

New Brooms, Old Stories: The Australian Labor Party and Julian Assange

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After having a few lunches with Australia’s then opposition leader, Anthony Albanese, John Shipton felt reason to be confident. Albanese had promised Assange’s father that he would do whatever he could, should he win office, to bring the matter to a close.

In December 2019, before a gathering at the Chifley Research Centre, Albanese [also referred](#) to Assange. “You don’t prosecute journalists for doing their job.” In December 2021, he also [expressed the view](#) that the “ongoing pursuit of Mr Assange” served no evident “purpose” – “enough is enough”.

That said, prior to winning office, the Labor opposition was hardly making disruptive ripples on the subject. “As an Australian, he is entitled to consular assistance,” came the [anaemic remark](#) from Senator Penny Wong and opposition spokesperson for foreign affairs in April. “We also expect the government to keep seeking assurances from both the UK and US that he’s treated fairly and humanely ... Consular matters are regularly raised with counterparts, they are regularly raised and this one would be no different.”

The problem with these assurances is precisely why such a stance is woefully, even disgracefully, inadequate. These have no weight or bearing in law and can be ignored. Power lies, and absolute power lies absolutely. Such a crucial point was blithely ignored by Lord Chief Justice of England and Wales Ian Burnett, and Lord Justice Timothy Holroyde, in their December 2021 [decision](#). In reversing the lower court decision, the justices thought little of questioning the bad faith of Washington’s guarantees that Assange would not spend time in the ADX Florence supermax, or face special administrative measures (SAMs), were he to be extradited. These might have been made at the initial trial, but the prosecutors decided, after the fact, to change their tune on appeal.

Within the new government, there are Labor members who insist that Assange be freed. Julian Hill MP is one, [convinced](#) that Albanese, as Australia’s new Labor Prime Minister, would be a “man of integrity” and be true to his “values”. Within his own party, there were members “who have had an active involvement in the Assange group based on these critical

principles – press freedom and fighting against the chilling effect on the media that this persecution would have – and would hope that our government could achieve an outcome.”

A number of voices outside politics have also urged the new government to make urgent representations to Washington to change the prosecutorial, and persecuting tone, against the WikiLeaks founder. Guy Rundle [insists](#) on “some form of official representation” to the US to end extradition efforts which would see Assange charged under the Espionage Act of 1917. “It should also make representation to the UK government to refuse extradition immediately, and release Assange.”

Rundle is also correct to note that Labor’s form on Assange is pure in its rottenness. Given the chance – as in 2018 and 2019 – it has generously exploited security leaks used by journalist Annika Smethurst to attack the proposed expansion of surveillance powers.

Stuart Rees, founder of the Sydney Peace Foundation, [senses](#) a new form of politics “in the air.” Citing Archbishop Desmond Tutu’s remarks that there could be no future without generosity and forgiveness, he sees any intervention to free Assange as “a next step towards recovery of national self-respect.” The only thing for Albanese to do: get on the phone to UK Prime Minister Boris Johnson to cancel the extradition.

Despite the changing of the guard in Canberra, it should not be forgotten that it was a Labor government, led by the country’s first female prime minister, Julia Gillard, who accused Assange of illegality in publishing US State Department cables in 2010. Gillard, impetuously and inaccurately, tried to impress her US counterparts in tarring and feathering WikiLeaks. “Let’s not try and put any glosses over this,” [she stated](#) in December that year. “It would not happen, information would not be on WikiLeaks if there had not been an illegal act undertaken.”

All zealous and afire with premature purpose, Gillard sent in the Australian Federal Police to investigate the matter, hoping that it would “provide the government with some advice about potential criminal conduct of the individual involved.” The priority here was identifying any Australian laws that might have been broken, since she did not feel up to the task. And there was, she claimed perversely, “the common sense test about the gross irresponsibility of this conduct.” Not a fan of exposing state illegality, notably by the US, was Julia.

Such conduct, at the time, did more than raise eyebrows. Opposition legal affairs spokesman George Brandis [failed to identify](#) any relevant law that might have been breached, either Australian or US. Liberty Victoria president Spencer Zifcak [was](#) “astonished” that a lawyer of presumed competence could have made such remarks. “There is no charge, there is no trial, there is no properly constituted court, and yet the Prime Minister deems it appropriate to say that Mr Assange has committed a criminal offence.”

Within less than a fortnight, the AFP, in concluding its investigation, [informed](#) Attorney-General Robert McClelland that “given the documents published to date are classified by the United States, the primary jurisdiction for any further investigation into the matter remains the United States.” After evaluating the material concerned, the federal police had failed to establish “the existence of any criminal offences where Australia would have jurisdiction”.

How the publisher’s fate is handled will be revealing of the new government’s attitude to

traditional alliances. Albanese, when asked this week how he would approach the Assange case, [had removed](#) the hat of candour. “My position is that not all foreign affairs is best done with the loudhailer.” Now more embedded than ever in the US security framework, crowned by the AUKUS alliance, the length Australian politicians and officials will go to rock the boat of cordial understanding on the issue of Assange is unlikely to be extensive. Even if Albanese prefers to put the loudhailer aside, the prospects of seeming supine and looking ineffectual are brutally real.

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