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SEEK THE TRUTH AND SERVE HUMANITY



EDITORIAL

So Australia is taking 12,000 Syrian refugees. Should our collective conscience be salvaged? We think not because increasing numbers of these refugees are still fleeing the bombing of their country – courtesy of a particular form of murderous genocide being practised by Australia and its ‘allies’. ‘Australian troops have begun heading to the Middle East as Australia embarks on a military mission against Islamic State terrorists that is likely to cost about \$500 million per year,’ says the ABC.

How many words have been written and read about the plight of refugees, mainly Syrian, seeking what most of us take for granted: peace, security and a home for themselves and their children. Pictures of this tragedy have dominated our media creating a feeling of shame and disquiet among a growing body of Australians, none more so than the vision of a small boy lying dead on a beach – drowned because his family sought a safe and secure life free from bombs, guns and death. So complex has the situation become in Syria that no government can clearly explain its role, who the main enemy is or how to deal with that enemy. Instead, indiscriminate bombing and killing demonstrates our opposition to terrorism, and at what cost? According to World Vision, Syria’s conflict has devastated the nation. More than 240,000 people have been killed, including 12,000 children; one million more are wounded or permanently disabled.

We are part of this imposed slaughter. Our Government, at the ‘request’ of the United States, has sent our planes to rain down weapons of destruction on innocent people and for what, at what cost and why? These are the questions every Australian must ask and must act upon or be forever linked with war crimes.

Our Government cannot explain its involvement in Syria. We have had various reasons given to us: we must fight IS, we must get rid of President Assad, we need to support democracy in Syria, terrorism must be defeated there before it arrives here.

Well, we won’t destroy IS through war. You can’t destroy an ideology with weapons. Removing President Assad? Some may not like the way he governs, but millions don’t like the way other nations are governed (and he was democratically elected). We certainly don’t like the way Saudi Arabia is governed. Saudi Arabia, according to *The Age* 25/9, arrested a 17-year-old for attending a pro-democracy rally in 2012 and have condemned him to death by crucifixion, beheading and displaying his mutilated body publicly. The same article goes on to say: ‘Saudi Arabia has one of the highest execution rates in the world with up to 134 executions, mainly public beheadings already this year.’ If our justification is to impose democracy in nations with ‘undemocratic’ leaders, no better place to start than with Saudi Arabia, our staunchest ally in the war in Syria.

The latest Global Peace Index (GPI) reports that the move away from peace and into war cost the global economy 14.3 trillion dollars last year. In fact, last year the world spent 13.4% of its GDP on violence. This is equivalent to the total economic output of Brazil, Canada, France, Germany, Spain and the UK. According to the GPI, more than \$3 trillion was poured into military spending.

So, while our federal government, under new leadership, looks for ways to cut spending, mainly from programs we need, they are happy to spend millions raining death and destruction on innocent and long-suffering citizens.

THE GOVERNMENT VERSUS THE ENVIRONMENT: LAWFARE IN AUSTRALIA



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A key feature of authoritarianism is that the government is above the law – it is not accountable to the people for its actions. In contrast, under a democratic system, the rule of law means that the government is constrained by law and can be held accountable by the people.

This is particularly pertinent to the move by Attorney-General George Brandis to restrict green groups from challenging major developments under federal law, a direct response from this month's successful appeal against the approval of the controversial Carmichael coal mine, being developed by the Adani Group, on environmental grounds.

Brandis plans to repeal section 487(2) of the Environmental Protection and Biodiversity Act and 'return (it) to the common law'. His actions follow comments by Prime Minister Tony Abbott and Trade Minister Andrew Robb.

The crux of the Federal Court's decision on the Carmichael mine was that Environment Minister Greg Hunt breached the Environmental Protection and Biodiversity Conservation (EPBC) Act by failing to consider conservation advice provided by the Department of Environment on the impact of the proposed mine on two vulnerable species – the yakka skink and the ornamental snake.

According to the government, this decision represents a form of illegitimate green 'lawfare' by groups that, according to Brandis, 'have no legitimate interest other than to prosecute a political vendetta against development and bring massive developments ... to a standstill.'

Robb claims this decision could have a negative impact on current free trade agreement negotiations with India. The

government's proposed solution is to tighten the rules for standing under the EPBC Act.

Currently, standing is provided for under s 487, which allows for legal action by a 'person aggrieved by the decision' and extends the definition of this term to include individuals or organisations that have engaged in 'a series of activities related to the protection or conservation of, or research into, the environment' within the two years preceding the decision. It is this extended definition that allowed the Mackay Conservation Group to initiate legal action against the Adani mine and that our government intends to amend.

If this proposed amendment passes, the scope for public interest litigation in defence of the environment will be seriously curtailed in Australia. Furthermore, this restrictive approach would also curtail the rule of law. The Adani case was settled after Hunt conceded he had failed to abide by the law in granting the approval – that is, he rushed it. The judgement merely requires the government to abide by its own laws. Hunt is free to re-approve the mine within weeks.

A revealing contrast to the government's reaction to this decision is their lack of response to a similar case from earlier this year – *Metgasco Limited v Minister for Resources and Energy*. In this case, Metgasco successfully challenged the NSW Resources Minister, Anthony Roberts' decision to cancel Metgasco's licence to drill at Bentley due to its failure to undertake genuine and effective community consultation. The court found that Roberts had acted outside the law and did not have the power to cancel Metgasco's licence on non-environmental grounds.

From its failure to decry the Metgasco decision, we might deduce that the government supports the capacity of

mining companies to challenge government decisions, while wishing to deny the same right to community groups. The key difference appears to be the kind of interest these parties have – for one it is financial, for the other it is the public interest in preserving the environment.

Unfortunately, the evidence indicates that the government does not share this interest in preserving the environment. *The Guardian* reports that only 1.3% of applications under the EPBC Act are refused, with that figure dropping to just 0.4% when it comes to applications from the resources industry. As Greens senator Larissa Waters has argued, ‘fundamentally, the laws aren’t set up to protect the environment, they are set up to facilitate development’.

Public interest environmental litigation has a long tradition throughout the world. As recently as June, a landmark Dutch case resulted in the government being ordered to

cut its carbon emissions by at least 25% within five years. The applicants successfully argued that the government was negligent for ‘knowingly contributing’ to a breach of the two degrees centigrade maximum target for global warming. In the United States, the Sierra Club’s Environmental Law Program also uses public interest litigation to shut down coal-fired plants and mines across the country as part of its Beyond Coal campaign.

The government’s use of the term ‘lawfare’ is inflammatory, but even if it were a correct descriptor it would be a classic David and Goliath battle. If mining companies are free to use their financial clout to both lobby the government and challenge unfavourable decisions in court, while the government itself has a track record of significant bias towards industry, shouldn’t the community also have the right to at least challenge decisions that clearly breach the law?

Source: *The Conversation* August 2015

MORAL BANKRUPTCY AND CIVIL LIBERTIES IN MODERN AUSTRALIAN POLITICS

The Abbott government’s gradual destruction of our civil liberties is not something we should be taking lightly, writes **Daniel Ellery**.

Almost 20 years ago, the President of the United States of America at the time, Bill Clinton, signed an Act that has had considerable ramifications around the globe: The Anti-Terrorism and Effective Death Act, which effectively rendered the Posse Comitatus Act of 1878 all but useless. The Posse Comitatus Act was created to limit the powers of the Federal Government in using its military personnel to act as domestic law enforcement personnel. It ensured that the Government could not use military personnel or military force to police domestic matters in their own country, essentially prohibiting a state of martial law.

In 1993, the FBI in conjunction with the US Military stormed into a compound owned by an Evangelical Christian group in Waco, Texas and killed 76 innocent people. Among the casualties were over 20 children.

There have been ominous signs suggesting our fragile civil liberties have been increasingly at risk both in the United States and to a lesser extent, here in Australia, for a number of years. A popular type of government has emerged in the last few decades that at the forefront is represented as a sort of draconian fear campaign. Tony Abbott is quite fond of often using the argument that terrorists are lurking in our own backyard. Again using our Western neighbour and ally as an example, a November 1995 CNN Time Poll found that 55% of surveyed American citizens believed that the Federal Government

had become so powerful that it posed a threat to ordinary citizens. Ten years later, we are seeing ever increasing evidence to support that current civil liberties have to be scrutinised very closely here in Australia.

Abbott stated in a speech in September 2014:

‘Regrettably, for some time to come, Australians will have to endure more security than we are used to and more inconvenience than we would like. Regrettably, for some time to come, the delicate balance between freedom and security may have to shift. There may be more restrictions on some so that there can be more protection for others. After all, the most basic freedom of all is the freedom to walk the streets unharmed and to sleep safe in our beds at night.’

Another seemingly ‘hyped-up’ speech made about National Security in February 2014 can be seen here. The Prime Minister claims that ‘the threat to Australia is worsening’ and that ‘the number of potential home grown terrorists is rising.’ Claims that back the Government’s decision to raise the threat level to high, suggests that ‘a terrorist attack is likely.’

In speeches to the Australian nation in 2003, Prime Minister John Howard and Prime Minister Stephen Harper both made incredibly similar presentations. These speeches were regarding the United States’ constant harping about Saddam’s so-called ‘Weapons of Mass Destruction’. These speeches, spoken by two different leaders said, at stages, word for word the exact same thing. One could blame an incredibly lazy public relations team that felt a quick copy-and-paste address to the

nation would either go unnoticed, or that people would not care or see any issue in this. However the issue here is that these were two leaders of different countries saying the same thing, and both bowing to another country's foreign policy issues (USA). In short, this excerpt shows just how serious this address was:

'It is inherently dangerous to allow a country such as Iraq to retain weapons of mass destruction, particularly in the light of its past aggressive behaviour. If the world community fails to disarm Iraq, we fear that other rogue states will be encouraged to believe that they too can have these most deadly of weapons and that the world will do nothing to stop them.'

'We should not leave it to the United States to do all the heavy lifting just because it is the world's only superpower. To do so, I believe, will inevitably undermine one of the most important relationships that we have.'

We now know that the speech to invade Iraq was based on lies the United States had told about Saddam Hussein and Bush's foreign policy is one that the vast majority of Americans now reject. Howard admitted in an interview that he felt pressured by the force of the language in the 2002 American National Intelligence Report, and was 'embarrassed' to have acted on the 'Weapons of Mass Destruction' intelligence. One politician, Independent MP Andrew Wilkie, even went so far to say 'that Howard should consider himself quite lucky that, conceivably, he hasn't been tried for conspiracy to commit mass murder.'

A book aptly named *Perpetual Peace for Perpetual War* highlights a ghastly resemblance between a speech from a 'Pre Osama' text to a speech made by Adolf Hitler in 1933, which enabled an act for the protection of the people and the state. The speech was made after the infamous Reichstag fire which the Germans had secretly lit. Hitler's act reads:

'Restrictions on personal liberty, on the right of free expression of opinion, including freedom of the press; on the rights of assembly and associations; and violations of the privacy of postal, telegraphic, and telephonic communications and warrants for house searches, orders for confiscations as well as restrictions on property, are also permissible beyond the legal limits otherwise prescribed.'

Adolf Hitler had a nation of people following his every word; he was the greatest salesman and marketer of the century. His was by far the most influential and repressive propaganda campaign in history. When fear is used by a government, it is used as a form of control and repression and in turn causes anxiety within society. This creates a willingness to listen and obey anything to make that fear, worry and anxiety cease. People go to great lengths to manage anxiety. The Government of the United States has used fear campaigns extremely well to control the masses in the wake of terrorist attacks, and we are seeing it again in 2015.

According to the *Sydney Morning Herald*, Prime Minister Tony Abbott has used the phrase 'Death Cult' over 346 times when mentioning the Islamic State. By using fear campaigns and scare tactics, he has stirred parts of the Australian public into an irrational frenzy, turning closed-minded bigots into blind racists and confusing the minds of the young and old alike. The Government has created a sense of division we can't help but feel, with the Abbott party's acts described as an 'unprecedented power grab' by Greens Senator Penny Wright:

'Peter Dutton's proposal that he alone should have the power to strip away a person's citizenship on suspicion alone is preposterous, unworkable and only goes to show how extreme this government really is.'

'The Abbott government is seeking unprecedented power to bypass the courts, throwing out the most basic democratic right we have.'

One can't help but feel a slight comparison of Tony Abbott's speech to Hitler's in the light of recently proposed and passed laws, including but not limited to the surveillance of telephone and internet data (through metadata collection of ordinary citizens), and other such legislation like the Border Force Act passed in May, which could see teachers, doctors and security staff jailed if they speak publicly about what they have witnessed. Outlaw motorcycle gangs have also been made the target of heavy raids recently, which suggests the scope of surveillance goes far beyond 'terror' suspects. The Government's abandonment of Julian Assange in 2010 after the full scope of Wikileaks became apparent being yet another example of how these laws can be used to prosecute future whistle-blowers.

In June 2015, Tony Abbott publicly attacked the Australian Broadcasting Commission after the ABC aired an episode in which an Australian man convicted of threatening Commonwealth officials appeared on the popular Q&A program:

'I think many, many millions of Australians would feel betrayed by our national broadcaster right now, and I think that the ABC does have to have a long, hard look at itself, and to answer a question which I have posed before – whose side are you on? Whose side are you on here?'

Abbott seems to plant the idea into the heads of the Australian public that our national broadcaster may not be 'on our side,' or somehow is a terrorist sympathiser by giving a platform for free speech to someone speaking out against recently proposed citizenship legislation. I'm reminded here, of George Orwell, who wrote, 'Journalism is printing what someone else does not want printed. Everything else is public relations.'

After the 1993 attack on the 76 innocents living peacefully in their commune in Waco, Texas, there was a retaliation attack, dubbed the Oklahoma City bombing in which Timothy McVeigh was found guilty of 11 counts of murder and conspiracy. In a statement to the court before the ruling passed, McVeigh quoted a section of Supreme Court Justice Brandeis's dissent, 'Our government is the

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potent, the omnipresent teacher. For good or ill it teaches the whole people by its example.' Brandeis goes on in his dissent to say 'Crime is contagious. If the Government becomes a lawbreaker, it breeds contempt for law; it invites every man to become a law unto himself; it invites anarchy. To declare that in the administration of the criminal law the end justifies the means, to declare that the Government may commit crimes in order to secure the conviction of a private criminal, would bring terrible retribution.'

Abbott recently made a comment about the Australian court system regarding the Greens Party 'win' on the Carmichael Coal mine. He argued that Australia has 'a problem as a nation' if the courts could 'be turned into a means of sabotaging' such projects. The president of the NSW Bar Association, Jane Needham, struck back at these claims with a scathing rebuttal expressing her concern that Abbott had criticised the federal court system and had shown a clear lack of understanding as to how the system works. Needham stated:

'The courts are not the servant of the Executive – any such implication is inimical to the basic principle of the separation of powers, which is fundamental to our Westminster-style system of government.'

'The courts exist to make decisions according to the law, not to further the interests of particular individuals or organisations, including government. They are an independent arbiter of disputes, and politicians need to understand and respect their non-partisan role.'

The breakdown of civil liberties is something not to be taken lightly. Laws infringing on privacy like the collection of metadata sets a dangerous precedent in Australia. Laws passed after the terrorist attacks, of which were largely provoked by the US have slowly hacked away at

the rights and liberties of ordinary citizens in the Western world. This is an area that must be watched with careful attention, as laws are passed quietly every day. Not everything is published in the articles you read or the news you hear, especially in the large media outlets who choose what information they wish to disperse. The power is in the people's hands, and our moral and ethical standards must be scrutinised.

We must be led by a government that personifies moral strength in an increasingly morally bankrupt world. A government must remember that in a democracy, the people's voices must be heard justly, listened to, and acted upon; otherwise it is nothing but an oligarchy. With a current government that many feel to be going backward rather than forward, one must ask what Tony Abbott and the Liberal Party really care about more. National net profit means nothing if we have nothing left to live on. If our beautiful landscapes fall to ruins in the hands of a few who hunger after nothing but power and money, then I can't help but feel that the apathetic and nonchalant members of society will also have the proverbial blood of the land on their hands. The same can be said if we allow politicians to hold our civil liberties to ransom. Terrorism is not a joke subject, but neither is degradation of our right to a free, sustainable, and just world. We have to find a healthy balance between staying vigilant and seeing through the veil of government deception. The people need to fight for a democratic society and understand totalitarianism before it erodes our most basic human rights.

If Tony Abbott and the Liberal Party can be given one concession, it is that they have hopefully shaken the trappings of apathy and indifference from the Australian public.

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IMMIGRATION DETENTION

Australia's Response to a Humanitarian Issue

A talk given at the Melbourne Unitarian Church on 23 August 2015
by Pauline Brown, activist for asylum seekers

Anyone who arrived in Australia seeking asylum prior to 1992 was allowed to live in the community whilst waiting for decisions on their claims for refugee status. There was no difference in the treatment of those who arrived by plane or by boat without a visa. From 1976 to 1981, 2,059 people arrived by boat from Vietnam. The Fraser government worked with the UNHCR in camps in Thailand and Malaysia and approximately 70,000 Vietnamese refugees were brought here up to the mid-1980s. So that's key to the whole situation, to have people's claims assessed before they even think about getting on a boat to come here. On arrival, most lived in the various migrant hostels in QLD, NSW, VIC, SA and WA. Here in Melbourne we had such hostels at Maribyrnong, Preston and Springvale. On arrival here they were provided with health and welfare support, as well as English language teaching, housing and employment services.

In 1992 the Keating government, a Labor government, introduced mandatory detention for people arriving in Australia by boat without a valid visa. They were coming here to seek asylum, to seek our protection. This policy change was in response to an increase in the number of people arriving from Vietnam and Cambodia. It was meant to be a temporary measure to discourage people arriving by boat without a visa. In reality it began the system that has continued for the past twenty-three years and has become increasingly harsher. The notion of it being 'unlawful' or 'illegal' to arrive without a visa began at this time. Why do we lock people up? Because according to the myth – they must have done something wrong.

Various beliefs have increasingly taken hold, such as 'illegals', 'queue jumpers', 'country shopping'. We hear the phrase 'boat arrivals are not genuine refugees, they are economic migrants' and we also hear often quoted: 'we are generous'.

Well, how generous are we? According to the UNHCR on 31 December 2014: Lebanon hosts 260 refugees and asylum seekers per 1,000 of population,ⁱ while Australia hosts 2.4 refugees and asylum seekers per 1,000 of population.ⁱⁱ And yet we claim we are generous. In fact, we take in 190,000 in net migration each year through a whole range of visas. Of these we offer only 13,500

refugee places.

Governments over the past 23 years and in particular since 2001 have done nothing to dispel these myths and to educate people, and I am talking about Labor and Coalition governments.

THE CURRENT DETENTION SITUATION

I am focusing on detention as that is the cruellest centrepiece of our policies. Here, I will talk about three areas of detention: on the mainland, on Manus Island and on Nauru.

On the mainland, according to the Immigration Department numbers on 30 June, there are 127 children, 250 women and 1,636 men in detention.ⁱⁱⁱ

Eight hundred and forty-two people have been in detention for more than 1 year and 348 of these have been in detention for more than 2 years.^{iv}

Despite Minister Morrison making an agreement in December last year with Senator Ricky Muir that children would be released from detention, this has still not happened. One hundred and twenty-seven children remain in detention on the mainland.

The Australian Human Rights Commission published *The Forgotten Children* report last year detailing the damage which detention does to children:

'There were no positive responses to detention – the most common impact on the emotional health of children and their parents were feelings of sadness and 'constant crying'. Almost all children and their parents spoke about their worry, restlessness, anxiety and difficulties eating and sleeping in detention.'^v

On Manus Island, 945 men are in detention. There are also 41 men who have been found to be refugees but it is not safe for them to be released into the community.

The office of the UNHCR visited Manus Island from 23 to 25 October 2013 and raised a number of concerns in their report which states: 'UNHCR was deeply troubled to observe that the current policies, operational approaches

and harsh physical conditions at the RPC do not comply with international standards'.^{vi}

After the death of Reza Berati in February 2014, the report of the Senate inquiry into the Incident at the Manus Island Detention Centre found:

'At least 51 asylum seekers sustained injuries, some of them serious, between 16 and 18 February 2014. Mr Berati sustained the most grievous injury and died a few hours after he was attacked. Other serious injuries included one asylum seeker who lost an eye and another who had a gunshot wound in the buttocks.'

On the 20 September 2014 Sarah Whyte reported in *The Age* on the allegation that Hamid Kehazaie spent a week on Manus Island waiting for approval for his medical evacuation to Port Moresby. He had developed severe septicaemia after cutting his foot and subsequently died at the Mater Hospital in Brisbane. Her article drew attention to the lack of medical care available on Manus Island.

On Nauru, there are 88 children, 114 women and 453 men in detention.

The UNHCR visited the detention centre on Nauru from 7 to 9 October 2013. Their report commented:

'In light of the overall shortcomings in the arrangements, highlighted in this and earlier reports, UNHCR is of the view that no child, whether an unaccompanied child or within a family group, should be transferred from Australia to Nauru.'^{vii}

In October 2014 the Minister for Immigration and Border Protection announced a review by Philip Moss into allegations relating to conditions and circumstances at the Centre in Nauru. The Moss Review found that 'there were both reported and unreported allegations of sexual and other physical assault' in relation to children.

The Moss Review also found that between October 2013 and October 2014, '17 children engaged in self-harm (including lip stitching by 16 and 17 year olds, and one attempted hanging). The youngest child involved in self-harm was an 11-year-old.'^{viii}

There is currently a Senate Select Committee inquiry into the detention centre on Nauru as a response to the Moss Review. Media reports inform us of further disturbing allegations of sexual and physical assaults of children as well as adults being given in evidence at the hearings.

WHAT CAN WE DO?

At the Labor Conference there were a number of disappointments. But in relation to detention there were two very significant changes to Labor policy. The first was that Labor will legislate to make it mandatory to report child abuse in onshore and offshore detention centres. Given the allegations that are coming forward in the current senate inquiry, I imagine that they will be inundated.

The second significant change is that children will be removed from detention as soon as possible. This means now, and if not now, why not?

I want to touch on six things:

1. The first thing to do is to stay informed. The media, in particular the ABC, the Fairfax press, *The Guardian* and *The Saturday Age* constantly monitor and report on the range of issues regarding people seeking asylum. The Asylum Seeker Resource Centre, the Refugee Council of Australia and the Red Cross websites publish fact sheets and FAQs. TV programs such as the SBS series *Go back to where you came from* are also valuable.
2. Talk about the issues to friends, family, neighbours and others in the community.
3. Write to newspapers and call talk back programs.
4. Join community groups such as Grandmothers Against Children in Detention.
5. Become involved in campaigns such as those organised through GetUp and Change.org. On Thursday this week a 23-year-old Iranian woman was brought from Nauru to Australia for medical treatment after allegedly being raped in May. She had subsequently been on a hunger strike and had attempted to take her life twice. Fifteen thousand, eight hundred and forty-eight people had signed a petition to Minister Dutton to bring her to Australia. He has been on the record a number of times saying that people will not be brought from Nauru to Australia. So we can never underestimate the power of what we do.
6. Write to your Members of Parliament. In particular, the independent senators are influential and Ricky Muir and John Madigan are on the record and both have shown a strong interest in this area of refugees and asylum seekers.

i <http://www.unhcr.org/cgi-bin/texis/vtx/page?page=49e487af6&submit=GO>

ii <http://www.unhcr.org/cgi-bin/texis/vtx/page?page=49e487af6&submit=GO>

iii <http://www.border.gov.au/ReportsandPublications/Documents/statistics/immigration-detention-statistics-june2015.pdf#search=detention%20statistics%20june%202015> Page 4

iv <http://www.border.gov.au/ReportsandPublications/Documents/statistics/immigration-detention-statistics-june2015.pdf#search=detention%20statistics%20june%202015> Page 11

v https://www.humanrights.gov.au/sites/default/files/document/publication/forgotten_children_2014.pdf Page 58

vi <http://unhcr.org.au/unhcr/images/2013-11-26%20Report%20of%20UNHCR%20Visit%20to%20Manus%20Island%20PNG%2023-25%20October%202013.pdf> Page 1

vii <http://www.refworld.org/docid/5294a6534.html> Page 2

viii P Moss, *Review into recent allegations relating to conditions and circumstances at the Regional Processing Centre in Nauru: Final Report (February 2015)*.

REMOVING THE FIRST NATIONS' PEOPLE

September 2015 Bilal Cleland

As a First Fleeter, a former teacher of Australian history and as a Muslim I am acutely aware of our past. The memory of what our forebears were a part of is constantly on my mind.

When my great great great grandparents came to Australia in 1788 and 1791, there were hundreds of nations speaking hundreds of languages across this continent. The diseases we brought from the cesspools that were the industrial towns of England in the 1700s decimated the Indigenous population, even before the shootings started. My convict forebears were on Norfolk Island where there was no indigenous population to wipe out. One of the features written about in 1788 was the presence of millions of birds on the island. They were soon eaten. Ellen Wainwright and Thomas Guy were in the first settlement, which was relatively benign. It was closed in the early 1800s and everyone moved to Van Diemen's Land. It was re-opened in the 1830s as a place of secondary punishment. A place so terrible that men drew lots as to who was to kill the others, so they would be hanged to escape the torture of the place.

Granted land in the Derwent Valley, near New Norfolk, my ancestors did well. My great great great grandfather, originally sentenced to death as a highwayman in Gloucester England, became a constable in 1815. If his sentence had not been commuted to transportation for life, I would not have come into existence. When they arrived in their new home there was a thriving community of Indigenous inhabitants. By the time my great great great grandmother died in 1839, they had been all but eradicated.

One of their daughters, my great great grandmother, married a recently transported convict and crossed

Bass Strait to Portland in 1837. They were, with the Henty family, the first white settlers in Western Victoria. Indigenous tribes were plentiful in that area as there were many animals to hunt and the climate was relatively mild. By the 1870s they had been so decimated that they were concentrated onto mission stations, where they were Christianised, forbidden to speak their language and forbidden to perform traditional ceremonies. In one generation cultural genocide was carried out.

My great grandmother and grandfather lived near the Condah Aboriginal Mission, where the Indigenous tribe had lived for centuries in stone homes, near fish traps cut into the rock, which are still famous but unfortunately neglected.

The history of convict transportation is blood curdling, as anyone who has visited the convict prisons in Tasmania can bear witness. Marcus Clarke's *For the Term of His Natural Life*, written in the 1870s, gives a good, partly fictional impression of the highpoint of the system on Norfolk Island and in Tasmania. However the suffering that this work displays is as nothing compared to the suffering and physical and cultural genocide of our First Nations' people.

When we hear otherwise normal civilised-looking people denigrate the Indigenous people of this country, we must speak up. The recent attempted humiliation of Adam Goodes brought all this to mind for millions of Australians who are aware of their history and who love their country. We cannot allow the blight of past crimes destroy our future, which is what will happen if racism and bigotry are encouraged by stupid, shortsighted politicians without strong popular opposition.

DID YOU KNOW...

...that Transfield, which has just renewed its \$2.2 billion contract with the Department of Immigration to manage its operations on Manus and Nauru, made the following admission to the Senate Inquiry: that over 972 days on Nauru, it had reported 253 incidents of actual 'self-harm', ten of these were critical; 9 sexual assaults were reported over the same period. This multinational profiteering company is being paid \$60 million of our taxes to run camps in which desperate people want to die.

TAX AVOIDANCE

Speech by The Hon. Kelvin Thomson MP,
Member for Wills to The Unitarian Church, 16 August 2015

Treasurer Joe Hockey once said, 'And the challenge is that everyone in Australia has to help to do the heavy lifting in the budget, because if the burden falls on a few, the weight of that burden will crush them. Everyone is going to have to make a contribution', and expressly nominated big business.

Unfortunately he has since backed away from action to tackle companies that avoid tax by shifting billions of dollars in profits between Australia and their international subsidiaries. His paltry effort at tackling multinational tax avoidance is worth a total of \$30 million over four years – less than 1/60th of Labor's Multinational Tax Avoidance package, which I will return to later. After promising to reap 'billions' from tax integrity measures, Joe Hockey's May Budget barely scratched the surface.

This is not good enough for a number of reasons:

First, the Government said it would act to stop tax avoidance by profit shifting across international borders.

Second, the issue of global corporations loading up subsidiaries with debt so they can claim to have made all their profits in low tax jurisdictions was a major topic of discussion at the G20 Conference, where countries were urged by civil society to stop global tax avoidance. Australia needs to be part of the international effort to combat this.

Third, the government was crying poor in releasing its Mid-Year Economic and Fiscal Outlook in December 2014, saying it had suffered a revenue downturn and would have to cut spending. Well before the government attacks students, pensioners and the unemployed it should make sure multinational corporations are paying their fair share of tax.

In fact this is a worldwide problem. I met with representatives of Micah Challenge in Canberra in June last year as a part of their Voices for Justice Campaign, and was briefed about the problems of tax evasion by multinational corporations, which deprive developing countries on a significant scale of vital revenue for poverty reduction and sustainable human development.

Christian Aid has pointed out that since 2008 developing countries have lost more than US\$160 billion through multinational corporate tax evasion. This amount is actually bigger than the amount that these countries receive in aid, which amounted to US\$120 billion in 2009.

One of the main ways tax evasion occurs is through 'transfer pricing'. This is when goods and services are sold

between subsidiaries of the same parent company. These goods and services include things like intellectual property rights, management services, branding and insurance. The sales take place within the same multinational company.

As long as the subsidiaries of the company charge each other a fair market price – known as an 'arms length' price – such transactions are perfectly legitimate. Tax is paid where it should be, in the place where the business is actually taking place. However, by artificially altering the price, the company can increase its costs in a location with high taxes and transfer revenue to a location with low taxes, often a tax haven. This is known as 'transfer mispricing'.

With 60% of world trade now taking place within, rather than between, multinational corporations, there are substantial opportunities to manipulate transactions to reduce tax.

This is especially the case for things like brands and management services. To detect if a company is distorting the price of a particular good you can compare it with the normal price of the good traded between two unrelated companies. But when it comes to things like branding rights and management services it is much harder to determine if the price being charged is a 'fair' price.

It's been calculated that Australia lost 1.1 billion euros through transfer mispricing to the EU between 2005–2007 and US\$1.5 billion in tax revenue through transfer mispricing to the US in the same period.

The Tax Justice Network revealed how Volcafe, the world's second-largest raw coffee trader and a market share of 13%, managed to minimise the tax it paid through the use of the tax haven of Jersey in the English Channel. It would buy coffee from small co-operatives in developing countries at the world market price and then sell the coffee beans to its own subsidiary, Cofina, at a similar price. In that way it made next to no profit in the developing countries and paid almost no tax to the governments of the developing countries it operated in, cheating them out of much needed tax revenue.

Cofina then sold the coffee beans to the final customer, such as Nestlé or Starbucks. The money from the sale flowed into Jersey, where Cofina paid no tax on it. In 1998 Cofina sold US\$408 million of coffee yet only made a gross profit of US\$27 million.

Cofina was a post box company with only one or two administrative staff. The coffee beans themselves

travelled directly from the developing country to the final customer in the developed world, never passing through Jersey.

Company documents showed that the firm went out of its way to keep everything top secret. Volcafe employees were told to identify themselves as Cofina staff, although they were not.

In 2007 Bangladesh lost an estimated US\$172.6 million in tax revenue as a result of trade mispricing of transactions with the EU and US. Most of these losses occurred in the knitting and crocheting apparel industry. The Bangladesh government had invested technical and financial resources to facilitate the growth of this industry yet lost out on much-needed tax revenue.

Micah Challenge believes that the government should require all multinational corporations registered in Australia to provide a worldwide combined report, including country-by-country breakdown of their assets and their tax paid, and that we should have the G20 adopt this country-by-country reporting as standard.

The issue of multinational profit shifting is about fairly sharing the revenue burden. When a handful of big businesses ship their profits offshore it hits the federal budget's bottom line. It is about fairly sharing the revenue burden. When a small number of big firms do the wrong thing, it is the great majority of businesses, large and small, the self-employed and the PAYG taxpayers who end up paying more than they should.

We do not need that kind of economic activity because it is harmful economic activity – it encourages firms to focus their energies on getting their accountants to play with loopholes – loopholes that might allow debt shifting within organisations not in order to improve the productive capacity of the economy but in order to find the next loophole in the tax system.

Inequality has been growing steadily for the past generation – it did not rise over the last six years of Labor in government. From 2007 to 2013 inequality did not rise. But it is significantly higher than it was in the 1970s. The top one per cent has doubled its income share; the top 0.1 per cent tripled its income share.

The report of June 2014 'Advance Australia Fair?' finds that in the wake of a declining resources boom 'there is a growing gulf between those in the top range and those in the lower ranges of wealth and income distributions'. The report warns inequality is increasing rapidly in Australia, posing dangers to community wellbeing, health, social stability, sustainable growth and long-term prosperity.

Written by Bob Douglas, Sharon Friel, Richard Denniss and David Morawetz, the report says, 'If we do not pay attention to the problem of financial inequality, current economic circumstances are likely to make it worse.'

So now is the very last time that we need a government to be giving money away to firms with multibillion dollar profits while taking money away from those who can least afford it. Australia's egalitarian values demand that we have a smarter approach on multinational profit shifting.

The union United Voice, in collaboration with the Tax Justice Network Australia released in September 2014 a groundbreaking report *Who Pays for our Common Wealth? Tax Practices of the ASX 200*. It revealed 29% of

Australia's 200 largest listed companies pay an effective corporate tax rate of 10% or less. Fourteen per cent have an effective tax rate of 0%. This translates into an estimated loss in annual revenue of \$8.4 billion.

In 2013, 57% of ASX 200 companies disclosed subsidiaries in tax havens. This figure could be higher, as reporting is not mandatory. As Dr Mark Zirnsak, from the Tax Justice Network Australia, says:

'The frequent use of subsidiaries in secrecy jurisdictions in combination with the shifting of debt and profits is resulting in lost tax revenue in Australia and overseas where it should be paying for essential services to help lift people out of poverty. Last financial year a massive \$47 billion flowed from Australia to secrecy jurisdictions.'

An internal Australian Tax Office memo obtained under Freedom of Information and reported by Heath Aston in *The Age* in April 2015 said 10 companies had channelled a combined total of \$31.4 billion from Australia to Singapore in the 2011–2012 financial year.

An energy company operating in Australia transferred more than \$11 billion to the low-tax jurisdiction of Singapore in that year. In the same year an estimated \$60 billion in so-called 'related party' transactions went from Australia to tax havens. Energy companies have established 'marketing hubs' in Singapore, but their principal purpose appears to be as a destination to shift profits in order to pay less tax.

BHP and Rio Tinto reported \$2.6 billion a year in profits in their Singapore marketing hubs, where tax rates are as low as 2.5 per cent. These arrangements save the two companies more than \$750 million a year in Australian tax.

In 2005 the Singapore government registered a new company called BHP Billiton AG Singapore Branch, and granted it Pioneer Service Company status, meaning it pays no income tax at all till 2020. Rio Tinto set up a string of Singapore companies in 2007, which were given Development and Expansion Incentive status by the Singapore Government, meaning they would only pay 5 per cent tax until 2022.

It is deeply ironic that this blatant tax avoidance was going on at the very time the mining industry was spending over \$20 million – Minerals Council of Australia \$17 million, BHP Billiton \$4 million, Rio Tinto over half a million – on advertising campaigning against Labor's Resources Super Profits Tax and making claims about how much tax they paid! Their desire to avoid the mining tax has encouraged them to donate very substantial sums to the Liberal Party's Cormack Foundation – \$967,000 since 2010 from BHP, and \$551,000 from Rio Tinto.

Large multinational companies have also used other devices to avoid Australian tax. Chevron Oil has been raising debt in the US at 2 per cent and lending the money to their Australian arm at 9 per cent with the interest payments cutting its Australian taxable income. US tech giant Apple has an Irish marketing arm, Apple Sales International, which takes ownership of Apple products manufactured in China while they are on the boat to Australia and Europe, adds a huge mark-up and resells them to local Apple retailers before they reach port. It is a rort and we shouldn't allow it.

(end of part 1)

from our readers



Dear Editor

Hunters are responsible for the barbaric killing of thousands of animals in Africa. It's time to ban trophy imports and put an end to this perverse 'sport'.

In July a US hunter killed Cecil, Zimbabwe's iconic black-maned lion. Two helpers used bait to lure him from the safety of Hwange National Park. The hunter initially shot Cecil with a bow and arrow. The lion then suffered for over 40 hours before the hunter succeeded in killing him. The carcass was found skinned and headless and the hunters had unsuccessfully tried to destroy Cecil's GPS collar. The hunter paid \$55,000 to shoot the lion. His helpers have since been arrested and authorities want to question the hunter.

The African lion is classed as vulnerable and its population has plummeted to about 32,000 – a drop of 42 per cent over the past 21 years. Their situation is especially dire in West Africa. Lions suffer from dwindling habitat, a lack of prey and indiscriminate killing by ranchers seeking to protect livestock. Others are killed in cruel 'canned hunting' actions, a repulsive spectacle in which lions are bred for the sole purpose of being killed by rich tourists.

Cecil was a popular tourist attraction in Zimbabwe. Wildlife tourism is an important economic benefit to African countries, so protecting and leaving lions and other wild animals to roam free is the best, most humane and most sustainable way for these nations to gain valuable revenue and this also conserves precious wildlife and their habitats.

The US and EU indirectly aid trophy hunting by allowing the import of animal parts from many endangered species. Every year hunters import around 200 lion trophies to Europe and about 300 to the United States. Australia banned trophy-hunting imports earlier this year. Call on US President Barack Obama and the European Commission to prohibit the import of trophies of all vulnerable and endangered species, without exception. Let's end trophy hunting now!

Steven Katsineris, Vic

Congratulations again for being spot on to the current issues of the day!

Keep up the good work.

T & A McDonald, NSW

Many thanks for your great newsletter!

J Nagle, NSW

Douglas Harold – a long-time supporter of the *Beacon* passed away recently.

K Wilcox, Qld

Dear Editor

Please find enclosed a cheque to pay for a further year's subscription and a small donation.

It is an excellent publication.

Warmest regards

M Steilberg, NSW

Hello Marion

Sorry for delay in paying. Have made direct deposit for three years, which I think would cover last year, this year and next year! The *Beacon* is always a thought-provoking read and has prompted me on quite a few occasions to write a letter or an email to a politician or organisation asking them to see sense and to keep them aware that thoughtful people are out there to remind them of what is really important.

Best wishes

R Henry, Vic

NEW Unitarian E-Newsletter

The Melbourne Unitarian Church has decided to move into the digital world by launching an **E-Newsletter** every two to three months that will bring you up-to-date information and comment from home and around the world. If you would like to be part of our exciting E-Newsletter, please send an email to us at admin@melbourneunitarian.org.au and we will add you to our growing database. If, on receipt or at any point you decide you no longer wish to receive the newsletter, you can easily unsubscribe.

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