

“When they can gaol a person for remaining silent, it’s a rich person’s country yet”

by Ned K.

On Tuesday July 20th, the drawn out court proceedings against building worker Ark Tribe resumed in the Adelaide Magistrates Court. Ark Tribe faces a 6 months gaol sentence for refusing to answer questions of the “tough cop on the beat”, the Australian Building and Construction Commission.

Despite the protracted nature of the court proceedings, and the charade of parliamentary elections dominating the media, support for Ark Tribe is escalating.

As Ark arrived at Victoria Square’s Adelaide Magistrates Court, he was greeted by 2000 union and community supporters. Two politicians, Bob Sneath, ALP MP from the upper house of the state parliament and Greens Senator Sarah Hanson-Young spoke strongly in support of Ark Tribe and for the abolishment of the ABCC laws, as did CFMEU, MUA and AEU leaders.

The supporting rally for Ark Tribe started with a minute’s silence for a 35 year old construction worker who was killed at work at the de-salination plant site a few days earlier. His death was caused by the construction industry’s unsafe material slings used to move steel on site. The CFMEU has been campaigning for these to be banned and for only steel chain slings to be used.

So while a worker faces 6 month’s gaol for choosing to remain silent, a worker is killed due to the ‘profit before safety’ system of the building industry bosses and the ‘do nothing’ government authorities at federal and state levels.

Just before Ark went into the court room, it was announced that in Melbourne a rally in support of Ark Tribe had attracted 12,000 people.

This news inspired the people to vote unanimously to take to the streets of Adelaide and march to the ABCC offices about 5 blocks away in Frome Street. As people marched through the Adelaide central business district they received many looks of interest and support by passers-by and office workers peering from their office windows. One wonders how long before the ABCC laws would be extended even further to prevent building workers demonstrating, if the building owners and developers had their way!

This would never happen in our ‘democracy’ some would say.

Don’t bet on it. “By any standard, the ABCC is a remarkable body. Described by Prime Minister Gillard as a ‘tough cop on the beat’, it has powers that

greatly exceed those given to any police officer in the nation ... in case there was any doubt about the scope of these powers, the law says that the ABCC can override the protections that innocent people have under privacy law. The law may well be unique in also allowing the commission to ignore the confidentiality of cabinet documents and to demand secret national security information held by agencies such as ASIO.” (George Williams, the Anthony Mason Professor of Law, UNSW.)

Ark Tribe’s future remains clouded by yet another adjournment in court proceedings until September 13th and perhaps beyond. Also clouding his future and the futures of all construction workers is how the class struggle plays out between the workers and the multinational building industry corporations and their ‘executive committee’ in federal parliament, whoever that may be after August 21st 2010.

The ALP Gillard executive group

still wants to at least maintain a ‘tough cop on the beat’ while the aspiring executive group led by Tony Abbott are likely to do the same, or even strengthen and broaden the powers of the ABCC to cover other sections of the working class.

So only the power of the people outside parliament can be relied on to do away with the ABCC in any guise.

One thing is for sure, “when they can gaol a person for remaining silent, it’s a rich person’s country yet!”



Ark Tribe had plenty of support when he again fronted the Court in Adelaide

Ark tribe rallies promise “You’ll never walk alone”

by Nick G.

South Australian construction worker Ark Tribe has had his case adjourned until September 13th. The political embarrassment for the Prime Minister of going to an election with a worker in gaol under her laws has thus been avoided.

Ark’s lawyers have done a great job in questioning the credibility of prosecution witnesses, but whether or not they ultimately succeed in keeping him from a 6-month prison term, it must be remembered that the whole edifice of capitalist justice is weighed against the working class.

Laws expressing the class domination of the capitalists protect their property ownership and the entire set of exploitative relations involved in the drive to accumulate profits derived from the appropriation of surplus value created by workers.

The so-called “independence of the judiciary”, which maintains a formal separation of judicial appointments

from the government of the day, is in practice undermined by the lack of independence from the ideological values of the ruling class for which the government is invariably a craven servant.

This is the context in which an ordinary worker who refuses to attend a secret interrogation about a union meeting on safety issues can go to gaol for six months, whilst a boss will never be prosecuted for exploitation or theft of surplus value.

What the Ark Tribe case did bring out into the open during the three trial days in July is that the anti-worker ABCC bypasses its own stated processes in order to intimidate and harass workers. Its own website says that it is meant to exhaust all other channels to obtain information from workers before enforcing its Section 52 secret interrogation requirements.

ABCC Inspector Seamus (“Shameless”) Flynn told the court that he had only tried to contact Ark by phoning the latter’s mobile, which had

twice rung out. Asked whether he had then sent a text message to Ark, he said no, as he had been using a land line. But did he have a mobile with him? Yes, he did, but chose not to use it to text Tribe. Nor did “Shameless” try to contact him by snail mail or visiting him at home.

It was straight to the coercive powers of Section 52.

In contrast to the staid proceedings inside the courtroom, the scene outside, and indeed around the country, was one of lively and vociferous support for Ark. CFMEU federal president Dave Noonan had said that Ark would never walk alone into a courtroom, and that pledge has been made good with tens of thousands of building workers and their supporters stopping for marches and rallies in other capital cities and regional centres each time he has fronted the bosses’ courts.

Ark Tribe – here to stay!

CFMEU – here to stay!