



A protest in support of Bernard Collaery and Witness K, in Canberra, in November 2018.

The real threat to freedom of speech

PETER BOYLE

#FOLAU WAS STILL trending on Twitter in Australia on August 7 as the endless whining — amplified by the corporate media — about sacked rugby player Israel Folau allegedly having his freedom to express his bigoted hate speech restricted persists.

Meanwhile, some very serious threats to free speech are going underreported.

That same day, the High Court reversed former public service worker Michaela Bannerji's successful worker's compensation case.

Bannerji was sacked in 2013 for posting mild criticisms of Australia's inhumane offshore detention of asylum seekers. Her tweets were not posted under her own name, they did not disclose any privileged information and were not offensive.

The High Court decided that the constitutional freedom of political communication it had declared existed in previous cases did not equate to a personal right of free speech, and that Bannerji's mild and anonymous criticisms could damage the integrity and reputation of the "apolitical" public service.

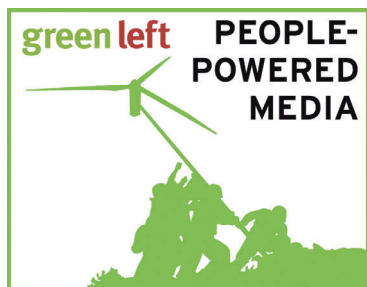
With this decision, the High Court has taken away the rights to even the most basic political expression of some 2 million federal, state and local public service workers.

The Community and Public Sector Union said workers "should be allowed normal rights as citizens rather than facing Orwellian censorship because of where they work".

All this is happening in the wake of highly politicised Australian Federal Police raids on trade union offices, the ABC and even the homes of individual journalists.

The Orwellian nature of this High Court ruling is further exposed if we look at another court hearing in Canberra the day prior.

Former Australian Secret Intelligence Service (ASIS)



agent "Witness K" and his lawyer Bernard Collaery are being prosecuted for exposing Australia's bugging of Timor-Leste government offices during critical negotiations over offshore oil resources in the Timor Sea.

The two have been charged with conspiring to breach s39 of the *Intelligence Services Act 2001*, which makes punishable the revealing of information of any kind about ASIS.

They are just two of many being persecuted under increasingly draconian "anti-terrorist" security laws passed with the support of both the Coalition and Labor.

In a carefully prepared statement, Collaery warned: "Let us be under no misapprehension. Mighty forces are at play here to hide dirty political linen."

"I am familiar with Australia's security legislation and its practical implementation. It was why I was approved to provide independent legal advice to members of the security services."

"As I said before, in providing Witness K with advice it became apparent that the misconduct complained of was a culture unrelated in any way and, in fact, contrary to Australia's national security interests."

"It was a cheating culture motivated by commercial interests and an abuse of process to utilise our servicemen and women in its implementation..."

"I consider K's complaint to be genuine and the changed culture it revealed to be unlawful."

"I wish to emphasise that K had written approval of

the Inspector-General of Intelligence and Security (IGIS) to seek my opinion and to take legal action. I stand by that advice. The accusation that K conspired with me is contemptible."

After six long years of enforced seclusion and unrelenting stress and pressure, Witness K is reported to have decided to enter a guilty plea, but Collaery is fighting the charges because he sees this case as a "a turning point on whether we have equality before the law and true freedom of expression against abuses of power".

"We live in grim times of populism and repression. Our hope is that this trial — whatever the outcome — will ... raise awareness of the state into which our country is slipping."

In the 40 years that he has been a lawyer, Collaery said he had learnt that "the stronger the truth is suppressed, the stronger it becomes".

These are grim times and it takes courage and strength to tell the truth and stand up for justice.

That is why *Green Left Weekly* will continue reporting the news that powerful forces won't.

It is also why you should become a *Green Left* supporter today.

Become a supporter or make a one-off donation through our website at greenleft.org.au/support. All online transactions are PCI compliant and securely handled by Pin Payments.

Alternatively, please email us at accounts@greenleft.org.au or call us on 1800 634 206 (free call from anywhere in Australia).

Or simply mail a cheque or money order to PO Box 394, Broadway, NSW 2007.

Direct debit can also be made to Bendigo Bank:

BSB: 633-000

Account Number: 160058699

Please put your name in the description so we know who the payment is from.

FOLLOW US



/greenleftweekly



/greenleftweekly



@greenleftweekly



greenleft.org.au

CONTENTS

AUSTRALIA



- Activist report — p. 4
- NSW one step closer to decriminalising abortion — p. 6
- Shonky uranium approval upheld in WA — p. 8

ANALYSIS



- Fines for some, jail for the rest — p. 7
- Coalition pushes new fossil fuel offensive — p. 8
- Try shouting 'how good are homes' at the homeless — p. 9

WORLD



- The rebellion in Hong Kong intensifies — p. 12
- Venezuela: US imposes embargo — p. 15
- Brazil's stride into authoritarianism — p. 17

CULTURE



- Review: Goodes doco shows racism alive and well — p. 18
- Seven new albums to make you smile — p. 19

Green Left Weekly is produced on Aboriginal land. Sovereignty was never ceded.



CONTACT US

Editorial 02 8070 9330
editor@greenleft.org.au
photos@greenleft.org.au
calendar@greenleft.org.au
 Mail PO Box 394,
 Broadway NSW 2007

Green Left Weekly welcomes, but cannot pay for, original contributions to its pages. Copyright remains with the creator. Articles represent the views of their authors, not necessarily the views of *Green Left Weekly* or the organisations to which they belong.

Green Left Weekly content may be republished for non-commercial purposes, provided an attribution is included.

Responsibility for electoral comment in this issue is taken by V. Miley, 22-36 Mountain St, Ultimo, NSW 2007.

Green Left Weekly is published by the Green Left Association. Printed by Spotpress Pty Ltd, Marrickville NSW 2204, (02) 9549 1111.

ISSN 1036-126X, 2209-6507(online).

Closing news date was Friday, August 9, 2019. Covers: Viv Miley and Duncan Roden.