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Eureka Street is published fortnightly online, a minimum of 24 times per year by Eureka Street Magazine Pty Ltd

Requests for permission to reprint material from the website and this edition should be addressed to the Editor.

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Responsibility for editorial content is accepted by the publisher.

Unsolicited manuscripts will not be returned.

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Punk's holy fools still putting it to Putin

REVIEWS

Barry Gittins and Jen Vuk

Words Will Break Cement: The Passion of Pussy Riot, by Masha Gessen.
[Granta Books](#) , February 2014

Barry:

Bleak Russian winters of oppression and abused power have historically been lightened by the tradition of the holy fool — the barefoot, soulful wanderers who serve as signposts to injustice, as well as reminders that we all pursue grace while enduring village idiocies that reek of human cruelty.

From that same soil, Russian journalist Masha Gessen plants the salutary tale of Nadya, Kat and Maria; the three Pussy Riot members imprisoned for their involvement in a political protest against Russian president Vladimir Vladimirovich Putin, held in the Russian Orthodox Church's Cathedral of Christ the Savior.

Words Will Break Cement (the title is taken from a Russian writer who inspired the Pussy Rioters) traverses a vast canvas; too vast, perhaps, for we non-Slavs to absorb on an initial reading.

Gessen walks stridently through the origins of the punk protestors. She shows how her heroines were brought up in a sexist culture where feminism was a risible and almost non-existent academic discipline, hope was strained through the miserly clutches of state apparatchiks, and the much vaunted notion of 'freedom of speech' merely translated as the freedom to be arrested and whisked off by anonymous security officials.

Great, daunting amounts of room are given to the miscarriage of justice the women suffered through the inherent 'nobbling' of post-Soviet jurisprudence: the ineptitude and malpractice of the girls' lawyers; the accused collusion of government, church and courts; the misrepresentation of a civic protest as a matter of blasphemy and religious vilification; and the identification the women felt with their political and spiritual heroes (Dostoyevsky and Solzhenitsyn are named among Pussy Riot's Tsarist and Communist era forbears).

For me, however, it is the post-trial experiences that connect most strongly. The level of sadism and punishment to which the women are subjected in penal (read: slave labour) gulags make the strongest impression, and the authorial finger of blame and causality is pointed squarely at Putin and his alleged fellow ex-KGB denizen, Russian Orthodox Patriarch Kirill I.

Extensive accounts of hunger strikes, bullying, illegally-lengthened working hours, psychological punishment, beatings and sexually-demeaning treatment experienced by the protagonists or fellow inmates stay with me.

The reader will do well to apply the psychologists' cartographical adage: the map is indeed not the territory. Gessen's account is limited, as she acknowledges, by restricted access to members of the band, their partners and families. *Words* is also influenced if not rigidly constrained by her own mission of protest (Gessen's body of work includes a highly-rated biography/expose, *The Man Without a Face: The Unlikely Rise of Vladimir Putin*).

As a lover of advocacy journalism, however, I don't see that level of subjective engagement on her part as a bad thing; what do you think, Jen?

Jen:

On 3 March 2012, Pussy Riot members Nadezhda 'Nadya' Tolokonnikova and Maria Alyokhina were arrested for 'hooligan' behaviour in a Russian Orthodox Church. A third member, Yekaterina 'Kat' Samutsevich, was arrested soon after. It wasn't just any old church, but Moscow's main cathedral. And their 'punk prayer' — with its refrain 'Mother of God, get rid of Putin' — wasn't just a rebel yell, but a call for civil liberty.

Few parishioners were in the church on that bitter Russian winter's day, but that was of little consequence during the trial, which lurched from tragic to comic and back again. Ludicrous testimonies, a clearly biased judge and general hysteria were the order — or disorder — of proceedings. There were days when the trio, who occasionally interjected behind custom-made Perspex, was literally starved of food and water.

Enter activist, journalist and Vladimir Putin's worst nightmare, Masha Gessen. (Gessen has found herself on the wrong side of the Russian president on numerous occasions.) In short, perhaps the perfect memoirist for the plucky if unruly Pussy Riot. With fire in her veins and, occasionally, stars in her eyes, it's to Gessen's credit that her loyalty to Pussy Riot doesn't get in the way of her journalism. (Or, not too often, anyway, hey Barry?)

Writing in *The Guardian* in the wake of the women's arrest in early 2012, Gessen pointed out that 'in some ways' the women were 'Putin's ideal enemies'. Even 'opposition commentators ... assumed a condescending attitude toward them, saying (literally) they should be spanked'.

But they found themselves unlikely allies, too: Western musicians, pop stars and, most importantly, Russians who, like Pussy Riot, were growing ever more distrustful of their leader. While many undoubtedly failed to grasp the women's theatrics (let alone their screeching), they understood — like few of us living in the West ever could — the political significance of planting seeds of dissatisfaction.

Following their release earlier this year (after serving almost two years in prison) Pussy Riot members remain defined by their balaclava-wearing, scissor-kicking antics. And they continue to pay for it. While in Sochi during the Winter Olympics, Pussy Riot was whipped and attacked with pepper spray by

security staff. Last month, Tolokonnikova and Alyokhina suffered serious burns and head injuries inside a fast food outlet.

In the past few months, their nemesis has hosted the Olympic Games, taken control of Crimea and clamped down on media. For a group born out of 'the repressions of a corporate political system that directs its power against basic human rights', Pussy Riot still has much to roar about, even if its signature 'punk prayer' sounds more than ever like a plea.

Racial hatred laws 20 years on

MEDIA

Frank Brennan

People have been asking me my views on the present debate about Senator George Brandis' 'right to be a bigot' and the proposed amendments to the Racial Discrimination Act. Even if one were to concede (as I do) the liberty, licence or freedom to be a bigot in a pluralistic, democratic society, there is good reason not to recognise a right to be a bigot, thereby creating the duty on others to accord the right.

There is a right to free speech. That right might be abused and it often is. One abuse of the right is the making of bigoted or hateful remarks. The making of such remarks is not the exercise of a right; it is merely the exercise of a liberty. I do not have the duty to allow the bigot to speak his mind in the public square. I have the liberty to drown him out. I have the duty to allow the free speech of someone who is not speaking in a defamatory, bigoted or hateful way and who is not interfering with the rights of others.

Back in 1994 when there was discussion at a federal and state level about the introduction of racial vilification and racial hatred laws, I said I was pessimistic about the utility of such laws with or without criminal sanctions and with or without conciliation. I was mainly focused on ensuring that any conduct defined as unlawful in this realm not be rendered criminal behaviour as many were seeking.

Thankfully the Parliament did not go down that track. Section 18C as enacted in 1995 contains a note stating: 'Subsection (1) makes certain acts unlawful. Section 46P of the Australian Human Rights Commission Act 1986 allows people to make complaints to the Australian Human Rights Commission about unlawful acts. However, an unlawful act is not necessarily a criminal offence. Section 26 says that this Act does not make it an offence to do an act that is unlawful because of this Part, unless Part IV expressly says that the act is an offence.'

This is part of [what I wrote](#) in *Eureka Street* in August 1994, a year before the Commonwealth Parliament enacted the present section 18C of the Racial Discrimination Act. Though it mainly argues against criminal sanctions, I also raised general concerns about any racial hatred law being applied equally to all:

Incitement to racial hatred and hostility, or hate speech as it is sometimes called, is conduct by an offender or a group that is likely to cause a second person or group to act in an adverse manner towards a third person or group on the grounds of their race, causing that third person or group to fear that violence may be used against them because of their race. Each element — cause, likelihood and grounds — would have to be proved beyond reasonable doubt in order to secure a conviction. Advocates of such laws concede that there is little prospect of successful prosecutions — there have only been one or two in Canada, for

example — and argue instead for the symbolic value of the law.

Elliot Johnson QC, of the Royal Commission into Aboriginal Deaths in Custody, advocated legislative prohibition of racial vilification but expressed strong reservations about its being made a criminal offence. He concluded: 'In this area conciliation and education are likely to be more effective than the making of martyrs: particularly when it is words, not acts, which are in issue.' This approach has also been adopted by the Gibbs Committee on the Reform of Australian Criminal Law, and by the majority of the Australian Law Reform Commission in their report, *Multiculturalism and the Law*.

Such a law may fulfil a useful purpose in a society that habitually persecutes members of one ethnic minority. But in Australia, most vilification is exchanged between members of warring minorities whose relatives are at each other's throats back in the home country. It would be a brave Director of Public Prosecutions who decided to prosecute the Greek agitator and not the Macedonian organiser. It would be an unenviable task for the police officer, having to decide whether to arrest and charge the Croat or the Serb. Presumably the advocates of this law would espouse a selective prosecution procedure under which one would leave warring minorities to themselves while making a show trial of the mainstream community member who had singled out one racial group.

Such a law could be invoked not only by members of the persecuted minority, but also against them. Or would a selective prosecution policy preclude that, too? Take, for example, the 1993 sometimes vitriolic Mabo debate. For every elected politician who said that Aborigines had not evolved to the stage of developing the wheeled cart, there was an Aboriginal leader fulminating that white public servants were using word processors as the modern-day equivalent of strychnine to exterminate his people. For every mining magnate who claimed that Aborigines were stone-age people with uncivilised ways, there was an Aboriginal leader alleging that white members of the Liberal Party were like members of the Ku Klux Klan crusading for blood. In such an atmosphere, even threats of criminal prosecution would have been counter-productive as they are now when people of goodwill are wrestling with the political fallout of Pauline Hanson's unwillingness fairly to represent Aborigines and Asians in her electorate.

The criminal law is a very blunt instrument for reshaping the hearts of racists and clearing the air of racist sentiment. Such interference with civil liberty does nothing to enhance further the human rights of the woman wearing the hijab. It does not help in the resolution of interethnic conflict. It does nothing to produce more reasoned public discussion about migration or Aboriginal rights, which are the two key issues relating to race and which play upon the public's racial fears. It will bring the criminal law and its governors into disrepute, if the criminal sanctions are ever invoked.

At this time, in this part of the world, thought-police armed with criminal sanctions are not the answer.

Senator Brandis has circulated a proposal to amend the existing provisions prohibiting offensive behaviour based on racial hatred. I continue to wonder whether such laws can be applied equally to all.

But if it be made unlawful to intimidate a person or group of persons because of their race, the court assessment of whether the offending conduct is reasonably likely to have that effect could only be made by the judge putting herself in the shoes of a member of that race and asking, 'In the situation of this racial group, am I reasonably likely to feel intimidated by these statements or actions?'

It is ludicrous to suggest, as does the government draft, that the reasonable likelihood of intimidation 'be determined by the standards of an ordinary member of the Australian community, not by the standards of any particular group within the Australian community'. It is not a matter of standards but of apprehensions of fear. Such fear is not endured by all Australians, but by racially targeted groups.

And there is no reason to limit intimidation to fear of physical harm. Some racist taunts can be very intimidating even if physical harm is not threatened.

It is also ludicrous to stipulate that the law would not apply to words used 'in the course of participating in the public discussion of any political, social cultural, religious, artistic, academic or scientific matter'. With this overbroad exemption, the law would never apply to the most published, public, racially vilifying or intimidating remarks, the very remarks that should be covered unless they are made reasonably and in good faith in the course of genuine public discussion — as the law presently requires.

Parliament has three options: abolish the prohibition of offensive behaviour based on racial hatred, leave the existing law untouched, or ask Senator Brandis to go back to the drawing board. What he has produced is neither fish nor fowl. It's the racial hatred law you have when you don't want a racial hatred law.

Palmer power! Lessons from the Senate by-election

AUSTRALIA

Ray Cassin

There are two types of elections: those that decide who will govern, and those that don't. The Senate re-election that took place in WA last weekend was in the latter category, and pundits rushing to find the key to future politics in the election result should keep that in mind when drawing conclusions.

Re-election? Strictly speaking this was not a by-election but a re-run of last November's Federal poll, at least so far as half of WA's Senate representation is concerned. But since government was not at stake, it was for all practical purposes a by-election, and by-elections often yield results that would not be duplicated in a general election. Voters feel free to send a message to those who govern or aspire to govern, without having to worry whether the lineaments of power will be altered.

So was there a clear and consistent message in the voters' verdict? The multitude of conflicting interpretations that has appeared since the poll by itself suggests that the short answer must be 'no'. The commentariat, and politicians too, are finding what they wish to find in this election of six senators from a single state with slightly less than a tenth of the national population.

Nonetheless some messages in the voters' decision are clearer than others.

Both major parties suffered swings against them, and the swing against the Liberals (5.6 per cent) was bigger than the swing against Labor (4.8 per cent). But Foreign Minister Julie Bishop is correct in saying that the outcome for the Liberals is within the normal range of swings against a governing party in by-elections.

Labor, however, with less than 22 per cent of the vote had its worst result in a Senate election since 1903. Only one member of the party's ticket, right-wing union leader Joe Bullock, is assured of a seat in the new chamber, with the Liberals having taken two and the Greens and the Palmer United Party one each. ALP Senator Louise Pratt is slugging it out for the sixth seat with the number-three on the Liberal ticket, Linda Reynolds.

That said, WA has never been an ALP stronghold and predictions that Bill Shorten's leadership is now on the line reveal only the relish of Canberra journalists for internecine party struggles. If Shorten is losing support among his colleagues, it is for reasons that were already apparent before the WA poll.

The election outcome does, however, strengthen the hand of those in the party, including Shorten, who want to reduce union influence in preselections. Bullock's speech late last year to the Dawson Society, a conservative Catholic group, was made public in the week before the Senate election and became the most spectacularly stupid own goal scored on either side of politics in recent decades.

The shop assistants' leader praised Prime Minister Tony Abbott and disparaged party colleagues, including Pratt, who in the Senate re-run was demoted from number-one on the ticket to make way for him.

Retiring WA Labor Senator Mark Bishop joined the chorus calling for preselection reform but went a step further. He raised the prospect of the ALP's eclipse by the Greens as the main progressive force in Australian politics, citing the substantial swing to the Greens last Saturday (6.3 per cent). The remark has delighted Greens supporters around Australia but to take it seriously one has to treat the WA Senate result in isolation from almost everything else that is known about the two parties.

Yes, Greens Senator Scott Ludlam retained his seat through a strong grassroots campaign that was particularly effective in its use of social media. Yes, Ludlam has become something of a poster boy for progressive voters in all states, especially since his Senate speech attacking Abbott became a global sensation on YouTube. And yes, the progressive vote in Australia is now split, with many left-leaning Labor voters inclined to switch to the Greens in times of frustration. That probably happened in WA on Saturday in response to Bullock's tirade, in his Dawson speech, against same-sex marriage.

But none of this changes the fact that the Greens' support remains heavily concentrated in inner-city electorates, among tertiary-educated, middle-class professionals. That means that the fracturing of the progressive vote may well be permanent. It doesn't mean that Labor has no future.

Despite Ludlam's success, the Greens will not wield the influence in this Parliament that they did under the Rudd and Gillard governments. Indeed, WA's Senate re-run confirms that they have been dealt out of power. When the Government presents bills abolishing the mining tax and the carbon price to the new Senate, Abbott will not need to negotiate with the Greens. Depending on who claims the sixth WA Senate spot, he will be seeking the support of either six or seven of the eight crossbench senators, four of whom are from the Palmer United Party.

The most insidious outcome of the WA Senate election is the bargaining power it has delivered to Clive Palmer, the Queensland mining magnate who dominates the party on which he has bestowed his name. He massively outspent all his rivals, raising yet again the question of whether limits should be placed on private financing of political campaigns. It is a question that, because of his newfound clout, will not be answered anytime soon.

In a 7.30 interview this week Palmer dismissed the accusation of vote-buying, saying that if a party's policies have no appeal to voters then advertising will be of no avail. Since he had campaigned heavily on a promise he cannot deliver — increasing WA's share of GST revenues, which would require the consent of the other states — this was disingenuous.

What this Senate re-election that was really a by-election has shown is what happens when a demagogue with an apparently bottomless bucket of money goes chasing the votes of the ill-informed.

Nightmares and daydreams about women and power

REVIEWS

Tim Kroenert

***Nymphomaniac Volumes I and II (R)*. Director: Lars Von Trier. Starring: Charlotte Gainsbourg, Stellan Skarsgard, Stacy Martin, Shia LaBeouf, Christian Slater. 231 minutes**

***In a World (MA)*. Director: Lake Bell. Starring: Lake Bell, Rob Corddry, Fred Melamed, Michaela Watkins, Demetri Martin, Ken Marino, Alexandra Holden. 93 minutes**

If you don't feel ill by the end of provocateur Lars Von Trier's four-hour exercise in cinematic cruelty *Nymphomaniac*, there's something wrong with you. Conversely, if Lake Bell's charming and witty comedy *In a World ...* leaves you with a warm fuzzy feeling that you just can't shake, well, hey, you're only human. Both feature strong female characters, whose femaleness puts them at odds with a male-dominated world. *Nymphomaniac* is a nightmare; *In a World ...* an inspirational daydream.

Nymphomaniac [review contains spoilers] begins in darkness; after long moments the camera opens its eye on a decrepit alleyway, and locates a woman (Gainsbourg) lying battered and unconscious on its damp floor. She is discovered there by a world-weary man (Skarsgard), who rouses her and guides her to his apartment and revives her with tea and a warm bed. As they begin to converse, the woman, Joe, identifies herself as a 'bad' person, and to convince the man, Seligman, of this fact, proceeds to share with him her story.

As the title suggests, it is a story marked by innumerable sexual encounters with random men. Often it is explicit, and thoroughly unpleasant. But *Volume I* is also decidedly humane. It dedicates much screen time to the relationship between young Joe (Martin) and her father (Slater), a doctor and dilettante-mystic who is one of two men whom Joe has loved in her life. The other is Jérôme (LaBeouf), an on-again, off-again partner, her love for whom perplexes and almost subdues the promiscuous Joe.

Things become much uglier in *Volume II*. Joe has grown depressed after losing sensation in her genitals, and her addiction to sex takes a masochistic turn. It is difficult to justify all of the silly atrocities Von Trier serves up here. But the film is nothing if not thoughtful. It frequently cuts back to Joe and Seligman in the present day, as they digress on topics as diverse as fishing, art and literature, love, death and religion. Joe's incontinent sexuality becomes a mirror for all of Western culture and the human condition. And vice versa.

All of this culminates in a pointed statement about societal double standards regarding gender and sex. It is expressed first verbally by Seligman, who has been father-figure, counsellor and pastor to the self-loathing Joe throughout her

story, and is then brutally underlined in the film's shocking final moments, when the kindly confidante Seligman turns predator. Joe's life of sex may have depleted her, but at least it has always been her choice. In dramatically missing this point, Seligman denies Joe's dignity, and reduces Woman to Object.

To recover from the ordeal that is *Nymphomaniac*, walk reeling from the cinema and across the foyer to the cinema where *In A World ...* is showing. It, too, offers a thoughtful consideration of the continued marginalisation of women in modern society. But it prefers affirmation to degradation. Writer, director and star Bell's film is set in the world of film-trailer voiceover artists. Her character Carol is a talented up-and-comer in a male-dominated industry. Literally, she is fighting to have her voice heard.

Her greatest rivals in this are her father, veteran voiceover artist Sam (Melamed), and Sam's smarmy protégé, Gustav (Marino). All three are in the hunt to land a gig voicing the trailer for a highly anticipated 'girl power' fantasy series that looks like a hammy knock-off of *The Hunger Games*. Sam is fond of Carol, if patently dismissive of the idea of a female voiceover artist. But when it looks as though she may represent a genuine threat to his professional territory, the gloves come off.

It would be accurate to describe this as a feminist film, but fairer to describe it as human. A number of subplots give it humour and heart. Carol intervenes to steady the marriage of her sister (Watkins) and brother-in-law (Corddry). A family dinner at which Sam displays the extremes of his absurd fatherly aloofness, is imbued by sadness by the mention of his daughters' dead mother. Sam's trophy wife Jamie (Holden) reveals hidden depths. Carol shares a sweetly awkward romantic interest with her producer Louis (Martin).

As auteur, Bell has delivered an extremely touching film, fun and thoughtful and bulging at the seams with perfectly honed and delivered gags. As social satire it has plenty of bite, too; even Carol's successes are underpinned by cynicism. But its conclusions and resolutions are almost unfailingly positive and uplifting. Both *Nymphomaniac* and *In A World ...* deal intelligently with the subject of women and power. But in choosing affirmation over bleakness ultimately *In A World ...* is the more empowering.

Golf mag's slice of sexist misery

MEDIA

Catherine Marshall

I got into an argument on Twitter yesterday. I'm an irregular user of this micro-blogging platform, but a cursory browse after a weeks-long hiatus had brought to my attention a comment by one @__decker: 'I'm angry at #GolfDigest too,' he tweeted. 'They should've put #paulinegretzky photos on every page.'

The tweet was accompanied by a link to photographs of the said Gretzky, a model, actress and singer, and referred to complaints about her appearance on the cover of the latest edition of the American magazine *Golf Digest*. The comment was frustrating, for @__decker (along with countless other male commentators on Twitter) was demonstrating precisely the sort of response the magazine's editor had intended with the cover: blissful titillation dressed up as a tribute to professional female golfers.

As they tweeted their gratitude to *Golf Digest*, these men seemed oblivious to the fact that this wasn't an edition of *GQ*, *Playboy* or *Maxim*, where such an image and the message it conveys would be quite at home; rather, it is a publication aimed at celebrating the achievements of professional and amateur golfers, men and women alike.

To represent the female golfing fraternity with a sexed-up image of a woman who is, according to the magazine's editor, 'new to golf', is to heap deep insult upon those women slogging it out on the professional circuit. It discriminates against them as sportspeople because it denies them the opportunity to be the public face of their own sport, and implies that women are only good for public exposure if they are young, attractive and willing to strike a provocative pose.

And it prompts the question (which could be applied to any number of other situations): if the few women granted the honour of appearing on the cover of *Golf Digest* must assent to having their sexual characteristics amplified during the photo shoot, why are male golfers portrayed so respectfully, swinging their clubs, focusing thoughtfully with chin on fist, staring with furrowed brow into the distance?

But you cannot express such frustration in a 144-character Tweet. My reply to @__decker was a little mean — I implied that he was responding to a serious social issue as would a teenage boy — and he assured me in turn that he was, in fact, 28, that a 'gorgeous girl who modelled (conservatively) for a magazine is no harm', that the magazine had 'gained a larger audience because of that ad' and finally, sticking the knife in, 'You must be against every mag with that POV (point of view). Miserable way to live.'

It's a miserable way to live indeed. For most women, objectification is so commonplace, so thoroughly woven into the fabric of their lives that they have

learned to live with it as one would a disability.

But there is tremendous harm that comes from representing women sexually at every possible turn: according to the Representation Project, which uses film and media to highlight gender stereotypes, exposure to sexually explicit video games and music videos is linked to an acceptance among men of rape myths and sexual harassment; 65 per cent of American women and girls report disordered eating behaviours; 53 per cent of 13-year-old girls in the US are unhappy with their bodies, a number which increases to 78 per cent by the age of 17; of all the animated movies made between 1937 and 2005, only 13 of them had female protagonists, and all but one of these characters had the aspiration of finding romance.

But even when women manage to break away from the patriarchal idea of them as sex objects on the lookout for nothing more than love, they often battle to be taken seriously: in Nancy Pelosi's four years as Speaker of the House, for example, she didn't appear on the cover of a single national weekly magazine. And the last time a professional female golfer appeared on the cover of *Golf Digest* was in 2008.

For men like @__decker who have grown up in a society saturated with such sexualised images, the relentless objectification of women is harmless fun. But there are male allies who are at last taking offense at this sexist tsunami, and they're calling the media out on it.

'If a magazine called *Golf Digest* is interested in showcasing females in the game, yet consistently steers away from the true superstars who've made history over the last few years, something is clearly wrong,' Mike Whan, LPGA Tour commissioner, told a British newspaper. 'Growing the game means a need for more role models and in these exciting times for women's golf, the LPGA is overflowing with them.'

And in Australia, comedians the Bondi Hipsters have [parodied](#) the cover of this month's British *GQ* magazine, which features a naked Miranda Kerr. Dom Nader (aka Christiaan Van Vuuren) told the *Huffington Post* that the parody was a response to 'the over-sexualisation of the female body in the high-fashion world. For some reason, as soon as you put a man in there ... it's an entirely different thing that we aren't used to seeing.'

It's a picture that might be worth tweeting to @__decker.

Confessions of an overeater

CREATIVE

Isabella Fels

Overeating for me is worse than having a hangover. I can't just sleep the weight off. Instead I eat throughout the night, taking in even more calories than I do during the day.

How I wish I could shake this bad habit and no longer feel I have to cover my fat with a habit. The more I binge at night the more sick, tired and 'fed up' I get with myself the following day. I feel like a failure. Still it is hard to stop bad habits, to keep myself from slipping further. It only takes one binge to land me in deep depression.

Having to take medication for schizophrenia greatly increases my appetite. I take Clozaril, an antipsychotic, which as well as stimulating my appetite also heightens the symptoms of OCD (obsessive compulsive disorder). This exacerbates my already existing compulsions with food.

I am a wicked creature of the night. I have never slept well. The more I munch in sinful silence the more I feel as if I am trespassing with the dead. Food did my head in even before I took tablets for my head. I feel myself turning into a beast with a huge midnight feast as I go wild with chocolate, cake and ice-cream. Sometimes I try to limit the feast to just fruit and vegetables, but doing this though requires a lot of forward planning.

I have managed at times to beat the OCD and stop myself dead in my tracks from the bed to the kitchen. This makes me feel powerful and in control. But I obviously have an eating disorder. Even though I have come a long way from my bulimic teens, I still am obsessed, and think I will always be.

Food is a mixed bag of feelings for me. I feel guilt, weakness and remorse, yet also excitement, danger and fun. I'm either really good or really bad with food and often feel more demonic rather than angelic in the dangerous Easter and Christmas periods.

Often I feel my body and mind have been possessed by food. I feel alienated from other people at parties as I go for the smorgasbord rather than the small talk and chomp instead of chat. It is easier to swallow sweet, beautiful, delicious food than take in the negativity that people often dish out for me with my disability.

Sometimes I feel I cannot help myself with food except maybe to a few extra helpings. I chew Extra gum and this sometimes works. I warn myself in advance that the more I let myself go with food the weaker I will feel in myself and in trying to manage my disability. With the loss in willpower I trip up in other areas of my life such as managing money, having an orderly routine, making rational decisions and taking steps towards recovery.

Going to the gym is the first step towards recovery, and even a slow cycle can start to slowly break the starve-binge cycle. The treadmill stops me from going through the mill (bread is a particular weakness of mine). The cross trainer stops me from getting even more cross with myself over everything I have eaten.

I tell myself that I simply can't have my cake and eat it too. The pounds come on like thunder with all my eating blunders. Sometimes I get desperate, and have even considered going off all my tablets, as well as under the knife. But stopping medication is not an option.

Instead I would like to try the healthy, natural approach of a proper diet and exercise plan guided by an experienced dietitian and trainer. I also would like to be gentler to my body, with hypnotherapy or Pilates rather than invasive plastic surgery. Somehow I feel there is light at the end of the tunnel.

Even though often I feel at a loss, having tried every diet and fitness trainer in the book, I have also found writing down everything I eat in a book to be really helpful. I hope through this to finally turn over a new leaf and win back some more control and power over my life.

China syndrome haunts Abbott's Japanese jaunt

INTERNATIONAL

Walter Hamilton

The Economic Partnership Agreement (EPA) negotiated with Japan is an important step towards trade liberalisation. Though it is not a 'free trade agreement' — and was never going to be — real benefits will flow across a range of Australian agricultural exports, including dairy products and beef.

At the same time, predictions of instant windfalls should be treated with caution. The tariff reductions on beef, for instance, will not be fully implemented for between 15 and 18 years, by which time the new tariff rates of 19.5 per cent (for frozen beef used in processed food) and 23.5 per cent (for chilled beef sold at supermarkets) will be about the same as China's average tariff on agricultural imports today.

Following years of discussions, progress towards a deal accelerated after Japan's change of government 16 months ago. A key element of Prime Minister Shinzo Abe's revitalisation plan for the Japanese economy is deregulation, and pressure has been building for him to deliver something concrete to consumers who have just been hit by a rise in the consumption tax rate.

Japanese officials are hoping the EPA with Australia — Japan's first with a major agricultural exporting nation — will help clear the roadblock holding up a Trans-Pacific Partnership (TPP) agreement. As Tony and Shinzo (they addressed each other by their first names) were shaking on the deal, a short distance away in Tokyo Japanese and American officials met for another inconclusive round of TPP negotiations.

While there was no repetition of the 'best friends' reference in Abbott's public comments, the two leaders made much of their nations' long history of commercial engagement and shared commitment to 'democracy, freedom and rule of law'. The relationship, said Abbott, was not just based on commerce: 'It's about respect; it's about values'. For his part, Abe talked about forging a 'special relationship' with Australia. Their ideological handshake can hardly be seen other than as an expression of what separates them from non-believers (read 'China').

Indeed, while trade dominated the headlines, another important theme of the visit was strategic cooperation. Abbott was afforded the privilege of being the first foreign leader to sit in on a meeting of Japan's new National Security Council. The two leaders reportedly discussed possible exchange of defence technology and joint weapons development. Recently Abe announced the easing of a long-standing ban on weapons exports, which might now directly benefit Australia.

Abbott also indicated his approval for the Abe government's reinterpretation of Japan's 'pacifist' constitution to include the right to collective defence. Prior to this Japanese participation in international military operations has been 'exceptional',

strictly non-combatant and for peace-keeping purposes only.

Absent was any direct rebuke for the hawkish words and deeds of Japan's conservative leadership that have inflamed opinion in China and South Korea; contentious historical issues were swept aside in Abbott's 'look to the future' and 'don't stir up trouble' formula.

Two recent episodes can be cited as bearing on the leaders' talk of 'shared values' and 'respect'. One is Japan's swift acceptance of the whaling decision by the International Court of Justice, a ruling Tokyo felt deeply and did not anticipate. Though it took a large swallow of pride to submit, it was done with an eye to Japan's territorial dispute with China, which Tokyo says must also be governed by international law.

The other episode occurred off the coast of Western Australia when a Chinese vessel picked up a possible signal from the 'black box' of the missing Malaysian airliner and chose to inform head office in Beijing rather than alert the Australian search coordination centre. Retired air chief marshal Angus Houston, in charge of the overall operation, was unimpressed, pointedly referring to China undertaking its 'own investigations'. These are no more than dabs of colour on the larger diplomatic canvas, but mood and perception are important nonetheless.

For now it is not a matter of Australia choosing between Japan and China, of closer relations with one implying strained relations with the other. Or it ought not to be. Articulating that distinction will be tricky for Abbott in Beijing. For all the gains of the first leg of his journey, much more could be lost if he stumbles on the last leg.

Appearances suggest he is not a natural diplomat at ease amid the pomp and ceremony of unfamiliar cultures. He'll get plenty more in China of the courtesies he received in Japan (contrary to some reports, he was not afforded special treatment there beyond what is usual for an official visit).

At this moment in history the two powers in Asia on whom our economy and security greatly depend have reached an impasse. That should not constrain Australia from reaching out to both on the basis of mutual interest, in the first instance, and, where possible, on the basis of shared values.

China has a keen appreciation of the former and, for reasons that any student of history should understand, an abiding suspicion of appeals to the latter. Clearly distinguishing one from the other, and acting accordingly, is Abbott's immediate challenge if he is to pass this early test of his statecraft.

Love is not rocket science

CREATIVE

Peta Edmonds

Williamstown lovers

Water was ripping under the cracks of the pier
We kissed like champagne against a ship
Seagulls played a game of chess
Our icebreakers melted in the sun, that was tied to a ribbon
I grinned like a shark when you took my photograph,
AND when you put your arm around me like a compass around a map,
I swallowed my heart
We had a coffee and you paid by visa,
And in the corner sat a dreamer with his postcard eyes,
Scribbling in a notebook — a squirrel collecting nuts.

God waited

God waited for your beautiful smile
God's waited for you since you were a child
When you closed your eyes God waited and the angels held their breath
When your pain was like rain on a tin roof,
God waited to take it away from you
Now God no longer waits because he's with you
You can hear a pin drop in heaven
God's waited for you all your life
Time doesn't wait,
But God always does

My bedroom

A room with a view of junkyard backyards
and golden town halls,
and pink and blue mornings

and fireworks.
with hand made teddy bears
and soft prayers
and daddy long legs.

My soul's got a hole in it like a lifesaver

Zoo

I watch you through the bars of a zoo
No touching
There's flowers on the floor of the room where we meditate
I say an Apache prayer.
I still love you while I'm standing on the corner in the asthma wind.
I love you like a yellow fever,
but I'm a woman in the hands of King Kong.

Café

In a crowded café
the conversation sinks like the Titanic.
Cigarette smoke rises like a snake from a basket
An empty plate is like a palette of paint.

About Annie Lennox

I didn't know whether to wrap my arms around her,
or wrap my hands around her throat
Annie the goat
Annie is ancestry
She is a feeling I can't live with.
I'm not some fool of God's divine plan.
I've been around.
I've been through the lightning struck tower and I've seen death,
and I blow out smoke that looks like peacock feathers.

Puddles

Waiting for the rain to stop

The low grey clouds are like petticoats,
The puddles are pieces of a broken mirror,
the raindrops roll upon the muddy ground
like chocolate maltesers.
I'm waiting for the sun to break through
like a blond headed child in a blue rain coat.

The sting

You're hopeless, emotionally.
You're like a box jellyfish that floats into my world,
and stings me with silence.
It's only love, it's not rocket science.
That's why girls cut their wrists,
because they wear their hearts there,
and it's nearly Christmas.
Couldn't you give a little of that love away?
A little piece at a time like red chipped nail polish.

Guitar

The belly of my guitar is hollow
and makes hunger sounds.
My guitar has love handles.

Lion

On the savannah
the lion eats
a candlelit dinner

Butterfly

A butterfly with tiger stripes sits in the sunlight
A bird bursts into flight.

Homeless young people need the means to flourish

AUSTRALIA

Andrew Hamilton

Wednesday 9 April is [Youth Homelessness Matters Day](#) . We customarily see homelessness as the end of the road. It is the life chosen by people whose life of separation from society has led them to prefer to live without a place to call home.

From this perspective youth homelessness seems particularly shocking because it affects people who are beginning their adult lives. It seems too soon for them to cut their connections with society. So in their case we come quickly to see homelessness as a problem to be solved, and to be moved on from.

But the reality is that very few people, young or old, choose to be homeless. They may accept it as their inescapable condition. But most would prefer a safe place to which they could return regularly as their home. The fact that in a wealthy society so many people are homeless may make us ask whether it is acceptable for anyone to be homeless in a wealthy society. It speaks of priorities that have gone awry.

Homelessness is an indictment of society because it marks a lack of connection, the necessary glue within any society. If a society allows people to be disconnected through homelessness it at least shows a lack of awareness of its own core business.

The importance of home is shown by the cultural resonance of words like house and home. They connote deep patterns of relatedness through time, as when we speak of the house of the Windsors or of the Packers. They also speak of firm connections to place, developed through metaphors of roots, of footprints left on soil, of memory enshrined in stone. Without a home we are disconnected, transient, immaterial, unearthed.

These may seem to be large words to describe simple, everyday realities. But they suggest how important the connections associated with a place of residence are in ordinary human living. For individuals to lose connections through homelessness is a tragedy; for them to be homeless involuntarily indicts a society of carelessness; for young people to lack accommodation is a mark of wanton callousness.

In the case of young people, homelessness is not only the symbol of disconnection but also its consequence. If young people choose to leave home, it is usually the least bad of their options.

Most homeless young people have escaped a very difficult home life. They may have lived under the shadow of violence, been rejected by their parents and partners, lived in unstable homes where alcohol and drug abuse was common. They left to escape a dangerous, unpredictable and loveless home and a

dysfunctional family. Others may have been unable to return home after spending time in juvenile justice centres.

Experiences of this kind explain why it is so hard for them to find stable accommodation. Today there is little investment in public housing, and it is a challenge for anyone to find rented accommodation. It is doubly difficult for young people who may be physically ill, suffer from mental illness or addiction. They lack the experience, financial resources and required documentation to negotiate the rental system.

So curing homelessness is not simply a matter of finding homes for disadvantaged people, It is about enabling and fostering the connections for whose lack they have been made homeless. This is a challenging task requiring love and constancy as well as skill, coordination and dedication.

Given their background of family dysfunction, broken schooling, physical and mental illness, addiction and isolation, homeless young people may have come to the attention of many government departments: Human Services, Health, Justice, Education and Housing, to name a few. Typically, representatives of each department entrusted with their care will intervene in their lives with a tightly focused agenda.

For all the good will involved, the effect of piecemeal interventions is to confuse young people who feel themselves the object of care, not the subject of their own growth. They are best helped by a relationship with a single person who can build an encouraging relationship with them as persons with many needs and who can help them access the different services they need.

That kind of personal care is necessary if they are to find and keep a home. But to access services and to build steady relationships you need an address and so a home. So the need for social housing for those who most need it is a condition for a good society. A thought for governments as they plan budgets.

The GST and Abbott's fair go for all

AUSTRALIA

Michael Mullins

Federal Treasury secretary Martin Parkinson has [called on](#) the Government to increase the GST, by lifting the rate above ten per cent and broadening its scope to include some essential services such as health care. He also wants to see a cut in personal income tax.

The thinking, which is [backed](#) by Reserve Bank governor Glenn Stevens, is that it will provide us with an incentive to work harder. We need to do this because our standard of living is threatened by weak productivity growth, as well as falling commodity prices and an ageing population.

Traditionally governments facing fiscal challenge have responded by hitting those who can afford it most. Past federal treasurers have increased income taxes and relied upon 'bracket creep', which forces workers to pay a higher percentage of their income in taxes as their wages increase and they can cope with it.

Such 'progressive' means of taxation are equitable, but they discourage individuals from boosting national productivity by working harder.

This is because bracket creep requires them to pay a disproportionate amount of their extra income to the government in taxes. The reasoning is that cutting income taxes and relying instead on an increased GST will make us do more work. It will serve the worthy goal of increased productivity and benefit the nation as a whole.

The problem is that it imposes an unfair burden on the jobless and those on low incomes. An increase in the price of goods and services will force them to put less food on the table and diminish their lifestyle. It won't make any difference to those in work, especially those on higher incomes, because the increased GST is balanced by lower income taxes.

The problem with the argument of Parkinson and others is that they do not mention the range of generous tax concessions enjoyed by those on high incomes. Sometimes referred to as tax avoidance strategies, they include superannuation concessions, negative gearing and trusts. There is also a lack of will to countenance an inheritance tax, which has been on the list of political unmentionables along with an increase in the GST.

Now that the GST is apparently on the table, is it surely time to discuss taxation issues that wealthy Australians find unpalatable. Cassandra Goldie of the Australian Council of Social Services has [signalled](#) that welfare groups are willing to countenance an increase in the GST if there is also discussion of reining in tax concessions enjoyed by high income earners:

'We need to take a long hard look at the unfair superannuation tax

arrangements which cost as much as the age pension, at the inconsistent way different kinds of investments are taxed — including negative gearing arrangements — and at the ability of people with high incomes to avoid tax using private trust and companies.'

The bottom line was articulated by the Prime Minister himself in the Coalition's election policy [platform](#) *Our Plan — Real Solutions for all Australians*. It refers to 'a decent and respectful society that gives a 'fair go' to all and encourages people to thrive and get ahead'. This goal must be at the fore in all discussion of tax reform.

Harsh home truths for returned asylum seekers

AUSTRALIA

Paul White

Asylum seekers face untold privations in travelling to Australia to escape persecution. Our country responds by sending as many as it can back to the horrors they desperately tried to escape. They have no rights, according to the Government.

Investigations have shown that some refugees who were returned to their country of origin were not only brutalised and tortured on their return but several were killed. All evidence from international human rights organisations points to deadly consequences for the forcible return of asylum seekers to their homelands. Australia is cruelly failing asylum seekers who seek our protection.

The deliberately punitive nature of immigration detention is well known. Yet, last year ABC TV reported that some asylum seekers prefer detention to returning home. They literally fear for their lives if they return to their homelands — which are often failed states, in which there is no stable rule of law. Every attempt to track the progress of returned asylum seekers shows that we are placing them in tremendous danger.

This is very apparent when we examine what is known of the fate of asylum seekers forced to return home. A detailed investigation by the Edmund Rice Centre followed 40 individuals who were deported from Australia. It found that '35 out of the 40 people interviewed were living in dangerous circumstances immediately on arrival'.

And yet Australia continues to forcibly return asylum seekers. We have signed a 'Memorandum of Understanding' with Afghanistan and the UN High Commissioner for Refugees, permitting the involuntary repatriation of unsuccessful Afghan asylum-seekers. The arrangement even includes provision for sending back several unaccompanied minors who had become separated from their families.

This deal has already had fatal consequences for several returned asylum seekers. Many other returnees have suffered threats and attacks, and today live in well-founded fear of the very persecution they sought to escape.

Among Afghan asylum seekers, Hazaras face the greatest danger. Comprising at times up to half of Afghans coming irregularly to Australia, Hazara asylum seekers are persecuted due to their ethnicity and their adherence to the Shi'a sect. Unfortunately for them, they are instantly identifiable due to their distinctive Asiatic appearance. Other young Afghan returnees are forced to join the armed conflict.

Indeed, professionals on the spot suggest that the psychosocial impact of returning to a conflict-affected environment is just as damaging as the actual

conflict. Afghan returnees can be 'petrified' just walking through the centre of their town.

Similarly, Congolese asylum seekers risk torture on their return home. In February the UK *Guardian* exposed an order to senior police and security chiefs in the Democratic Republic of the Congo (DRC), instructing them to use torture against any known opponents of the regime among returnees.

'Above all,' the instruction stresses, 'be on the lookout for the return to the country by refoulement' (the rendering of a victim of persecution to their persecutor). 'The treatment reserved for these people is clear: torture and other things must be done with the greatest discretion. These orders must be carried out flawlessly.'

Returnees to the Congo have been harassed, imprisoned and tortured by state authorities. Some have disappeared altogether. Forced returnees to Sri Lanka are routinely detained and quite often suffer torture. The DRC, Eritrea and several other countries regard anyone who has claimed asylum in the West as a threat, or even as having committed an 'act of treason', say local experts.

All of these facts are well known to Australian authorities. Yet Australia has neither adequately respected nor safeguarded the fundamental human rights of those who sought our protection from oppressive regimes. Unconscionable refoulements violate not only asylum seekers' rights, but also Australia's commitments under international law. These forced returns place asylum seekers in tremendous personal danger and must cease.

In the meantime, deported asylum seekers need to be monitored. This was recommended by the Senate Legal and Constitutional References Committee in 2000, but was never adopted. Although difficult, it may help both minimise such abuses and positively influence asylum policies.

Freedom of expression for the rest of us

AUSTRALIA

Ruby Hamad

The [repeal](#) of section 18C of the Racial Discrimination Act, which made it unlawful to publish material that offends or insults a person or group on the grounds of race, colour or national or ethnic origin, is good news for people such as Andrew Bolt, after whom these so-called 'Bolt Laws' were named.

Bolt's lawyer in the case in which he was found to have breached Section 18C, has since [stated](#) that the changes mean the case would never see the inside of a courtroom. Rather, he writes, those who had been targeted by Bolt would have had to hit back with 'the most powerful weapon of all' — their own free speech.

Of course, unlike Bolt, none of those people have their own daily column and TV show and an audience of millions. For most of us, our exercise of freedom of expression takes the form of public protest and assembly.

How ironic then, that even as Attorney General George Brandis ensures the rights of '[bigots](#)', the rest of us are finding our own rights under threat, as Liberal state governments across the country continue to roll out laws that affect the more marginalised and less privileged among us.

Victoria's new Summary Offences and Sentencing Amendment Bill — better known as the anti-protest law — which recently passed the upper house, significantly expands police 'move-on' powers and, in a blow for anyone who thinks public protest is a vital form of dissent and expression, removes the exemption for political protests.

Police can now [issue](#) move on orders (effective for 24 hours) to 'protesters who are blocking access to buildings, obstructing people or traffic, or who are expected to turn violent'.

Those found breaching the order are subject to arrest, and any who receive more than three in a six-month period (or six in 12 months) risk a 12-month jail term. This has led some to [claim](#) the laws are a thinly veiled attack on what remains of Victoria's trade unions, for whom public protest remains a key form of activism.

Even Victoria's Attorney General Robert Clark has [conceded](#) the laws limit 'an individual's right to move freely within Victoria ... and may, in certain circumstances, limit the rights to freedom of expression, and peaceful assembly and freedom of association'.

Community groups are also worried. The Salvation Army warns that increased move-on powers will 'disproportionately affect marginalised young people, people experiencing homelessness, poverty and mental health issues'. Increased exclusion from public spaces is likely to leave vulnerable people with no place to

turn.

They have reason to be concerned. Queensland police saw their move-on powers increase in 2006. That year, a [survey](#) by the University of Queensland of 132 homeless people found that 76.5 per cent had been issued a move-on order at least once in the last six months. Some of the respondents stated that the same police officers 'chased' them throughout the day, moving them on from place to place.

In Western Australia move-on directions are used disproportionately against Indigenous Australians. A [report](#) (also from 2006) by the Indigenous Law Bulletin went as far as to state that while the law itself was not racist its application certainly was:

Western Australian ('WA') 'move on laws' are used by police as a mechanism for the social control of Aboriginal people. The laws are used to move individuals from well known public places in city areas where Aboriginal people congregate. The laws have become another example of discriminatory policing of an already over-policed Aboriginal population and are further contributing to the huge overrepresentation of Aboriginal people in the WA criminal justice system.

The move-on orders often include the entire Perth CBD, and sometimes include the area where the person lives, essentially confining them to their own home unless they wish to risk arrest for violating the order. Some were arrested and given a criminal record without having committed a criminal offence.

One woman, on her way to an appointment, was arrested for violating a move-on order not far from her home, just one minute before her order expired. Others were arrested five to 20 minutes after being moved on, as they waited for public transportation to take them out of the exclusion zone.

That people can be arrested without committing a crime is a worrying trend. It is also occurring in Queensland, where the controversial anti-association or 'anti-bikie' laws ban three or more members of an outlawed motorcycle club from meeting in public, for whatever reason. The January arrest of five Victorian men as they went out for ice-cream in Queensland led the now-Human Rights Commissioner Tim Wilson to [declare](#) that the laws were 'violating the human right of association', and to seek the laws' repeal.

While the Queensland Government maintains the laws target illegal clubs, critics, such as Gabriel Buckley, president of the Liberal Democrats, [warn](#) that they are 'so broadly written that they could be used against any group of people'.

NSW hasn't gotten off scott-free either. As part of his laws aimed at curbing alcohol-fuelled violence, Premier Barry O'Farrell (who, to his credit, has criticised the repeal of 18C) has just upped the fine for using offensive language in public from \$150 to \$500. So, while privileged Australians can now offend other people in print, us minions would do well to think twice before doing so in public.

So, what's that they were saying about freedom of speech, again?

Refugee's march of thanks

AUSTRALIA

Maureen O'Brien

How long would it take to tow a boat from Melbourne to Canberra? Thirty-five days, according to Tri Nguyen and his friends, who set out on 16 March for a journey that will end at Lake Burley Griffin on Easter Sunday.

Tri is the pastor of the Brunswick Baptist Church in the City of Moreland, 6km north of Melbourne's CBD. The wooden boat he is taking to Canberra is a large model of the one he and his father and sister used to escape Vietnam in 1982, when Tri was ten years old.

I was at the boat's launch and saw Tri wheel it onto Sydney Rd. About 200 people joined him on the first leg of the journey, to Coburg. Some carried cardboard boats they had made — a symbolic flotilla of farewell.

At the launch, Moreland Mayor Lambros Tapinos referred to the somewhat larger boat that his family sailed in to Australia. There was applause from the crowd when he said that many of us had ancestors who arrived here by boat. We knew the history he referred to — of people who were often escaping poverty, hardship, the aftermath of wars and sometimes persecution; people looking for a better, more secure way of life.

Tri's boat has 'Thank You' painted on it. He will present it to members of Parliament in thanks to the nation for the gift of refuge and the welcome given to him and his family. 'The Gift of Refuge' is written on T-shirts worn by him and his three companions on the walk. They will stay overnight in country towns in Victoria and New South Wales and their journey can be followed on their [webpage](#)

'The Gift of Refuge' is also the title of an inspiring song written by Kim Beales and [sung](#) at the launch. It speaks of Tri's carrying the boat to Canberra in the hope of seeing 'the nation's discourse change from fear to words of hope' for asylum seekers. It speaks of 'the wisdom that grows from compassion'.

A police escort accompanied the start of the journey and marshals carrying police crime-scene tape walked between the crowd and the trams and oncoming traffic. The irony of walking beside crime-scene tape struck me as significant in the current asylum seeker debate. Among other things I thought of similar tape used recently at Australia's detention centre on Manus Island.

Transcripts and interviews on the webpage describe Tri's journey from Vietnam. After three failed attempts, three members of his family made it to the open sea in a wooden boat with 65 others. They speak of storms and the wrecking of the boat; of pirates who captured them, raped the women and tortured and robbed the group. Eventually the pirates handed them over to UN troops who took them to a

refugee camp in Malaysia.

Tri's story is about trauma, but mostly his emphasis is on the welcome and kindness the family received in Australia. They initially stayed in a refugee shelter, which was not a detention centre but an open place where members of the local community visited them.

There is an enormous gulf between government and community attitudes then and now. Mostly these attitudes, and the policies that follow, result in punishment for asylum seekers who arrive or attempt the journey by boat. These policies are justified as a means of deterring people smugglers and preventing the tragedy of deaths at sea. They also entail a questionable obsession with sovereign borders.

Rage and ridicule is heaped on the heads of those who question the policies. Alternate propositions such as setting up processing centres in Indonesia are dismissed, even though such centres would give hope to asylum seekers and provide a real queue for those deemed refugees. The fact that European countries, where people also deplore people smuggling, do not punish asylum seekers who arrive safely is also conveniently ignored.

While Tri Nguyen and his 200 or so supporters walked along Sydney Rd in Brunswick, thousands of people were taking part in the 'March in March' across Australia. Many among them were opposed to the policies and punitive treatment of asylum seekers who seek refuge here. When I watched the TV news that night, one poster carried by a protester in central Melbourne took my eye. It read, 'It's not a crime to seek asylum'.

Church honours market over Gospel in abuse cases

RELIGION

Andrew Hamilton

Cardinal Pell was often described as the leader of the Australian Church. What he said and did was taken to represent the Australian Catholic Church. That sometimes annoyed Catholics from other states who saw their church as superior to the Sydney variety, and certainly did not recognise the Cardinal as their leader.

It does explain why his appearance at the Royal Commission was awaited with such interest and received such publicity. But in the event the hearings on the treatment of John Ellis were of far deeper significance than for what they revealed of the Cardinal's own role. It exposed a set of priorities and strategies until recently adopted by many Australian bishops, church bodies and leaders of religious congregations. They reflected an unwitting subscription to neoliberal ideology at the expense of the Christian Gospel.

In the Catholic Church, bishops and, in a more limited sphere, other religious leaders have three interlocking responsibilities. They are teachers of their people, encouraging them to appropriate the Gospel deeply and faithfully, and helping them reflect on its significance today. They are pastors of their people, providing for their spiritual needs and reaching out to the needy and the lost. They also administer the patrimony of the Church, ensuring that its personal and financial resources serve its mission.

These responsibilities are complex and rich in their scope, but can readily be reduced to something more manageable. Teaching can be reduced to enforcing doctrinal orthodoxy; pastoring, to maintaining order; administering the patrimony, to protecting and extending financial reserves. And the rich relationships involved in these responsibilities can be reduced to control, that unlovely amalgam of fear and power.

The story of Ellis' encounters with the Catholic Church suggests that, with a few notable exceptions, Sydney Church leaders did not see him primarily as a vulnerable person to whom they should reach out in compassion. They viewed him as a threat to the financial wellbeing of the Sydney Catholic Church. Even though it was recognised that he had been abused by a Catholic priest, the callous treatment he received was inspired by the desire to avoid large compensation payments.

The disturbing consequence of this strategy, adopted widely in the Catholic Church, is that Catholic leaders effectively accepted that human worth can be measured by economic price. They accepted that the priority of the Church lay in the market where its task was to preserve and enhance its financial resources. They accepted that the Church and Ellis were competitors in the market, and so adversaries.

They were also led by free market ideology to regard Ellis and the Catholic Church as individual players in the market who, despite their patent disparity in wealth, were equal players. And finally, they accepted that their legal representatives could do anything legal in order to protect the financial resources of the Church.

This acceptance was less a reflection of bad will than of the power of economic ideology to blind people to what matters. It led Church authorities finally to accept without outrage the legal advice that they should not engage personally with the people who had been abused by clergy because it might damage their interests in any litigation. People had to be treated as things, not as subjects, let alone the vulnerable fellow Christians whom representatives of their Church had wronged.

At the Royal Commission Pell more than once acknowledged that the treatment of Ellis was not Christian. That is worth dwelling on. Pope Francis has spelled out freshly the implications of being 'Christian'. It means going out and representing God's compassion to people on the margins of church and of society, and standing with those excluded from the table of the world. It means unmasking the ideology of economic liberalism in which the enrichment of the rich and the impoverishment of the poor are acceptable and unavoidable.

It means that the patrimony of the Church is to serve the mission of the Church to go out to the vulnerable, not a fortress from which the vulnerable are to be repelled.

From this perspective Pell's full apology at the Royal Commission, his subsequent meeting with Ellis and his review of compensation were of more than personal significance. They offer freedom to Catholics to reflect, as Francis has done, on what the proclamation of the Gospel entails in Australia, on how to go out to the vulnerable on the edge of society and church, and inevitably to come to see the malign effects of the economic ideology that places wealth above people.

Deeper dysfunction behind the Ellis case

RELIGION

Tim Wallace

In late 2004, two years into the Catholic Archdiocese of Sydney's botched handling of a sexual abuse complaint against priest Aidan Duggan, the executive director of the Catholic Church's National Committee for Professional Standards, Julian McDonald, did something extraordinary. He inquired into whether Duggan, prior to joining the Sydney Archdiocese in 1974, had form.

This would not have been within McDonald's usual ambit, but Duggan's accuser, John Ellis, had requested the NCPS review the archdiocese's handling of his case — a process stymied early on the basis the archdiocese had no record of other allegations against Duggan, deemed too senile to answer the allegations.

In October 2004, McDonald emailed the Child Protection Office of the Catholic Church in Ireland. A month later he emailed John Mone, the recently retired bishop of Paisley in Scotland. Then, in mid-January 2005, he emailed the director of St Margaret's Children and Family Care Society, a voluntary adoption agency in Glasgow.

He asked that records be checked for any allegations against Duggan, 'who was born in Scotland and became a Cistercian monk, ministering in Scotland for some years before leaving the Cistercians and coming to Australia where he was incardinated into the Archdiocese of Sydney'.

McDonald's letter was promptly referred to the bishop of Galloway, John Cunningham, who responded on 25 January 2005. 'It will be very difficult for me to be of much help to you, given the lack of information regarding the matter about which you enquire,' Cunningham wrote. There was no indication as to when Duggan was in Scotland or the circumstances of his incardination in Sydney. 'Your letter simply says that he was a Cistercian monk and indicates that he was ministering in Scotland, which seems strange as Cistercian monks normally live an enclosed life. Any information regarding these matters would be of help to me.'

This correspondence is now public as evidence before the Royal Commission into Institutional Responses to Child Sexual Abuse. It barely raised a ripple in the cross-examination of archdiocesan officials and lawyers over how and why it managed to first dismiss the complaint, in defiance of the Church's own Towards Healing protocols, then aggressively dispute what its own assessment had accepted to be true. But it is an oddity: the only evidence of a Church official actively attempting to check Duggan's past; an attempt destined to fail.

For McDonald's information was both scant and misleading. Duggan was not a Cistercian but a Benedictine monk, ordained at St Patrick's Seminary, Manly, in 1950. He spent about four years at the Benedictine abbey in New Norcia, Western Australia, then moved in 1954 to the Benedictine abbey at Fort Augustus, on the

shore of Loch Ness. Before returning to Sydney in 1974, he served at the Fort Augustus Abbey School, had been chaplain to Stanbrook Abbey in Worcestershire and parish priest in Fort Augustus, Invergarry and Invermoriston.

This information was known to the Sydney Archdiocese, and to its lawyers, who proposed making no enquiries. 'The onus is on Ellis to prove his assertions', Corrs senior associate John Dalzell told Michael Casey, private secretary to Cardinal Pell, 'there is no onus for us to show the good character of the Reverend Father.'

It is one thing for a defence lawyer to argue that; but is that good enough for an organisation that makes a special claim as a repository of truth? Should not an allegation as serious as child sexual abuse prompt even the most basic steps of inquiry as part of a commitment to seeking the truth?

Proper inquiries directed to the right quarters might have given Church authorities in Australia and Scotland a whiff of the scandal exposed in July 2013, when the BBC aired allegations the Fort Augustus abbey was a 'dumping ground' for Benedictine monks with a history of sexual predation.

Duggan was one of the pedophiles identified by former students of the abbey school. So were two other Australian monks who ended up in Sydney: Duggan's own brother, Fabian, who died last year on the very day the BBC put to him the accusations arising from its investigation, and Daniel Chrysostom Alexander, whose priestly faculties were suspended by the archdiocese due to the BBC investigation.

It is now known that moving accused clerical sex abusers from one jurisdiction to another was far from uncommon. It is also known, from evidence to the Victorian parliamentary inquiry last year and elsewhere, that bishops were not above destroying evidence. In other cases, language could be so delicate as to obscure the true nature of offences.

Even if Duggan's file held no explicit allegations against him, one aspect that might have raised questions was the odd jurisdictional limbo in which he operated for 16 years. He was accepted into the Sydney Archdiocese in 1974 *ad experimentum* (on probation) but not incardinated (formally made a priest of the diocese) until 1990.

Piecing together second-hand references to Duggan's record in documents made public by the Royal Commission, it appears his return to Sydney was not exactly with his superior's blessing.

For several years his abbot tried to persuade Duggan and his brother to return to Scotland. In August 1976, the abbot wrote: 'I must make it quite clear that I will accept no responsibility for either of you, or for your activities, while you are absent from the monastery.' It is quite unclear that Duggan had the letters of commendation required by canon law for him to be permitted to minister in the Archdiocese.

Even by the Church's sometimes glacial approach to administration, a probation period of 16 years might be regarded as unusual. But rather than prompting further enquiry, Duggan's irregular status became a further defence against accepting liability. As Corrs senior partner Paul McCann informed Ellis's lawyers, Duggan 'was not in the service of the Archdiocese of Sydney' but 'an active member of the Order of St Benedict' and 'not bound to follow instructions of the Archbishop of Sydney' — statements contrary to canon law.

In his evidence to the Royal Commission, Pell suggested the Vatican's belated recognition of the gravity of the clerical sex abuse scandal was due to an attitude that viewed accusations as an attack on the Church by its enemies, and tended 'to give the benefit of the doubt to the defendant rather than to listen seriously to the complaints'. His own evidence was replete with concessions as to what he now accepts as the right and moral response to sexual abuse complaints, in contrast to what was done, or not done, in the Ellis case.

Differing conclusions will be drawn about the credibility of his recollections, but it is hard to avoid the impression that, whether by deliberate calculation, incompetence or organisational dysfunction, the overriding priorities were protecting the Church's material assets and public reputation — priorities not nearly far enough from the very mindset that led to this scandal in the first place.

North Korean propaganda pans Australian miners' might

REVIEWS

Tim Kroenert

***Aim High in Creation!* (M). Director: Anna Broinowski. Starring: Peter O'Brien, Susan Prior, Kathryn Beck, Matt Zeremes, Elliott Weston. 97 minutes**

Broinowski is an offbeat documentarian. Her 2007 film *Forbidden Lies* was a hilarious, gripping portrait of a possible pathological liar, Norma Khouri, whose memoir about a Muslim friend killed for dating a Christian was a best seller before it was debunked. Broinowski toyed gleefully with the documentary form, playing both confidante and foil to the charismatic Khouri, genuinely liking and wanting to believe her while studiously tumbling each earnest fib. The film at the same time considered seriously the issue of honour killings in Jordan.

Aim High in Creation! plays just as fast and loose with the rules of documentary filmmaking, making no pretense to objectivity and aiming to provide a high level of entertainment while also making a serious point. Broinowski's target this time is the corporate behemoth behind a gas mine planned for construction near her inner-Sydney home. Appalled by the environmental and health risks — particularly to her young daughter — implied by such a mine, and loath to sit by powerless, Broinowski takes it upon herself to make a film that will start a revolution.

Yes, we are talking fully-fledged propaganda here. And where better to learn the art of propaganda decrying Western capitalist greed than North Korea? Broinowski writes a script and assembles a cast of Australian screen actors — among them television mainstays O'Brien and Prior — then heads to the Republic to study at the feet of its big-screen masters, a temporary disciple of late dictator Kim Jong'il's cinematic manifesto. In this Broinowski gains unprecedented access to directors, composers and other North Korean industry experts.

Aim High offers an intriguing insight into an industry whose strangely beautiful, if overwrought films have been part of a tapestry of indoctrination used to obfuscate serious human rights abuses in the country. Broinowski acknowledges this fact perhaps too lightly, approaching her individual subjects simply as humans, who are part but by no means the sum of a much larger corrupt system. One wonders if [Hannah Arendt](#) would let them off the hook so blithely. Still, Broinowski's warmth and respect for the individuals she encounters is charming.

The film wobbles back and forth between this study of North Korea's film industry, Broinowski's attempts to instill its lessons into her often recalcitrant actors, and an earnest examination of the dubious practices of mining companies. She is uncompromising, and not above humiliating her actors (her interactions with them range from tense and awkward to downright silly), but she is equally self-deprecating: one of the best scenes sees her perform a cameo for a crotchety

North Korean director, who proves impatient with her limited acting abilities.

Aim High is not as tight or compelling as *Forbidden Lie\$,* but Broinowski's energy goes a long way to sustaining it. The run-up is wobbly, but she nails the landing, as the different strands come together in rousing fashion. The propaganda film she produces, presented in full during the film's climax, is surprisingly affecting. The magician Broinowski thus sells the illusion despite having spent the previous 90 minutes exposing its mechanics, and knots her muddled threads into a final, stirring speech about people power rising up against corporate might.

Commission hearings' trail of collateral devastation

RELIGION

Neil Ormerod

Most of us who have worked in or near church institutions get used to a certain level of dysfunctionality: poor lines of communication, under-developed personal skills, the arbitrary use of power, the no-talk rule about controversial issues, lack of accountability and transparency, people rising above the level of their competence, and so on. In general we learn to tolerate it and work around it as best we can. At times, however, it comes together as a 'perfect storm' of dysfunctionality leading to incredibly damaging consequences for all concerned.

After listening to several hours of the Royal Commission into sexual abuse on the John Ellis case I would see this as one such occasion.

There was enormous damage done to John Ellis (pictured) in his attempts to get the Church to respond as the presence of Christ in the world. Despite repeated failures by Church authorities to deal adequately with his plight he continued to seek pastoral care, spiritual direction and finally legal mediation. It seems he wasn't recognised as a victim but as an adversary whom the Church needed to crush, a well-to-do lawyer after a pot of money. His was to be the corpse hanging outside the city gates as a warning to all who would attempt similar actions.

Damage was done to the reputations of various bit-players: John Davoran and Monsignor Brian Rayner who clearly did not have Cardinal Pell's confidence; the Cardinal's secretary Dr Michael Casey who was forced by the Commission to admit that the Church's actions were unjust; the solicitors from the Cardinal's legal team Coors who would have heard clearly the warning of Justice McClellan that saying they were following their client's instructions would be no defence. Many who faced the Commission's scrutiny emerged diminished persons.

Perhaps the major exception was Monsignor John Usher, whose humanity shone through when he sought assurance from counsel representing John Ellis that his relationship with the Ellises had not been damaged in the whole sorry affair. He was so assured and his relief was palpable.

There is the damage done to the Australian Church as a whole. This tale is one of the most de-evangelising moments in its history. What appeared as a great legal victory to be celebrated, to successfully defend against John Ellis' claim, has become the Church's millstone. The inner workings of the Church's highest authorities have been laid bare for all to see and it was not a pretty sight.

Time and again Justice McClellan was simply gobsmacked by the dysfunctionality of the inner workings of the Church. Under his forensic questioning it was clear that the claims to the Church's response to victims of clergy sexual abuse being based on compassion and justice were severely lacking in this case.

As a consequence of this legal 'victory' the Church will now be subject to legal constraints not of its own choosing in order to regulate more carefully its responses to victims of clergy sexual abuse. It is unclear where this will lead. As others more capable than I have noted there are legal difficulties in relation to insurance for, or liability in relation to others', criminal acts. But the Church's performance as a pastoral agent in such matters has been shown to be a major source of damage and may be subject to civil action as a form of malpractice.

Finally there is the damage done to Pell himself. What should have been a triumphant move to high office in Rome has been overshadowed by his role in the handling of John Ellis' claims.

Much of the attention of the Commission was directed specifically to decisions or omissions made by him: the failure to clarify the nature and amount of John Ellis' claim against the Church; the failure to attend to the psychiatric report on John Ellis' condition because he presented so well; the failure to take up any of the multiple offers of mediation from John Ellis and his legal team; the endorsement of a legal strategy of dubious legal ethics, which resulted in John Ellis being subjected to days of intensive questioning to establish what the Church had already acknowledged, that the abuse had occurred.

Also we have the irony of one of the Church's great culture warriors, who has constantly railed against secular values, adopting the most secular of all instruments, the legal system, to pursue his ends. And what ultimately were those ends? John Ellis was to be the sacrificial offering to protect the Church's assets.

Much has been made of the Cardinal's poorly delivered apology at the end of proceedings. Clearly he was tired but I think also deeply shamed by the experience. This is not how he wanted his reign in Sydney to end. And to make matters worse McClellan has made it clear the Cardinal will be recalled for further questioning in relation to the Melbourne Response. Not a happy thought to be going to Rome with.

What is the way forward? Pope Francis has pointed the way — repentance, humility, mercy. He wants Church leaders who are truly pastoral, who know the 'smell of the sheep', not careerists or culture warriors. There can be no triumphalism in a Church whose failings have been so searchingly exposed. It will take a decade or more for the Church to recover.

Count the cost of refugee legal aid 'savings'

AUSTRALIA

Kerry Murphy

On 31 March, Immigration Minister Scott Morrison announced that 'the end of taxpayer-funded immigration advice to illegal boat arrivals' would save \$100 million.

For over 20 years, the Department of Immigration has funded immigration advice for people seeking protection. Under both the Coalition and Labor there was always some funding. Legal aid is not available, so the Department funding was the only source of free legal assistance. The funds were limited either by a means test or to those who arrived by boat without a visa.

Now that funding has ceased. Which means no free professional assistance for what is an increasingly complex area of the law.

This is said to be both the fulfillment of an election promise and a cost-saving measure, though it is in fact only a short-term accounting saving. If advice and assistance on complex issues of immigration and refugee law is only available to those with money or the luck to gain access to pro bono assistance, this is not a saving, but a cost. People who are in detention may end up relying on unscrupulous advisors, or those who lack the experience and skills in this area. Pro bono work should exist to help plug gaps, not fill a massive hole.

The Minister states:

The withdrawal of taxpayer funded immigration advice and assistance does not prevent those who arrived illegally having access to legal assistance. In addition, those who wish to provide immigration advice and application assistance pro bono are free to do so. Access to any private and/or pro bono immigration advice by illegal boat or air arrivals will be facilitated by the Department of Immigration and Border Protection, with all costs to be met by the providers of these services.

Private access has always been possible, but is often limited due to logistics about accessing detention centres. What this announcement ignores is the need for a funded system for those unable to afford private firms. It is not just representation, but also the cost of interpreters and translation; there are no free services for these crucial skills. Outside the main cities, there are travel and accommodation costs also to be covered.

'Australia's protection obligations do not extend to providing free immigration advice and assistance to those who arrived in Australia illegally,' states the Minister.

The Refugee Convention does not discuss this, but it also does not say we have to have mandatory detention, or deny access to permanent residence and to immediate family reunion. Yet this Government cheerfully seeks to implement all

of these. The key responsibility in refugee law is to not refole (send someone back to possible persecution). Denying people funded applications assistance increases the risk of refoulement.

If people choose to violate how Australia chooses to run our refugee and humanitarian program, they should not presume upon the support and assistance provided to those who seek to come the right way, and they should certainly not receive additional assistance, as they did under the previous government.

Someone comes here and claims they are at risk of persecution, and that is violating a refugee program? Please. Besides, this is not a new funding program, it operated under the Howard Government as well. Refugee programs are not about maintaining orderly bus queues; they are about ensuring that people who meet the strict criteria are protected from returning to a country where they are at risk of persecution.

Under these changes the government will provide illegal arrivals clear instructions in multiple languages setting out the asylum application and assessment process and will provide interpreters. This is similar to the process employed by the UNHCR around the world.

Maybe if you are in a refugee camp in Jordan, where there are over 1.2 million Syrian refugees, but we are in a highly industrialised and wealthy western country with an advanced legal system. Is a translated document really the best we can offer?

Refugee law in Australia is very complex. The text books are thick, and dense with legalese. This is because governments keep changing the laws and adding new and often convoluted criteria. The majority of migration cases in the Federal and High Courts since 1992 have been related to refugee law. The Refugee Review Tribunal's *Refugee Law Guide* is over 300 pages — will this be translated and available in detention centres?

Before any of the *ad hominem* commentators have a go at a refugee lawyer complaining about funding cuts, here is my disclosure. I do not do any cases which are government funded. I have some pro bono cases. My wife and business partner works part time at a legal centre, but the psychological cost to her in being stressed by funding cuts and dealing with other complex matters is not financially compensated by anything she might earn. In fact, our firm loses money by her being there.

In theory I should applaud this decision as it means possibly more clients, but a major interest for us is the proper treatment of and service to the clients. Those who are unable to pay for advice will be pushing to get help from the already overstretched pro bono assistance available in this area.

Poorly prepared cases take longer to assess, and may give rise to more legal errors, so take up the time of the courts. Asylum seekers become frustrated at

being unable to have their stories properly presented. This will add to pre-existing mental health issues and make their settlement needs more expensive.

It seems we can spend millions on throwaway boats and offshore detention centres, but not on the people whose job is to help resolve refugee applications. Presenting this as a cost-saving measure does not factor in the other actual and potential costs we will have to face.

This decision is plainly a bad one and is yet a further example of the Government's policy of punishment for those who come on boats without a visa. I suspect it is hoped that those of us already providing pro bono assistance will be swamped and unable to adequately represent people. A Government that makes such a decision and trumpets it as a cost-saving measure does not care what happens to those adversely affected.

Be selfish, save the planet

ENVIRONMENT

Megan Graham

On Saturday night the annual international observance of [Earth Hour](#) asked us to give our attention to the planet. Just a few days later, the UN Intergovernmental Panel on Climate Change has released its latest [report](#). It emphasises the likelihood of an increase in extreme and irreversible damage.

In many ways it is an indictment on humanity that we need to be reminded yearly to consider the health of our planet, as if it were some fringe topic. Other creatures that possess the will to live pay close attention to their surrounds, to the environment that sustains them. Apparently, we humans are different. Or the majority of us, anyway. Some of us sideline all that 'greenie stuff'. Some of us have simply become nihilistic, and despair at hearing about climate change without feeling we can effect change.

In light of the IPCC's worrying report — the second part of the panel's fifth climate change assessment and the result of years of work involving 309 leading researchers — consider the fact that modern civilisation has even deemed Earth Hour necessary. It's a bit like having to prompt a dog to notice its kennel is on fire — it wouldn't happen. Unless the dog is in very bad health, it will do what it needs to in order to save itself.

The report outlines numerous risks (identified as 'high confidence' risks) due to climate change. These include higher mortality rates caused by extreme heat; risk of death, injury, ill-health or disrupted livelihoods in low-lying coastal zones and small island developing states due to storm surges, coastal flooding and sea-level rise; ill-health and disrupted livelihoods related to inland flooding; increased global food insecurity with crops affected by increased drought and flooding; significant loss of species; breakdown of infrastructure affecting electricity, water supply, emergency and health services; loss of income and livelihoods for farmers and pastoralists in semi-arid regions; loss of marine and coastal ecosystems and fishing industries in affected areas.

The report highlighted, 'Many key risks constitute particular challenges for the least developed countries and vulnerable communities, given their limited ability to cope.' If you didn't think of climate change as a social justice issue, think again.

The fact that the overwhelming majority of scientists claim climate change is due to human impact makes humans sound as though we don't give a damn about our planet. Indigenous Australians before British invasion respected the environment and lived in balance with the land. Us? We rip masses of stuff out of the ground, tear down forests by the football field, dump tonnes of non-biodegradable plastic and trash into the sea, pollute our finite sources of water, and fill our atmosphere with smoke and chemicals.

Yet I'm pretty sure most of us appreciate being able to live here. Whatever your political leanings, you probably enjoy the sights of forests, mountain ranges and other natural beauties. Whatever you believe about the likelihood of climate catastrophe, wouldn't you prefer to thrive rather than survive? Would you really object to having cleaner air and water, higher-quality food grown in better soil, and rubbish-free oceans? If I ever have children, I want as clean and healthy an environment as possible for them — not a polluted, used-up planet.

You don't need to be a greenie or a scientist. Go for a walk along a river in a city and survey the rubbish washed up on the shores. See for yourself the difference between a metropolitan city night sky and one in the middle of nowhere. Or taste the difference between organic in-season produce compared with the all-year-round lacklustre offerings in most supermarkets. Like the [human blobs](#) of the future in the film *Wall-E*, will we snap out of our touchscreen trances and remember where our real 'home' is?

Saying 'no thanks' to more affordable sources of energy than petrol, to more beautiful places to see, more pristine oceans to enjoy, and more human-friendly weather is one thing. But if to do so also places future generations at risk of suffering or possible extinction, that's harder still to justify.

Respecting our ecosystems won't hurt that badly. Switching to renewable energy or biodegradable materials won't kill us. Even if we're not fully convinced, we may do well to heed the IPCC report. If we don't owe it to future generations, other creatures who have no say in our destructive ways, or — for the faithful — God, at the very least we owe it to ourselves to act wisely. Climate change is already here.

Labor needs the Liberal Left

AUSTRALIA

John Warhurst

The fact that Liberal blue is the colour of Australian politics at the moment makes it all the more important that the Liberal Left speaks out. Call them what you like — social Liberals, moderates, progressives, centrists — the left of that party represents a distinctive strand in Australian politics. But they are very quiet at the moment while the voice of the Liberal Right is loud and confident.

The Liberal Left, by definition close to the centre of Australian public opinion, are the hope of everyone further to the Left of them, including Labor and Green voters, for this decade. The latter should not just hope that the Liberal Left is heard loud and clear, but they should respect and nurture this strand of liberalism.

Many of these centrist Liberals believe in the values encompassed in the various social movements that have so influenced Australian politics over the past 40 or 50 years. They are part of the environmental, women's and Indigenous rights movements, to name just a few.

These movements have been non-partisan and have drawn people from across the political landscape, not just from the political left. That is often forgotten.

In a party in which conservatives are dominant life is rarely easy for centrist Liberals. They are a cultural minority within their own party and can be criticised for rocking the boat when their party is on a roll. There is also some self-interest in promotion which may lead social Liberals to consciously want to fit in rather than stand out. The wider party membership is rarely much help either because they are more conservative than liberal.

At the moment conservative Liberals are taking free shots at the social ideals held by a minority of their own party. This is being led from the front by the Prime Minister, Tony Abbott. He praises foresters, not environmentalists, as the ultimate conservationists, and reintroduces knighthoods without consultation. It is almost as if the Liberal Left doesn't exist anymore. However, although some like Petro Georgiou and Judy Moylan have left Federal Parliament, plenty of its representatives do remain both at the federal and state level.

At the federal level, while George Brandis, Scott Morrison and company stride the limelight, those on the Liberal Left, like Malcolm Turnbull, must be hurting. So too must Joe Hockey and Christopher Pyne, whose hard line on the budget and education respectively mask their Liberal Left credentials on a range of other issues.

At the state level, Queensland's Campbell Newman is the conservative Liberal poster boy, but many of his colleagues as state premiers hold much more centrist personal views, even if they are not always reflected in the actions of their

governments. Colin Barnett, the Western Australian Premier, is in this category. So too is New South Wales Premier, Barry O'Farrell. The new Tasmanian Premier, Will Hodgman, despite his conservative family background, is a social Liberal on many issues.

It is true that Abbott has not severed altogether his ties with the Liberal Left and with the social movements, but there are few remaining links. He may still need their strong support both in the party and the wider community to advance some of his dearly-held schemes.

His generous paid parental leave scheme has some supporters within the women's movement, though plenty of critics too. If it gets through Parliament it will be one feminist movement memorial to him, despite his rejection of most of what the rest of the movement stands for, including advancement for women in government.

But the constitutional recognition of Indigenous Australians would be the greatest achievement that would make social Liberals proud. They have played a substantial role in the Indigenous rights movement through the efforts of notable progressive Liberals like Fred Chaney.

The Liberal Left should remember the influential role they have played alongside those on the Left in recent years and remain true to those values. Those further on the Left should respect and encourage those in the embattled centre of Australian politics.

Unready for sudden fatherhood

CREATIVE

B. N. Oakman

At Leonor's grave

In Soria, on 8 August 1912 Leonor Izquierdo y Machado, aged 18, died after three years of marriage to the Spanish poet Antonio Machado (1875–1939).

Let Machado be your guide:

From the train see *Sorian fields/ where
the rocks seem to dream, sway past
Silver plated hills/ gray heights, cardinal rocks.*

Go in October when *Over the bitter fields ...
a sun of flame* is cooling, though the earth is hard
as baked brick. Don't wait for December when
*The North wind sweeps the stiffened land
and Snow over the field and roads/
is falling as over a grave.*

When you arrive:

Wander where the Duero flows *between
gray cliffs/ and phantoms of old gray oaks.*
In darkness stroll the alleys and lanes of Soria
so beautiful below the moon. In daylight
*Go climb Espino,/ upon high Espino
where her earth lies.* A hundred years
have withered since Leonor died;
a lettered marble rectangle seals her place
in the graveyard behind the church.

The poet is your true guide:

Machado asks, *Leonor, do you see the river*

*poplars/ with their firm branches? but knows
there can be no answer. Oh, what death broke
was a thread between us! His shadowed spirit
goes walking alone,/ sad, tired, pensive, old —
as if he buried her yesterday. Treacherous
the almanacs of solace, courageous
those who dare to love, lively
a poet's words on their flimsy, resilient page.*

The Dog

Francisco de Goya, 'El Perro' (1819—23), Museo del Prado, Madrid.

When Miro visited the Prado for the last time,
guided by a curator in honour of his fame,
given a folding chair in deference to his age,
he asked to see only *El Perro* and *Las Meninas*
and sat staring for half an hour at each.
I've neglected The Dog, eager for flashing
steel with Goya's Marmelukes, two peasants
mired in muck clubbing each other to pulp,
systematic slaughter in *Tres de Mayo*,
Saturn tearing his child apart with his teeth;
the late savageries of the *pinturas negras*,
misanthropies of an old and deaf master.
I see only the dog's head, snout upturned,
ears drawn back. Alone, forlorn, hopeless,
it peers over the rim of unstable ground, perhaps
quicksand. Abandoned on oblivion's brink
it invites me to tarry, heed its plight,
feel the anguish of unassuageable loss — then
dash for the bullets, bludgeons and blood.

Mr Hardy

Undergrowth dense, paths grown-over, filigreed gloom
drapes across the day — and dead leaves, stirred
by fitful breezes, whisper like the turning of pages:

Know the forest, touch its pulse, study its ways, the habits
of its shy creatures. Surrender to its mysteries. Strangers

come and go. Observe them. They too have their place.

And if in some hidden glade you meet another who, like you,
knows the forest, and thereafter feel the sun more warming
on your back, the wind less cutting on your cheeks,
then search no more. Stay. There is no better place.

The undergrowth, so robust, holds the madding crowd
at bay. Leave — and never find that glade again.

Swansong

*My father was ten years old when South Melbourne Football Club
won its last premiership in 1933. The club, reconstituted as the
Sydney Swans in 1982, won AFL premierships in 2005 and 2012.*

He told me he took a train to Melbourne, watched
his Swans play, fell asleep on the homeward journey,
missed Bungaree, and walked miles from Ballarat
to his parents' farmlet in the heart of the spud country.

I see him tramping an empty road, blackness mitigated
by a wan winter's moon, hear the clash of leather boots
on bitumen, the baying of disturbed farmyard dogs; him
scarcely more than a big boy who played bush footy
unready for sudden fatherhood, never again to quicken
to another triumph before he was confined beneath wreaths
of white and red blooms, his Swans long flown from
their lake to nest by the shores of a virescent harbour,
the gilt of heyday glories peeled from the walnut of honour,
the pavilions of his rapture crumbled into ruins.

What's killing the charities regulator?

AUSTRALIA

Michael Mullins

In the 20 years before the Productivity Commission started its work on the not for profit (NFP) sector, there was a near unanimous call from sector leaders for a single national regulator. The Industry Commission took note of the sector's concerns, and its support led to the Australian Charities and Not-for-profits Commission (ACNC), which the current Federal Government is now moving to abolish.

Charities wanted more so-called red tape because it would help to establish themselves on a more professional and protected footing, even though many had operated successfully for more than a century. The changes would include increased transparency and better accounting, and would lead to greater public trust.

In the midst of the current government's move to repeal the ACNC legislation, it's worth remembering that the analysis and consultation carried out by the Productivity Commission between 2008 and 2010 was rigorous. The Commission's report distilled many of the findings of the previous 20 years. In particular, these highlighted that the impact of Australian NFPs was being systematically hampered by the lack of a single, national regulator.

This was followed by an extensive Treasury consultation with the sector and two parliamentary inquiries before the process of consultation linked to draft legislation was pursued by the former government.

The NFP sector is diverse, and it's not surprising that there are contrasting views on the value of the ACNC. Melbourne Catholic Education executive director Stephen Elder [sees](#) it as an extra layer of red tape that takes attention away from funding and delivery of services. But St Vincent de Paul CEO John Falzon [believes](#) it is a 'move towards a more supportive and less burdensome regulatory system'.

Catholic Health Australia CEO Martin Laverty and the Catholic Bishops' General Secretary Fr Brian Lucas favour compromise. Lucas recognises the necessary expertise in charity law offered by the ACNC but is worried that the construction of a 'league tables' style public portal containing financial data is open to simplistic and misleading interpretation, particularly by the media. He told *Eureka Street*: 'Transparency is mediated, which is the problem. The public doesn't get the full picture.'

While it is not surprising to see such a variety of views across such an exceptionally diverse sector, there has rarely been such an extensive period of consultation and legislative in Australian history. Caritas Australia CEO Paul O'Callaghan has had extensive experience with a number of NFPs. He told *Eureka Street* that three independent surveys conducted since the ACNC came into being

also demonstrated the vast majority of sector leaders want to retain a single, national regulator which is independent from the Australian Tax Office.

'We all recognise that a new government has the power to act as it wishes. The question is why it would proceed on the path to repeal the ACNC in the absence of any evidence that it has failed and at a time when the vast majority of Australian charities remain very strong supporters of the existing legislation. For so many charities this will simply lead to a steady increase in their red tape costs over the coming decades.'

It is believed that 80 per cent of NFPs [support](#) the ACNC. But despite many requests, the Federal Government has yet to explain why it has decided to deny the overwhelming push for more than 20 years from the sector's leaders for a regulatory body. Vinnies' John Falzon [describes](#) it as 'ideological opposition'. We will never know whether he is right until the Government moves from its culture of secrecy and gives clear explanation of the policy imperatives that are driving it to dismantle such an extensively considered piece of legislation.

It's hip to be a bigot in radical Abbott's Australia

AUSTRALIA

Ray Cassin

A commonly heard narrative about the Abbott Government is that it still behaves like an opposition. This accusation accurately characterises the pugnacity of the Tony Abbott-led Coalition — its instinctive tendency to exploit the weaknesses of its Labor opponents and to continue manipulating the voter anxieties that propelled it into office. But it would be quite wrong to see the Government as having no agenda beyond clinging to power while rewarding its friends and discomfiting its enemies.

Six months into its first term, it is apparent that this is not a conservative government in the same sense that the Howard Government was when it won office in 1996. The radical-right tendencies in that government emerged gradually, and only became dominant after it had gained a fourth term — and unexpected control of the Senate — in 2004. The result was WorkChoices. The Abbott Government, in contrast, has already sent multiple signals that it is intent upon a radical remaking of the political fabric.

Some of these signals are distinctly wacky emanations of the prime ministerial psyche, such as the restoration of knighthoods to the national honours system. Others, such as the repudiation of support for manufacturing and foreshadowed cuts to Medicare, the dole and disability pensions, indicate that the Government's economic agenda is being driven by the doctrinaire free marketeers in cabinet. Still others, such as the blurring of military and civilian roles in Operation Sovereign Borders, are corroding basic principles of constitutional democracy.

In this last category must be placed the proposed amendments to the Racial Discrimination Act announced this week by the Attorney General, George Brandis.

They are not being touted as threats to democracy, of course. On the contrary, the government and its ideological cheer squad in sections of the media and the Institute of Public Affairs, a libertarian think tank, insist that the amendments will reinvigorate democratic debate by removing shackles the act has placed on free speech. They have dismissed protests by leaders of Indigenous and ethnic communities that the changes will undermine the civility and mutual respect on which the free exchange of political opinion ultimately depends.

At present section 18C of part IIA of the act prohibits conduct that is likely to 'offend, insult, humiliate or intimidate' a person or group of people on the basis of race. Section 18D, which the Government also wishes to repeal, exempts from this prohibition conduct carried out 'reasonably and in good faith' for specified purposes, including political commentary and debate. In other words, the act includes protection for free speech.

In place of these provisions, the draft exposure bill Senator Brandis has

released for public discussion removes the words 'offend', 'insult' and 'humiliate', leaving in 'intimidate', and contains a new prohibition of conduct that vilifies people on the basis of race. If the exposure bill becomes law, the bar will be set very high: only conduct that openly incites racial hatred is likely to be censured.

The Government has not sought to deny that its desire to amend the act stems from the controversy over the conviction in 2011 of *Herald Sun* columnist Andrew Bolt for violating section 18C of the act. Bolt had been prosecuted by Pat Eatock, a lighter-skinned Aboriginal woman, after the publication in 2009 of two articles, 'It's so hip to be black' and 'White fellas in the black'.

According to the trial summary released by Federal Court judge Mordechai Bromberg, the articles contained these imputations: that fair skin indicates a person who is not sufficiently Aboriginal to identify as Aboriginal; and that there are in Australia people of some Aboriginal descent but essentially European ancestry who, motivated by career opportunities or political activism, have falsely chosen to identify as Aboriginal.

Bolt's conviction has made him a martyr to the cause of free speech in the eyes of some, and the act under which he was prosecuted has been denigrated as an artifice of political correctness intended to suppress arguments such as the one Bolt had sought to make. Those who make such claims, however, rarely refer to the evidence given at his trial, or to the judgment.

Bromberg acknowledged that Bolt could have made his case, offensive to the fair-skinned Aboriginals named in his articles though it was, and been protected by the free-speech provision of the act. He was excluded from that protection, however, because his arguments were not made 'reasonably and in good faith': not only were they excessively vituperative in tone, they were littered with factual assertions that proved to be false. When these errors were drawn to his attention he'd been insouciantly dismissive, as if they were of no consequence.

Since Bolt's argument turned on the factual claims he had made about several prominent lighter-skinned Aboriginal people, however, the errors were undoubtedly of consequence. To readers of the judgment, these claims amount to an astonishing litany of distortion, which Judge Bromberg unravels claim by claim.

Here is a sample. Bolt wrote that Eatock had 'thrived as an Aboriginal bureaucrat, activist and academic'. But Bromberg notes that 'the comment is unsupported by any factual basis and is erroneous. Ms Eatock has had only six to six-and-a-half years of employment since 1977.' Bolt wrote that 'Eatock only began to identify as Aboriginal when she was 19, after attending a political rally'. Again, Bromberg points out that Eatock 'recognised herself to be an Aboriginal from when she was eight years old ... and did not do so for political reasons'.

Is the error-laden tirade that Bolt directed against the objects of his scorn in these two articles the kind of speech that those demanding the repeal of section 18C want to allow? If it isn't, just what do they want to be able to say that the act

now prohibits and would not be exempted under section 18D? Since Bolt's conviction, the defenders of repeal have evaded these questions. The best they have come up with is Senator Brandis's enigmatic, and far from reassuring, proclamation of a newly discovered human right, 'the right to be bigoted'.