

The law does not always mete justice

By Bill Rowlings*

The problem with the law in Australia is that it frequently is not accompanied by justice.

Take the Tax Office, one of the biggest bullies on the public service block.

*The author speaking at the
2 July 2020 rally.*



An honest man, Richard Boyle of Adelaide, should be an heroic figure for standing up for the little guy, not facing tens of years in jail for blowing the whistle on how the ATO was ruining small businesses and targeting lots of little guys.

There's lots wrong in our armed forces – from misuse of Army Regulations to abuse of women and of people mentally at risk...that's why both serving and veteran suicides have been on the rise.

Lawyer David McBride has done the nation a service by exposing a system which he says is rotten from the inside – and corrupted from above – that, at its worst, appears to reward alleged criminals with gallantry medals.

And then there's the Timor Sea oil and gas negotiations. Australia was totally, completely, in the wrong...

Not you, not me...but those doing crooked, corrupted business in our name, like the Attorney-General's Department and the Department of Foreign Affairs and Trade, and their spies and negotiators, and the politicians who played fast and loose with fair play and truth, in actions totally un-Australian.

Rewards for bastardry

These are the REAL wrongdoers, who went on to get public and private rewards for bastardry, won high positions in diplomatic and other service, and earned big bucks in financial rewards for perching on boards, nodding and winking to propriety.

But, instead of charging the guilty, the Crown – once again, as in the Boyle and McBride cases – wants to cover up its guilt by using the secret trials of Witness K and Bernard Collaery, the only people of demonstrated consistent integrity in this sorry affair.

There's one man who could – and should – stop all these show trials. Christian Porter, Attorney-Generallissimo. The man with the next Prime Minister's baton in his knapsack.

If Porter was true to the best principles of the First Law Officer of Australia, the charges against K and Collaery would never have gone ahead. His predecessor, George Brandis, refused to endorse charging them, and refused to let the Commonwealth Director of Public Prosecutions act.

If Porter was true to his word, he would have already delivered a national integrity commission with teeth, one of the cornerstones of restoring trust in the future political

process in Australia. But Porter has difficulty defining integrity. He's not used to seeing examples of it, and I can discern no examples that he – personally – has set.

All the AG has to do is end this charade of secret show trials of K and Collaery.

He authorised these charges to proceed. He can just as easily see the light of truth and justice, and withdraw his support for these unconscionable prosecutions.

Come on Mr Porter, if you want to be prime minister of Australia, prove that you can be a statesmen as the nation's top law officer. If the High Court of Australia can clean out its stables, surely you can do the same with these putrid prosecutions of K and Collaery.

ENDS

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Scapegoating: where show trials meet swindling snakes

*By Sister Susan Connelly***

Here we are this morning, witnesses to the most ancient institution known to humanity. Witness K is involved in it too, and so is his lawyer, Bernard Collaery. The government is involved, the Attorney-General, the Director of Public Prosecutions, the defence team: we're all part of it.

Sister Connelly speaking at the rally.



It is the institution, the process, or the mechanism that pre-dates culture, pre-dates religion, pre-dates any other human social activity. It is so old that it was there at the birth of symbolism, the means by which one thing stands for another.

And from the ability to symbolise, early humans began to invent language. So this mechanism came into being before language, and indeed, was one of its drivers.

The process, the mechanism, the institution that I am talking about is scapegoating.

It occurs everywhere in the world and has done so since humanity first started to emerge. It is in all our ancient literature. The one we're are probably most familiar with is the story where he says, "No, it wasn't me; it was her!" And then she says, "No, it wasn't me, it was that wretched snake!" It's the blame game.

Scapegoating is the default human position when a crisis occurs.

What was the crisis that precipitated the seemingly endless trial of "Witness K"? The crisis occurred before this man's act of integrity, this man's truth-telling. The crisis was that the government of a rich middle-power sought to swindle an impoverished neighbouring nation by spying.

It was a crisis of morality, where the rich slug the poor to become richer. It was a crisis of law, because while spying is allowed, it is regulated by the principles of necessity and propriety. And this act of espionage was neither necessary nor proper. It was a

crisis of values – where all the pompous talk of fairness, the fair go, championing the battler and the under-dog – was prostituted to greed, deceit and grovelling to commerce.

Looking for someone to blame

When a crisis occurs, humans look for someone to blame. The scapegoating mechanism dictates that it is the dominant group which decides who is guilty.

So the government that spied, swindled, lied (and no doubt laughed) has not owned up to the collapse of values and principles. No, the scenario is twisted so that a story is concocted which entraps the scapegoat. He or she is accused of a crime

In this case, Witness K, is projected as blameworthy, as the cause of the crisis. In his journey to the Land of Oz he pulls back the curtain to reveal a pathetic, greedy, lever-pulling swindler. But the curtain is quickly replaced, and all the machinery of scapegoating is set in motion.

The scapegoat is always someone weaker, with less resources, someone already on the back foot, someone unable to retaliate. Here, an employee of the government, lacking even the most basic support which is the right of workers, is flung back on his own resources to get a lawyer.

He is bound by the necessary laws of secrecy about his identity and operations, which he diligently observes as a patriot should. Against him and his lawyer is then arraigned all the resources of the Commonwealth, the unstinting expenditure of taxpayers' money – over \$2 million so far.

So, played out before the eyes of an increasingly appalled Australian population, is the age-old mechanism of scapegoating. A crisis, a crime, and the blame of the fall-guy who meets the criteria of vulnerability in the face of the dominant group.

The hopeful aspect of all this is that we can see through it. Our ancient forebears could not, and for countless millennia built their civilisations on this very process.

But something happened between 3000 and 2000 years ago, a mere drop in the bucket of time compared to the aeons where we practised scapegoating till it was part of our bones. What happened was the extraordinary insights in the Jewish scriptures, first, and then the Gospels. Apart from the spiritual side of these writings, they achieved an intellectual breakthrough which we are only beginning to understand.

That breakthrough is the realisation that the scapegoat, the victim of the dominant group, is innocent. The scapegoat is not responsible for the crisis. It's all fake. It's a cover-up, to protect vested interests: in this case, government officials in thrall to big business.

Timor spying may hide deeper treacheries

I somehow suspect that the spying on Timor in 2004 is not the only act that government and DFAT wish to keep under wraps. There could be far more, with this secrecy serving to conceal any number of officials as greedy, compromised and inept as the people responsible for the debacle that was the spying on the unsuspecting and trusting Timor-Leste.

Our task is a formidable one. Whilst we can now see what's going on, we are still liable to act out of the scapegoating mindset. We must stand on the side of the scapegoat, for the simple reason that he is innocent.

But the temptation will be to become scapegoaters ourselves. We can so easily become hunters of the hunters. And then the cycle continues, endlessly, remorselessly, stupidly. We cannot afford to do that.

We must oppose the undue secrecy, the dreadful delays, the use of terrorism legislation as a scapegoating tool. We must oppose the use of law to conceal government wrong-doing. We must call out the guilty.

But we must do it without revenge or retaliation. And that is where each of us must look to our own motivation.

In this way we stand with the victim and we refuse to be part of the charade that is this disgraceful episode in Australian history.

ENDS

** Sister Susan Connelly is a an Australian Catholic religious sister who gave this address on 22 July 2020 to a protest rally outside the Canberra Law Courts. She speaks in public on her own behalf, and not in the name of the nation or her church. She is a long-term advocate for the rights of the people of Timor Leste, where she lived and worked for many years. She blogs at: www.justly.info