracking. Fracking is not drilling: it is the process utilised to release gas once the well has been dug. This entails forcing enormous quantities of water, sand and so-called fracking fluid down a borehole at extremely high pressure to create a series

of mini earthquakes under the ground. Fracking fluid is a complex cocktail of toxic chemicals. Of the substances used in CSG mining, 25% are carcinogenic, 37% effect the endocrine (gland hormone) system, 52% the nervous system and 40% the immune system.

#### **HEALTH & SAFETY**

David Shearman is a physician and Emeritus Professor of Medicine at Adelaide University. He has also served on the faculty of Edinburgh and Yale Universities. Professor Shearman has outlined his concerns on CSG. 'Only a minority of the chemicals used in fracking have been assessed by the National Industrial Chemical Notification and Assessment Scheme'.

Professor Shearman goes on ...

**'My assessment is that State and Federal Regulations have been inadequate to deal appropriately with the inevitable demands of industry and from the need for royalties by the States'.**

'Some unassessed chemicals may be carcinogenic ... Studies from the US suggest that some contamination of water sources for human and agriculture use is inevitable and the concerns over this are evident in a report from the US Congress. In addition, there are reports that abandoned wells continue to be a health hazard'.

#### **MINERS AND POLLUTERS**

About half what goes down the borehole stays underground and half gushes back up as contaminated wastewater. In theory, the wastewater is supposed to be directed into holding ponds for removal at a later date. Giant evaporation ponds more than 12 hectares in size contain millions of litres of highly toxic 'product water' – a mixture of fracking chemicals and toxic CSG water. In practice, spills happen or unscrupulous operators have been known to dump toxic wastewater directly onto paddocks or into local creeks and rivers.

## ***A key element of this question has to be about food security and local food production. Do we want to have to import our food over thousands of kilometres from places like China and India because our local food bowl has been destroyed by mining interests?***

In July this year the NSW Environmental Protection Agency (EPA) issued fines to Eastern Star Gas (now Santos) after pollution was found in Bohema Creek, next to a CSG drilling site in the Pilliga Forest of northwest NSW. The pollution had been detected by local environmentalists and farmers in 2010 who paid for their own independent tests. At the time, the company denied any polluted water had been released. But the results on water samples from the creek were subsequently confirmed by a government investigation. The EPA issued Santos with a formal warning following high ammonia discharge in December last year. These offences are **in addition to 14 pollution incidents** discovered at the site. Both companies were found to have breached their environmental protection licences. However, they were fined a paltry \$3,000. The pathetic nature of the fine contrasts with paying a typical landholder between \$200 and \$1500 per well and the company making a million dollars per well.

Chloe Monroe, the chief adviser to the National Water Commission, has spoken in terms of the damage to the water table to be fixed in millennia i.e. millions of years.

### **VICTORIAN GOVERNMENT**

The State Government has temporarily banned fracking and the use of some chemicals used in the process known to be carcinogenic. This is a short-term measure, a holding action, and ignores other problems with this mining, such as water tables dropping, 24-hour-per-day compression station activity and damage to land from heavy vehicles in South Gippsland, an area notorious for landslips.

The State Government has been criticised given that 24 existing CSG licence holders were still able to continue exploration in Victoria as long as it does not involve fracking. Friends Of The Earth's, Cam Walker, who has worked with us in Gippsland, describes it as a 'partial moratorium' and 'window dressing'.

### **FIRE DANGER**

Tight gas extraction is similar to CSG mining and is also a problem for the community because it uses the injection of nitrogen under very high pressure. Tight gas exists in rock pores that have very low permeability. Fracking is still used in the process. At the Wombat 2 Gippsland drilling site, Halliburton has brought in huge bulk storage nitrogen trucks to achieve this purpose. During a test burn on this well, the flare that points horizontally into a fire pit jumped the firewall and set pastures alight. In Qld there have been numerous examples of CSG inflammable gas leaks through rivers and creeks. In one case, a well burned out of control for weeks. We can only speculate about the impact of CSG mining in such a fire-prone state as Victoria.

### **METHANE**

In a recent CSG mining joint report by the National Oceanic and Atmospheric Administration (NOAA) and Colorado University, they found that certain gas fields were 'losing about 4% of their gas to the atmosphere not including additional losses in the pipeline and distribution system'.

CSG is a methane gas and is a significant contributor to greenhouse emissions. The Australian Government's Department of Climate Change and Energy states, 'Methane is currently responsible for almost one-fifth of the enhanced greenhouse effect, second only to carbon dioxide. However, **methane has a warming potential more than 20 times greater than carbon dioxide on a volume basis**'.

### **NOT JUST A NIMBY ISSUE**

This is not a case of whingeing Gippsland farmers saying 'Not in my backyard'. Setting aside the obvious impact on metropolitan food supplies, we now have the dangerous situation where CSG exploration is taking place in the catchment areas of the two main dams supplying water to Sydney. Licences for CSG exploration have been granted in the Woronora and Warragamba dam catchment areas. Apex Energy's exploration lease covers Sydney's catchment and it hopes to drill 150 to 200 wells. Apex Ormil has commenced drilling in the Warragamba catchment supplying 80% of Sydney's water. All life revolves around water and yet we are playing Russian roulette with this vital resource on the driest continent on earth.

### **COMMUNITY FIGHTBACK**

We have been greatly inspired by the community fight back against CSG mining, firstly in Qld, then NSW, and now here in Victoria.

Because the media is controlled by a privileged few, there has been very little exposure of the massive interstate community demonstrations, arrests and blockades against CSG mining. Go on the web to YouTube, type in NO CSG and see it for yourself. How many of you would be aware that two squads of riot police turned up outside the Gunnedra Hall NSW during a CSG meeting? The anti CSG rallies in Lismore, Fullerton, Perth, Kyogle, Newcastle, Byron Bay, Perth, Casino, Jondaryen west of Toowoomba? I could go on!

In October last year, following a huge community campaign against CSG mining in the Otway's region of Victoria, the company ECI International surrendered their exploration permit. To quote the Greens Senator Richard Di Natale, 'Local residents were very vocal in their opposition to CSG mining in this area and this outcome demonstrates the power of a united community'. This is the second time a CSG permit for Western Victoria has been surrendered following local opposition.

If you know South Gippsland, you will know a pretty little town, Tarwin Lower, a pub and an adjacent store on the way to Venus Bay. On a bitterly cold winter Sunday morning two months ago, more than 150 farmers, environmentalists and concerned citizens crammed into the local hall to oppose CSG mining. Similar meetings have been held at Wonthaggi, Leongatha, Inverloch, Bunyip and Mirboo North. Again, I could list other places!

This is the reason the local Liberal Bass MP Ken Smith (Speaker of the House) has had to come out against



CSG mining. This is why all candidates in the Local Government elections throughout South Gippsland have had to come out against CSG mining in their pitch to voters. The Deputy Premier, Peter Ryan, faces a huge CSG backlash in his Gippsland electorate and been forced to direct the 'window dressing' on fracking and the use of some chemicals.

### SO WHAT IS OUR ALTERNATIVE?

Communities want all CSG exploration and mining to cease until there has at least been a transparent, independent and comprehensive investigation into the likely effects of this industry on:

- pollution of underground and surface water resources
- the many side-effects on adjoining farmland and food security
- dislocation of local communities and including economic impacts
- adverse effects on biodiversity and resulting greenhouse emissions
- adverse effects on tourism and, in particular, tourism based on our natural environment
- designation of areas that should be exempt from exploration as they have been identified as significant in terms of the environment, agriculture or tourism.

We further require that all state and federal governments allocate sufficient resources to build and develop alternate, renewable sources of energy such as solar and wind in preference to CSG and other polluting energy sources.

So if you think that this matter will not affect you, think again. This not the fight of our lives, this is the fight for our lives!

### You can help even if you live in the city.

Contact your state and federal MPs, and local government councillors have been very supportive.

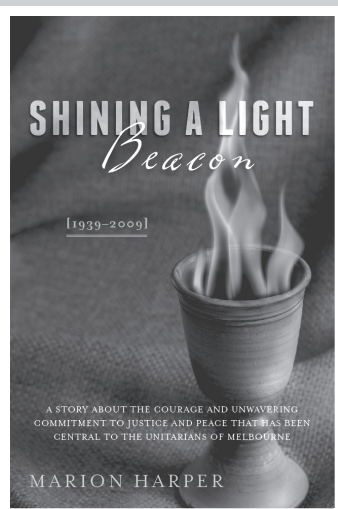
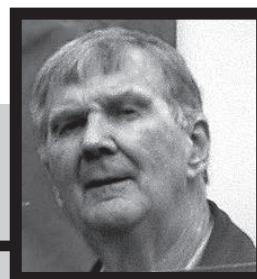
Get on the web and search for 'Lock the Gate', that is a coalition of farmers and community groups preventing mining companies from coming onto properties to explore and drill for CSG. They have regular updates on activities across Australia.

Buy an 'Anti CSG' core flute placard and fit it on your front gate. You are in good company: actor Nicole Kidman and singer Keith Urban have their no CSG placard on the front gate of their \$6.5 million Southern Highlands country retreat.

Take a free DVD which we have available and it goes into more detail on the issues raised today. It is copyright-free, so pass it on.

Thank you for listening. ■

## A VERY SPECIAL INVITATION



**The Melbourne Unitarian Peace Memorial Church invites you to its 160th anniversary service on Sunday 25 November at 11.00 am.**

The address, Fighting Back, It's Our Blooming Lot, will be given by a very special visitor, **Peter Cundall**, former ABC Gardening Australia presenter.

Following the service, Peter Cundall will be launching the book *Shining a Light: Beacon 1939-2009*, which is an analysis of world affairs through 70 years of the *Beacon*.

**PLEASE COME ALONG AND JOIN US FOR THIS VERY SPECIAL EVENT.**



# 20 Years Since Mabo: The Facts on Native Title

## KEY DEVELOPMENTS

- 1** The *Mabo* decision was a watershed moment in Australia's history. In a long-awaited decision, the High Court rejected the doctrine of terra nullius and recognised the prior occupation and continuing connection of Aboriginal and Torres Strait Islander peoples to the land.
- 2** The Native Title Act was enacted in 1993. It attempted to clarify the legal position of landholders and the process for claiming, protecting and recognising native title in the courts. The Act was amended in 1998 by the Howard government to provide security of tenure to non-Indigenous holders of pastoral leases and place further restrictions on native title.
- 3** Since then, the courts have lifted the bar to successful claims higher. In 2002, in the *Yorta Yorta* decision, the court ruled that the 'tide of history' had 'washed away' any real acknowledgement of traditional laws and any real observance of traditional customs by the applicants. The decision adopted strict requirements of continuity of traditional laws and customs in order for native title claims to succeed.
- 4** Today, native title parties continue to make applications, reach agreements, and seek remedies to past injustice. The native title system 'lumbers on', but is it fair or equitable?

## The big picture

- Nearly 2000 native title applications were filed between 1994 and 2011.
- As at 30 June 2012, **195 native title determinations** had been made. Of these determinations:
  - 69 found that native title exists in the entire determination area
  - 82 found that native title exists in parts of the determination area
  - 44 found that native title does not exist.
- Registered determinations of native title cover 1,158,876 sq km (15.1%) of the landmass of Australia.
- As at 31 May 2012 there were a total of 473 active native title applications still in the system.

## Much has been achieved, but is the system fair?

Twenty years since Mabo and the limitations of the native title system have become increasingly apparent.

## The playing field is not level

The onus of proof on native title claimants places the responsibility on the party with fewer resources to prove continuous connection to country. This is an onerous burden.

With native title bodies chronically under-resourced, the playing field is grossly uneven.

## The process is slow and complex

Native title litigation takes an average of 7 years to resolve. The system is slow, complex and draining for many claimants. Many do not live to see the outcomes of the claims they initiated. As time passes, claimant groups are losing their Elders, the holders of much traditional knowledge.

## Rights are vulnerable to extinguishment

While native title claimants face an enormous struggle to prove their continuing connection to country, it is often much easier for those opposing the claim to prove extinguishment of native title rights under law.

## Rights are limited and preclude economic development

For those native title groups who are successful, their rights are limited. While native title rights can include possession, occupation, use and enjoyment of traditional country, they exclude the right to economic development of the land. This is keeping many Aboriginal and Torres Strait Islander communities in poverty. ■

**It is time for reform to deliver a fair and equitable native title system.**

**Twenty years on, show your support today to realise the promise of Mabo.**

Contact ANTaR, Tel: 02 9280 0060.  
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victory over the incumbent, President George HW Bush. Clinton's presidency ushered in a series of policies that ensured a rising prison population. In the process he converted the law-and-order mindset into a bipartisan policy consensus. Like all other policies enjoying bipartisan support, being tough on crime was thus removed from the realm of the debatable.

This bipartisan emphasis on law and order led to a shift of priorities across the board. Government programs were no longer focused on creating opportunities for the poor; instead, the focus was on locking them up. These programs were expressed in 'anti-crime' bills that demanded longer prison sentences, mandatory sentencing and reforms to habeas corpus appeals (by making it more difficult for prisoners to file them). About 100,000 more police officers hit the streets and authorities built more prisons.

Today it is commonplace for politicians in both parties to compete with one another over who can advocate the most draconian punishments for ordinary Americans. Even within the Democratic Party such a competition occurs. Evidence for such a deplorable state of affairs arose during the Democrat's protracted internal fight in 2008 when Hillary Clinton attacked Barack Obama for being too liberal in advocating for the abolition of mandatory minimum sentences for federal crimes.

As president, Obama himself has demonstrated a readiness to follow his predecessors and position himself as a law-and-order politician. In April 2010 he spoke out against 'judicial activism', including the guarantee of legal representation for indigent defendants.

The decades-long law-and-order movement in America is a major cause of the ever-expanding prison population. The scope of criminal law includes minor offences including 'victimless' crimes such as curfew violations, prostitution, gambling, and public drunkenness. Fewer than one in five of all arrests in 2000 involved people accused of assaults, larceny, rape and homicide.

For the same crimes, American prisoners receive sentences twice as long as English prisoners, three times as long as Canadian prisoners, four times as long as Dutch prisoners, five to ten times as long as French prisoners and five times as long as Swedish prisoners. (The rate of violent crime in all these countries is lower than America's and their rates of property crime are comparable.)

Australian readers of this book will be aware that indigenous people are six times more likely to be arrested than non-indigenous Australians and 13 times more likely to be imprisoned, causing most criminologists in our country to agree that there is a systemic bias against Aborigines. In America in 2007, the incarceration rates of blacks and Latinos were more than six times higher than whites; as a result, 60% of America's prison population is either African American or Latino. In 2008, one in every 28 American children had a parent behind bars. For black children it was one in 9.

### **Class and race dictate justice**

Unequal treatment in the American justice system is dictated by class as well as by race. Outcomes are determined as least as much by the wealth of the parties as by the merit of their positions. In criminal court, wealthy defendants can amass large teams of lawyers to win an acquittal. The indigent, on the other hand, are assigned public defenders who are almost always overworked and stretched so thin that a full-on defence is impossible: this puts pressure on the accused, even the innocent, to plead guilty and accept long prison terms.

People without counsel are marginalised, patronised and defeated, regardless of the merits of their claims. In terms of access to legal counsel for civil proceedings, the United States ranked 20th out of 35 nations surveyed, below countries such

as Mexico and Croatia. Even people with the most pressing legal needs such as trying to stave off home foreclosure or obtain protection from domestic violence are forced to give up. After the mortgage fraud scandal erupted and homeowners suffered illegal foreclosure actions, many were incapable of battling the armies of lawyers employed by the banks and mortgage companies. Their homes were lost because they lacked the means to demonstrate the fraud and defects at the heart of the banks' case.

In 2008, private prisons in America housed 7.5% of all inmates nationwide, and private companies also accrue substantial revenues by contracting services to government-run prisons. Like all private companies, the prison industry has an insatiable appetite for more business. They quite naturally view prisoners as their basic stock in trade, and they earn more profit for each one they lock up. Incarceration is now big business in the United States. With national spending on corrections running at \$60 billion annually, prisons are the fourth largest state budget item behind health, education and transportation.

In America the for-profit prison companies have in essence established themselves as part of the government. Their operations are particularly perverse as their interests are served by ever-harsher punishment schemes for ordinary Americans.

Their lobbyists work overtime, influencing political parties across forty-four states. Efforts to expand their business opportunities are helped by 'revolving door' transfers in which public criminal justice officials move seamlessly to the private prison industry while that industry in turn sends hordes of its executives into the very government positions that dole out prison contracts and implement penal policies.

Reforms to curtail the incarceration of hundreds of thousands of citizens for non-violent drug offences strike at the heart of the industry's capacity for future growth, so private prison operators have made it a priority not only to preserve current punishment schemes but to advocate for ever harsher ones.

All these efforts to create more business for themselves are cloaked as calls for public safety. By forcing prisoners into severely overcrowded quarters and depriving them of the supervision necessary to prevent rape and other forms of abuse, corporations can reduce costs and increase their profits.

The American justice system has become a weapon to control, exploit and profit off vast numbers of American citizens. That the victims of this exploitation are disproportionately the poor and the powerless makes it all the more repugnant.

The above disturbing comments about aspects of the present state of the American justice system are drawn solely from one chapter of Glenn Greenwald's book *With liberty and justice for SOME*. Please read it! ■

**By Keith McEwan, member of Civil Liberties Australia, October 2012.**

**Keith McEwan is a long-time Beacon reader.**

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Details: *With Liberty and Justice for Some: How the Law Is Used to Destroy Equality and Protect the Powerful* by Glenn Greenwald

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# from our readers



**Dear Donna**

Sorry for late payment.

What would have happened in a world lit by the imagination? Keep my light on.

Thanks

**K Wenk, Vic**

**Dear Donna**

Thank you for your prompt response to my request for Nigel S article on Dissent.

Am enclosing \$5 for stamps. Thank you for all the work you and the team do – love the *Beacon*.

Sincerely

**S Angus, Vic**

**Dear Editor**

Thank you for the *Beacon*. I look forward for each month's copy to read.

**M Hadfield, Vic**

**Dear Editor**

Please find enclosed a cheque for \$60 for subs, donation and assoc. membership. I always enjoy reading the journal. Keep up the good work.

Kind regards

**H Land, Vic**

**Dear Sir or Mme**

I enclose herewith my cheque for \$40 being my subscription to the *Beacon* for a further twelve months, as well as a small donation towards cost of production. Long may it endure as a rare source of the truth as well as a genuine concern for the future of humanity.

Yours sincerely

**T Kennedy, Vic**

**Dear Editor**

Your magazine is like a breadth of fresh air. I look forward to its articles.

**P O'Neill, Vic**

**Dear Editor**

Thank you for continuing to faithfully send me copies of the *Beacon*, even though I haven't paid my subscription! It is great to have a journal that explores through the jungle of news and shines a light on the other viewpoints where most likely the truth dwells.

I would like you to send a year's full sub to my daughter, Pippa, and an introductory copy to Marge Ivers and to pay for my last year's sub – 2012, and for next year 2013, at the concession rate and \$19 towards expenses for producing the *Beacon*.

**Jenny Haslem, Tas**

**Dear Editor**

Very best wishes to all Unitarians 'Down Under'. Keep up the good work.

**C Stirman, UK**

**Dear Editor**

LEXOGRAMS are words within words!

ISRAEL contains LIARS

AMERICA contains A CRIME

**M Russell, Vic**

**Dear Editor**

I was deeply distressed to read of the attack on the brave young Pakistani girl, Malala. Like many other people around the world I wish to express my heartfelt best wishes, sympathy and support to Malala and very much hope she recovers. Her death would be a dreadful blow to the just cause of the empowerment of girls and to all decent humanity. She is a courageous defender of girls' education and she deserves the utmost solidarity of all those who value human rights and education for girls. Malala is a wonderful symbol of hope to girls and young women everywhere. Her voice and her struggle must not be crushed. We must stand together in unity with her.

**Steven Katsineris, Vic**

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# MELBOURNE UNITARIAN PEACE MEMORIAL CHURCH

‘SEEK THE TRUTH AND SERVE HUMANITY’

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Services, Sunday 11 am

## IN THIS ISSUE:

### Editorial

Sojourn in Scotland Part 2

Driving refugees mad

With liberty and justice for some

Gippsland not gasland

20 Years since Mabo: The facts on native title

## Beacon Editorial Board

Peter Abrehart

Marion Harper

Donna Sensi

Julie Stafford

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