



ON TARGET

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The price of Freedom is eternal vigilance—

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Thought for the Week: "The French Revolution did not arise merely out of conditions or ideas peculiar to the eighteenth century, nor the Bolshevik Revolution out of political and social conditions in Russia or the teaching of Karl Marx. Both these explosions were produced by forces which, making use of popular suffering and discontent, had long been gathering strength for an onslaught not only on Christianity, but on all social and moral order."

- Mrs. Nesta Webster, in "Secret Societies & Subversive Movements" (1924).

ATTEMPT TO SMEAR LEAGUE EXHIBITION: League history was made when on Wednesday, March 23rd, Mr. Eric Butler opened a League exhibition at the Adelaide Constitutional Museum. The exhibition consists of 15 panels, each one dealing with some aspect of the League's history, starting with the formation of the League in Adelaide in 1946, and League activities. A large attendance, including Members of the South Australian Parliament, was present to hear Mr. Butler provide a capsule picture of the League's history. Later Mr. Jeremy Lee gave a brief commentary on each of the panels. The whole event has been video taped and later will be available as a major piece of League history.

Sections of the media, including both the morning paper, "The Advertiser" and the evening "News" carried reports of attacks on the exhibition by local Zionist spokesmen and apologists. Radio and TV programmes carried attacks, some critics even demanding that the State Government step in and stop the exhibition. As the Communist Party, the homosexuals and other similar groups have had exhibitions without the type of attacks directed against the League of Rights, many are asking why the League has been singled out. The media featured only one of the fifteen panels of display material, that concerning the literature made available by the League concerning the propaganda claiming that 6 million Jews were gassed during the Second World War. As Mr. Butler pointed out to the media critic, this propaganda has been sustained to mask the savage policies of

the Israel Zionists, to attempt to keep the rank and file of the Jews in a state of tension, and to induce a guilt complex in Christians,

CONSTITUTIONAL AUTHORITY WARNS ON HIGH COURT DECISION: One of Australia's most distinguished jurists, a man with an international reputation, Dr. Walter Henderson of Adelaide, has recently made available the following opinion concerning the High Court's decision last year that the Federal Government can use its External Powers to enter into international agreements and conventions which can then be used to legislate at the expense of the States:

THE HIGH COURT OF AUSTRALIA

Gibbs C.J.

Stephen, Mason, Murphy, Aitkin, Wilson and Brennan J.J.

Koowarta.....Plaintiff

Bjelke-Petersen and Others.....Defendants

And

The Commonwealth of Australia v. The State of Queensland.

"This is a case decided by the High Court of Australia on May 11, 1982, in which every Australian citizen who is concerned with the preservation of the present federal method of government of country should have a practical interest. It turned on the question of whether or not the Racial Discrimination Act of the Commonwealth Parliament was within the power of that Parliament or whether it was within the powers of the States. Four of the judges led by Stephen J. decided that it was within Commonwealth powers, and three of the judges led by the Chief Justice decided that the subject matter of the Statute was within State power.

"I propose in this paper to set out and criticise the judgement of Stephen J. who has since left the High Court to become, as Sir Ninian Stephen, the Governor-General of Australia.

"The case arose in this way. An aborigine in Queensland took legal proceedings against the Premier of Queensland pleading the latter was acting contrary to the Racial Discrimination Act of the Commonwealth in denying him, as an aborigine, a certain right to take an interest in land. The Commonwealth Government intervened in the case, which then became the Commonwealth against the State of Queensland.

"The gist of the case turned on the content of the expression, 'External Affairs', in the Commonwealth Constitution, the Commonwealth Parliament being given the power to legislate on 'External Affairs'. I shall examine the judgement of Stephen J.

"The kernel of the case presented by Stephen J. in the Racial Discrimination case is that when the U.N. deliberated on a matter it ipso facto becomes a subject within the External Affairs powers of the Constitution of the Commonwealth, and thus may be legislated on by the

Commonwealth Parliament with certainty that it will not be ultra vires. He buttressed his argument by reference to a number of writers on international law. He says: 'This growth reflects the new global concern for human rights and the international acknowledgement of the need for universally recognised norms of conduct'. "Such a course of reasoning would lead him to accept as qualifying for entry into our 'External Affairs' the International Covenants on Human Rights which include an International Covenant on Economic, Social and Cultural Rights. All these would be particularised and not lost in a general expression. Nearly all the matters set out in this Covenant are at present within the powers of the States. The view of Stephen J. is that, included in 'External Affairs' a Commonwealth Statute in respect of any one of more of them would over-ride State legislation. This, of course, would lead to the demise of the States and transform Australia from a federal system into a unitary system. And this would be done legally and quietly.

"The faith of Stephen J. in the 'global concern' for human rights is not supported by facts. The countries of the Communist world and the African countries have no such concern. The Communist countries by reason of the mental perversion that afflicts them. The African countries by the fact that the last thing they want is to be having any respect for human rights. Also, none of such countries have judiciaries capable of enforcing the provisions of such Covenants. I have a list of the member countries of the U.N. up to the end of 1980, with the inclusion of Zimbabwe. There are 151 (one hundred and fifty one) of them. Of these, only a dozen are Rule of Law countries with judiciaries independent of the Executive. So the adoption and ratification of these U.N. Human Rights Covenants would result in nothing else than an hilarious international paper chase.

"There is an extremely objectionable clause in the International Covenant on Civil and Cultural Rights and that is that countries accepting it have a duty to spy on other countries that are not carrying out its provisions and to report the results of that spying to the U.N. It is likely that African countries would prefer to spy on countries, their neighbours, who are carrying out their undertakings.

"There is a peculiarly insolent provision in the International Covenant in Civil and Political Rights. It is Article 50 which says: 'The provisions of the present Covenant shall extend to all parts of federal states without any limitations or exceptions.' One supposes that the academic bureaucrats of the U.N. are so used to seeing governments grovel before them that they can say whatever they wish to say.

"Stephen J. appears to have arrived at the opinion he did by permitting his indwelling personal views of what has been called

immanent justice to come before the strict requirements of the positive law. This is a besetting sin that often awaits judges to trip them up. But what is disturbing in this racial discrimination case is that he induced three other judges to follow him. The High Court is obedient to its own decisions and will be obliged to accept the view that the Commonwealth Constitution can be amended in a manner not provided for in the Constitution itself.

BRIEF COMMENTS: Former Australian Test cricket captain, Mr. Richie Benaud, has opposed sending a young Australian cricket team to Zimbabwe, drawing attention to the deteriorating security situation, with white farmers being murdered, and escalating tribal tensions. The tour is going ahead, primarily because of assurances from Australia's diplomatic representatives in Zimbabwe. Mr. Benaud claims that young Australian cricketers are being put at risk to further Australia's diplomacy concerning the "Third World". Writing in "The Herald", Melbourne, of March 22nd, Mr. Benaud asked, "Why on earth should they (young Australian cricketeers) be condemned to undertake the tour to a strike-torn country just because it happens to be a good thing to do - and that to decline the tour would upset the Zimbabwean Government?"

The Hawke Government has, like the Fraser Government, urged that the tour go ahead. We sincerely hope that Australia's young cricketers return safely.

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Addressing a series of post-election meetings, Mr. Eric Butler has been predicting that Mr. Hawke's long term strategy is, if possible, to stage an early election next year, using a double dissolution not merely to consolidate his position for a further three years, but also to gain control of the Senate. Mr. Butler's predictions have now been supported by Canberra reports that Mr. Hawke will stage an election for the House of Representatives at the same time as the required Senate elections.

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