

Justin Tutty

Thankyou for conducting this work.

I'm interested to contribute to an understanding on the impact of the alliance on Australian democracy.

I think that the impacts of the ANZUS alliance, and the growing foreign military build up in particular, do have an impact on Australian democracy. While this is not as readily recognisable as other impacts, I do expect we can recognise a degradation of democratic access to decision making (transparency, natural justice) and rightful operating of democratic functions (media reporting, appropriate delegation of authority, and formal process)

Here I share a grab-bag of complaints of instances I've noticed from my time in Darwin, which spans the past 20+ years, since before the Joint Force Posture announcement.

Media

On the occasion of President Obama coming to town to formally announce the initial marines deployment, I was disallowed from placing a small simple classified ad announcing a location to protest the visit. The NT News told me the ad (simple time, place, reason) was 'disrespectful' and so would not run.

I realise this is a small complaint but turns out it signalled a very 'respectful' (subservient) approach by local media to the growing build up.

Almost universally, media outlets (mostly NT News and ABC) simply publish press releases from either the USMC or the ADF. Very very little actual reporting in the past 10 years.

Notable exceptions include:

NT News printing pieces from USA-aligned think tank (ASPI) and AALD journalists (Peter Hartcher) which while not providing an alternative view at least do more to promote thought

AAP journalist based in Darwin did one long form piece on assaults in the first few years. This ran online.

ABC in Sydney ran an investigation (with very little outcome) into ADFIS handling of assault complaints (got small play locally)

Just last month, SBS published an investigative report following up on sexual assault victims who were discouraged from pursuing their attackers. I did not notice any local coverage.

Also recently a local ABC journalist ran a story about failed FoI into COVID decision making around marines deployment. On one hand, the refusal of basic information is more evidence on the lack of appropriate scrutiny over the growing foreign presence, but in this instance I was thrilled to realise a local journalist was actually asking questions.

COVID-19

That abc journo sought detail on decision making re where to quarantine incoming marines. Even more significant is the decision making around whether to allow them in.

At a time when Australians were presented with closed international borders, the decision to allow staggered deployment of marines (from known covid hotspots) in 2020 is unattributable. I made enquiries to the CHO and Defence, each of whom referred me back to one another. I failed to find anyone who would accept responsibility for the decision. I conclude that nobody living in the NT made the call, but I also note that anyone who might acknowledge a degree of responsibility was keen to disavow it.

Status of Forces Agreement

Concerns were raised at various levels at every stage of the joint force posture initiative regarding the inadequacy of the 50+ year old Aus/USA SOFA (Status of Forces Agreement).

Locals were concerned to assure all stakeholders that NT law would apply in every appropriate circumstance. Local pressure was driven by a well defined instance of gang rape by visiting servicemen, in which flaws in the SOFA were identified which confounded pursuit of the criminal visitors.

At an early juncture (Feb 2012), when concern of the SOFA was raised in a senate committee, defence chief, Lieutenant-General David Hurley 'reacted strongly'. The forum devolved into shouting. This scene illustrated the way in which serious questions that deserve careful deliberation are effortlessly dismissed with some brand of indignation on behalf of the foreign forces. I consider this a great disservice to australia.

Environmental assessment

Talisman sabre wargames were subject to a weird parody of environmental assessment, applying internal processes that mimic environment law, and hiding significant features behind opaque internal reporting.

Marines in Schools

Early deployments were largely diplomatic, including significant feature of marines in schools (running sporting activities etc).

Strict local regulation on working with children was wilfully bypassed.

The NT *Care and Protection of Children Act* requires volunteers who are resident in the Territory and who have contact with children in Territory schools to obtain a police clearance and an "Ochre Card". Failure to do so is a criminal offence by both the volunteer and the person engaging the volunteer. Marines staying in Darwin during a six month rotation are likely to be "resident" for that period and, if they visit schools, the law will apply to them.

Concerns were raised that the Status of Forces Agreement allows for foreign service personnel to enter via Collective Movement Orders, which would preclude appropriate registration for working with children.

A member of BaseWatch contacted Ken Davies, the CE of Dept of Education, in 2013. He in turn referred concerns to the Solicitor General. Much later a response came with the dubious assurance that the visits were made legal by a declaration from the Department.

I think this illustrates how decisions tangential to the deployments can become infected by an inappropriate tendency away from transparency, accountability and due process.

My gut feeling is that there is a lot of self-censorship and wilful surrendering of responsibility when local authorities are confronted with any responsibility regarding the visiting forces. I detect a general setting of 'hands off' whenever an active decision might be called. But I'm just guessing. Obviously, in some scenarios, this is official. In others, the kind of careful consideration we would hope to see evidence of may be occurring out of the public eye.

Official abrogation of responsibility is obviously wrong. If those responsibilities to decision making and careful management of risk are being performed quietly, outside the public processes that would apply to any other actor, then that's less than ideal but understandable. But where local agencies and authorities are making a pre-emptive, unofficial decision to take their hands off the wheel and give a free pass to anything with an American flag, we have a very difficult cultural problem that I am unsure how to address.

My recommendation to those agencies and authorities is that it is in the interests of all stakeholders, including the visitors, for any decision making to be at least as open as comparable decisions for any other sector.

Thanks again for taking on this work,
I will be following your progress with great interest.

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