

# 35 years since Sydney's Hilton Hotel bombing

## — the unanswered questions

*By Mike Head (originally published on 13 February 2008), reprinted with permission*

Thirty-five years ago, at 12.40am on 13 February 1978, a bomb exploded in a garbage bin outside Sydney's Hilton Hotel, the venue for the Commonwealth Heads of Government Regional Meeting (CHOGRM), a gathering of government leaders from former British colonies.

The blast killed two garbage collectors, Alex Carter and William Favell, and a police officer, Paul Birmistriw.

Backed by the media, Prime Minister Malcolm Fraser and New South Wales Premier Neville Wran ordered the military onto urban streets for the first time in Australia, claiming that a new era of terrorism had arrived.

Without any clear legal or constitutional authorisation, the federal Liberal government and the state Labor government deployed some 1,500 armed troops, with armoured personnel carriers and helicopters, along a major highway on Sydney's outskirts and in the nearby town of Bowral, the site of a scheduled CHOGRM leaders' summit

The *Sydney Morning Herald* declared: "Australia this week had a new and shocking experience. It was our first full taste of Twentieth Century terrorism."

Over the following 18 months, Fraser's right-wing government, with Labor's support, used the Hilton bombing as the pretext to carry through a far-reaching expansion in the powers and resources of the police and security apparatus.

The changes included vast surveillance powers for the Australian Security Intelligence Organisation (ASIO), the formation of the Australian Federal Police (AFP), the creation of para-military units in state police forces and domestic Special Air Service (SAS) units in the Australian Defence Forces (ADF) and the establishment of Crisis Policy Centres to take control over parts of the country in times of alleged emergency.

Yet, the question of who carried out the Hilton bombing remains unresolved to this day.

Twice, the police and spy agencies framed-up and jailed people accused of involvement in the explosion, only to have those frame-ups fall apart. Then came a

series of judicial and political cover-ups designed to prevent any serious probing of the Hilton affair.

A careful review of the evidence, the unanswered questions and the political background points to the crime having been committed by the security agencies themselves.

## **The explosion**

Many issues are raised by the Hilton blast itself and the police and intelligence operations surrounding it. An overflowing rubbish bin containing some form of explosive material blew up when the bin was thrown into a Sydney City Council garbage compactor truck. The explosion scattered pieces of the truck for 30 to 40 metres and killed the two council workers, Favell and Carter, instantly.

Officially, nothing is even known about the bomb's materials or how they were detonated. According to the police, no explosive residue could be detected. "All the tests were unsuccessful," Detective-Sergeant Gibson told an international forensic science conference a year later.

There is evidence that whoever planted the explosives in the bin intended them to be found before they were detonated. Two anonymous warning calls were made to the media just before the blast. One to the *Sydney Morning Herald* said:

*"You'll be interested in what the police are going to be doing down at the Hilton soon,"* followed by a garbled reference to a bomb.

At 12.40 am, a man rang the Sydney police CIB headquarters and said:

*"Listen carefully. There is a bomb in a rubbish bin outside the Hilton Hotel in George Street."* The duty sergeant then heard the explosion.

In the lead-up to the blast, police and security officials inexplicably prevented council garbage trucks from emptying the bin. It appears that Favell and Carter arrived ahead of schedule, just after 12.30am, and proceeded to pick up the bin before the police could intervene.

Other unanswered questions include:

- Why did the agencies responsible for CHOGRM security – ASIO, the Commonwealth Police, the ADF and the NSW state police – fail to detect the explosive material earlier?
- Why were established security protocols, which require the searching of rubbish bins, breached?

- Why were military sniffer dogs, whose services had previously been requested, not used?

These breaches of elementary security cannot be explained credibly as a product of police and intelligence service incompetence. The most plausible explanation is that the explosive materials were placed in the bin by, or with the connivance of, security officials, with the intention of having the explosives discovered by the police or ASIO in the midst of the CHOGRM conference. Such a discovery could have been used to claim a police “success”, while creating a terrorist scare to justify the build-up of the police-military apparatus.

### **Frame-ups and cover-ups**

After the bombing, the authorities and the media immediately blamed Ananda Marga, a religious sect opposed to the government of Indian Prime Minister Morarji Desai, who attended the CHOGRM summit. During 1977, members of the sect had been accused of several acts of violence in Australia directed against the Indian government.

ASIO claimed to have no forewarning of the Hilton bomb. Yet, an intensive surveillance and infiltration operation had been mounted against Ananda Marga prior to the bombing, orchestrated from the highest levels.

Federal cabinet papers for 1977, released on January 1 2008, reveal that Fraser’s cabinet had discussed banning Ananda Marga, and was told the organisation was under close monitoring by ASIO and the state police Special Branches. The sect’s phones were tapped, its offices bugged, its mail intercepted and its members spied upon.

Four months after the bombing, a police agent named Richard Seary, who had joined the Ananda Marga, convinced three members of the sect, Tim Anderson, Paul Alister and Ross Dunn, to accompany him to paint graffiti on the home of the extreme right-wing National Front leader Robert Cameron. Unknown to the trio, Seary had planted explosives in the car. The three were arrested on the way to Cameron’s house and charged with conspiracy to murder.

Seary also claimed that, while in the car on the way to Cameron’s house, the trio had boasted of the Hilton bombing. Anderson, Alister and Dunn were convicted in the NSW Supreme Court, with the media widely depicting their jailing for 16 years as punishment for the Hilton blast.

In 1982, a coronial inquest into the Hilton deaths was shut down after Seary testified once more. His evidence was used to lay murder charges against the trio (requiring the coroner to terminate the inquest), even though the police knew that

Alister had not been in Sydney at the time of the bombing. All the charges were dropped two years later, but the inquest was never re-opened.

After a seven-year public campaign, Anderson, Alister and Dunn were finally pardoned in May 1985 and awarded compensation for false imprisonment. A judicial inquiry headed by Justice James Wood ruled that Seary had lied on at least 50 occasions. Wood described Seary as “a person of considerable intelligence and imagination who craved recognition and status and who was willing to exaggerate, bend the truth and lie in appropriate circumstances.” Yet, the judge made no findings against the police.

Four years later, in 1989, the NSW police mounted another frame-up of Anderson, arresting him for the Hilton blast. This time the two key police witnesses were a prison informer, Raymond Denning, who claimed that Anderson had admitted the bombing while in jail, and an ex-Ananda Marga member, Evan Pederick, who testified that Anderson had instructed him to plant the explosives in the garbage bin.

### **False confessions proved by prison records**

When Anderson was convicted by a Supreme Court jury in October 1990, the *Sydney Morning Herald* ran the headline “Guilty: the Hilton bomber” and the newspaper declared the bombing to be “finally solved”. Anderson was sentenced to 14 years jail on three counts of murder.

Eight months later, however, in June 1991, Anderson was released after the NSW Court of Criminal Appeal found obvious flaws in the evidence. Prison records showed that Denning and Anderson were not even in the same prison on one of the days Denning claimed Anderson had confessed to him.

As for Pederick, he and the police advanced three different versions of his story, all related to Desai’s arrival and departure times from the Hilton. An examination of the movement times demolished each version, with the appellate court describing one as “hopeless”.

The sole person remaining in jail was Pederick, who was convicted of murder in 1989 after the Director of Public Prosecutions rejected his application for immunity in return for giving evidence against Anderson. After Anderson’s acquittal, Pederick unsuccessfully appealed against his own conviction. He remained in jail for about eight years.

Despite the collapse of two police frame-ups, the state Liberal and federal Labor governments effectively blocked demands for an official inquiry into the Hilton affair. In October 1991, the Hawke government’s attorney-general Michael Duffy refused

to answer a series of questions from independent MP Ted Mack about ASIO's role in the bombing and told federal parliament that any inquiry would have to be a state matter. Two months later, the NSW parliament passed a resolution calling for a joint federal-state inquiry but the motion meant little, given the federal Labor government's insistence on burying the issue.

## **Who benefited?**

The Hilton bombing occurred in a period of ongoing social and political turmoil, following the "Canberra Coup" of November 1975, when Governor-General Sir John Kerr invoked the prerogative powers of the monarchy to dismiss the elected Labor government of Gough Whitlam.

In 1976, the trade unions were forced to call Australia's first-ever general strike, a one-day stoppage against the Fraser government's dismantling of the Medibank health scheme. Throughout 1977, opinion polls indicated that the Fraser government faced defeat. Although the government was reelected at the end of that year, it remained extremely concerned about the depth of opposition to its policies.

The bombing became a vehicle for the government to implement a sweeping build-up of the police-intelligence apparatus, the basis for which had been laid by the Whitlam government.

Facing hostility in the labour movement over the openly right-wing activities of ASIO and the police Special Branches, Whitlam had commissioned a royal commission headed by Justice Robert Hope. In a series of reports, ultimately published in 1977, Hope essentially proposed legalising most of ASIO's legally dubious phone-tapping and other surveillance operations, while recommending that the intelligence agencies focus their work more on socialist organisations rather than Labor Party and trade union figures, who posed no real threat to the political establishment.

In the meantime, however, Whitlam's government had been removed and the dismissal fuelled further concerns about the role of the security services. In November 1977, Premier Don Dunstan's Labor government in South Australia commissioned an inquiry by Justice White, which reported that the state's police Special Branch, with the assistance of ASIO, maintained files on 40,000 people, including Labor MPs, union members, civil libertarians and peace protestors.

Just four days before the Hilton bombing, NSW Premier Wran was forced to announce an inquiry into the links between ASIO and the NSW Special Branch. As a result of the bombing, Wran dropped the inquiry.

Three weeks after the explosion, an ASIO Bill was introduced into federal parliament. As proposed by Hope, the legislation authorised ASIO to intercept mail

and telecommunications, use bugging devices, and carry out searches and seizures. Disclosure of the identity of ASIO agents became a criminal offence.

Within two months of the bombing, former British police chief Sir Robert Mark completed a report to the Fraser government calling for the establishment of the Australian Federal Police and the creation of police para-military units.

These measures, the greatest expansion of the powers and resources of the police-intelligence apparatus since World War II, helped lay the foundations for the even more draconian police-state provisions introduced since 2001 on the pretext of combating terrorism.

The coming to power of the Rudd Labor government will in no way alter this agenda. Just like his predecessors, Rudd has signalled his determination to protect and legitimise the powers of the security agencies, vowing to maintain all of the Howard government's "anti-terrorism" laws. (*The Gillard government has continued exactly the same approach - ed.*)

The questions left by the Hilton affair, and the subsequent cover-up by the last federal Labor government, underscore the necessity of opposing the deep assault on civil liberties and basic democratic rights being carried out in the name of the fraudulent "war on terror".

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