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The price of Freedom is eternal vigilance -

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THOUGHT FOR THE WEEK: "The days of individualism have ended, for the time being at any rate. Everywhere, to a greater or lesser degree, the collectivist state is triumphant. There are, it is clear, many possible forms of collectivism, but they all use certain clearly recognisable techniques to develop their policies. We are all aware which way the tide is running. How far do we wish it to run? Do we wish to batter down the few remaining barriers between the executive and the citizen? Are we really satisfied that official policy is necessarily a satisfactory substitute for private right?"

– Professor (late Judge) G.W. Keeton in an essay, "The Twilight of the Common Law", 1949

KENNETT GOVERNMENT TIGHTEN TOTALITARIAN CHAINS by Eric D. Butler:

The mere fact that Victorian Premier Kennett was even considered as a possible replacement for Andrew Peacock in the Federal Parliament, allegedly a man with the type of leadership qualities the Federal Liberal Party requires to gain office, reflects on the state of philosophic decay in the present-day Liberal Party. One of the few remaining protections of the rights of the individual is when there is a division of political power. The Keating Government at Canberra has been able to get away with "blue murder" because of the parlous state of the Federal Opposition. But the Victorian Coalition Government has taken a number of steps to tighten the totalitarian chains. These steps have only been possible because the Liberal and National Parties have a complete monopoly of power in both the Legislative Assembly and the Legislative Council.

The Liberal Party could, at present, govern in its own right without the National Party. But if current public opinion polls are an indication that electoral support has slumped, then the Liberals could be hard pushed to win the next State Elections on their own.

Rural Victoria has suffered the most under the draconian policies such as the sweeping away of effective Local Government, but to date the National Party, in spite of some signs of grassroots revolt, remains in the Coalition. The temptations of power have proved too great.

The controversy concerning the running of the Grand Prix motor race at Albert Park, in Metropolitan Melbourne, has highlighted just how far Premier Kennett and his friends are prepared to go to serve the interests of powerful friends. Whether or not the staging of a Grand Prix will provide substantial financial benefits to the State of Victoria is not the major issue; the question is whether those who live in the Albert Lake area, and the numerous sporting and other groups which make use of the area, are opposed to the area being used to stage the Grand Prix. The fact that a number of well known Socialist activists have latched on to the Grand Prix protest movement, and that the Victorian Labor Opposition is attempting to make capital out of the affair, must not be allowed to obscure the fact that there is a genuine local protest movement. There is little doubt that the Grand Prix could be staged at alternative venues in Victoria.

In order to overcome all objection to the Albert Park venue, the Kennett Government has used its monopoly of political power to force through the Victorian Parliament a "Grand Prix Bill" which makes it possible for those staging this event to operate outside current planning and environmental guidelines. People affected by the event cannot appeal to the courts. Nor can they use the provisions of the Freedom of Information legislation. A number of prominent lawyers have said that the effect of the legislation is to deny people affected by the Grand Prix the right to appeal to the Victorian Supreme Court. A senior barrister is quoted by *The Sunday Age* as saying that what appeared to be a shortsighted political tactic would do long term damage to the community. "The judiciary is an arm of government: it is there to rule on the rights and wrongs of claims, and you just can't cut it off. By our reckoning up to a quarter of the Government's legislation, is limited in this way, and it is a nonsense to suggest that the other side did it too. This is far more restrictive, and citizens will have no one and nowhere to turn if they have a grievance. This is despotism."

As a number of eminent constitutional authorities have pointed out, all modern governments have contributed to the whittling away of the Common Law rights of the individuals. The Kennett Government is making its own distinctive contribution to the establishment of what has been termed "The Now Despotism".

THE PRESS CONTINUES TO DIG FOR "DIRT" by David Thompson:

Following the "revelation" – one month after it was noted in *On Target* – that Mr. Downer had addressed a League Seminar in South Australia in 1987, and the political witchhunt that followed, the press have been ferreting away in search of any further links between the League and the Liberal Party. This provides fertile ground, of course, since the League has had many contacts with all political parties over almost half a century. The League's contacts with the Liberal Party will be placed in their proper historical context by Mr. Eric Butler at this year's National Weekend.

The latest attempt to undermine Downer is another "revelation"; that Senator Nick Minchin, Downer's Parliamentary Secretary, addressed an organisation "with links to the League of Rights"

last weekend. While the press is not burdened with a reputation for strict accuracy, this is drawing a rather long bow, even by their standards. Senator Minchin addressed The Australian Freedom Foundation, which has **no connection with the League**. A spokesman for this conservative Christian group **has attended** the occasional League meeting or Seminar in the past, however, and any tenuous, casual link is sufficient for guilt to be established. According to reports, the Jewish leaders, Isi Liebler and Michael Danby, have condemned Senator Minchin, as ritual dictates.

If Liberal Party Members of Parliament are to be forbidden from addressing any group that has such tenuous "links with the League", then their appointment books will begin to empty. Hundreds of thousands of Australians from all sorts of groups and backgrounds have attended League meetings, and many have addressed meetings organised by League supporters. We recall with interest that Mr. Liebler has expressed his determination on radio earlier this month, to "hound the League of Rights" out of Australian politics. As the press continues to dig for political "dirt" on Mr. Downer, it becomes increasingly clear that Mr. Liebler has set himself a formidable task.

RACIAL VILIFICATION LEGISLATION AIMED AT LEAGUE:

While the National Party is reported to have softened its stand against the proposed racial vilification legislation in order to avoid potential conflict with "moderate" Liberal M.P's., elements in the A.L.P. are urging an immediate introduction of a bill. Following the second day of abuse in the Parliament over Downer's League address, the Member for Melbourne Ports, Mr. Holding, proposed a Matter of Public Importance to the House, which read:

"The urgent need for the Government to promote racial harmony by strengthening the Racial Discrimination Act to confront racial and other hatreds and the need for Members to reject the insidious influence of the League of Rights on Australian public life as demonstrated by the current controversy surrounding the League." The motion was agreed to by the Parliament. Despite warnings that the same type of legislation has **failed overseas**, and despite advice from a visiting American that such legislation would be quite **unconstitutional** in the United States, Australia's legislators seem determined to introduce racial vilification legislation. We note, for the record, that the Member for Melbourne Ports has an influential Zionist lobby in his constituency.

"REVOLUTIONARY" UNITED NATIONS INFLUENCE by David Thompson:

In an important address in Sydney last week former Governor-General Sir Ninian Stephen issued a strong warning about the effect of United Nations treaties and conventions. Speaking at the ninth Sir Earl Page Memorial Lecture, on Thursday, September 15th, Sir Ninian said that the extraordinary rise in U.N. treaties had been accompanied by an **unprecedented extension** of the Commonwealth's legislative power.

Sir Ninian, also a former High Court Judge, said all national governments were increasingly expected to implement a plethora of U.N. treaties and charters, with unexpected results. (Like the condemnation of the Tasmanian homosexual laws?) He called the process in Australia nothing

short of "revolutionary", and unique in extending the power of central governments at the expense of States. He is reported by *The Australian* (16/9/94) as saying:

"What all this means is that national governments worldwide are increasingly experiencing diminished sovereignty, diminished power to legislate as they see fit and increased obligations to conform to criteria and benchmarks imposed by international agencies"

There is no report that Sir Ninian recalls his own part in this process, that he now appears to condemn. As a High Court Judge between 1972 and 1982, Sir Ninian sat on some of the crucial cases that opened the floodgates to U.N. treaties. The most critical in which he was personally involved was the "Koowarta vs Bjelke-Petersen" case in May, 1982. This tested the Racial Discrimination Act 1975, which was **based on United Nations conventions**. Sir Ninian was no longer serving on the Court when the Tasmanian Dams case was decided in 1984, but **he cannot have been unaware of the consequences**.

Only now that the **effects** of the U.N.-inspired regulations on the powers of the States, and the balance of federation are becoming clear, are the first signs of alarm beginning to sound. The League was warning about this a decade ago, and was dismissed as "extreme", and paranoid about "conspiracies", etc. The critical question now, is how is the process to be reversed, so that Australian sovereignty can be recovered, the powers of the States restored, and political power progressively decentralised. It appears that since political parties cannot be trusted to support this process, a mechanism like initiative and referendum is required. Sir Ninian's warning, belated though it may be, should be welcomed, and Members of Parliaments asked to comment.

CENSURING THE CANBERRA "RAT-PACK":

The presenter of the ABC's P.M. Programme, Monica Attard, has accused political journalism in Australia of a "pack" mentality, which is "biased and dangerous". Speaking after winning the ABC's gold "Walkley" award, Attard, who has recently returned from Moscow where she spent four years, said the bias had its foundation in an arrogant assumption among mainstream journalists, "that Labor is going to stay (indefinitely) in power". She said that the Canberra pack mentality resulted in poor and unfair coverage of the Liberal Party. "We might begin asking whether the tried and true methods are making of us judges and executioners of individual politicians, rather than being **reporters**, chronicling events around us, asking questions and **reporting the answers...**"

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