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Winter
2022

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IMPERIUM EAST AND WEST

ROGER D. MARKWICK
PUTIN'S REMAKING OF
IMPERIAL RUSSIA

ALISON BROINOWSKI
THE UKRAINE WAR AS PROXY

JOHN HINKSON
WARLORDS STALKING

STANISLAVA PINCHUK
SURFACE TO AIR:
DATA MAPPING WAR

GUY RUNDLE
FOR WHOM THE BELL TEALS

DAVID FERRARO
PSYCHOANALYSIS
AND MARXISM

FRANK BONGIORNO
WHAT IT'LL BE
UNDER ALBANESE

DAVID RITTER
GASLIT FUTURES



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CRITICAL AND RADICAL
THINKING FOR AUSTRALIA
AND THE EARTH

EDITORIAL _____

ALISON CADDICK
**The Election and
the Glue that Binds**

AUSTRALIA _____

GUY RUNDLE
**Ask Not For Whom
the Bell Teals**
The Teal rise, Australian liberalism
and the great social shift

FRANK BONGIORNO
Labor Legacies
What can we expect from
an Albanese government?

HILARY BAMBRICK
Experiencing the Floods
Counting the costs, preparing
for a hostile climate

RUSSIA-UKRAINE _____

ROGER D. MARKWICK
**Orthodoxy, Autocracy,
Nationality**
Putin's remaking of imperial Russia

ALISON BROINOWSKI
Collateral Warfare
The US proxy war in Ukraine

JOHN HINKSON
Warlords East and West
Globalisation and the dangers
of the Russia-Ukraine war

VISUAL ESSAY _____

01 **STANISLAVA PINCHUK**
Surface to Air **38**
Data maps of the Russian
invasion of Ukraine

ARTICLES _____

04 **MICHELLE FAHY**
Hard-Wired for Corruption **42**
Arms trading and Australia's
lax monitoring regimes

11 **SUSAN CONNELLY**
Left for Dead **51**
The deep history of Australia's
relationship with Timor-Leste

16 **HERNÁN GABRIEL BORISONIK**
**What the Bitcoin
Is Going On?** **58**
How Bitcoin works, and why
we should be worried

ESSAY _____

19 **DAVID RITTER**
Gaslit Futures **65**
How gas giant Woodside
gets what it wants

THEORY AND PRACTICE _____

33 **DAVID FERRARO**
**The Problem with
'Lived Experience'** **76**
Psychoanalysis, subjectivity, ideology

THE CITY _____

STEPHEN PASCOE
**Melbourne's
Aesthetic Turn** **84**
Coffee culture, industrial chic
and global-city elites

PERFORMANCE _____

CHARLIE SMITH
**Fast Drums,
Slow Genocide** **91**
West Papuan group Sorong
Samarai at WOMAD

REVIEWS _____

DAVID TURNBULL
Undoing Hierarchies **94**
Graeber and Wengrow's
*The Dawn of Everything:
A New History of Humanity*

VALERIE KRIPS
Born for Leaving **98**
Kenneth Branagh's *Belfast*

POETRY _____

ROBERT DINAPOLI
Mariupol Maternity, 2022 **27**
Pietà **27**

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Arena
PO Box 18
North Carlton 3054

W www.arena.org.au
T (03) 8566 7274

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We formally referee any published article if requested to.

Payment

Arena does not receive government funding. Published contributors are offered a one-year gift subscription to *Arena*.

LEFT FOR DEAD

BY SUSAN CONNELLY

**The deep history of Australia's
relationship with Timor-Leste**

What is so reprehensible about the ‘alleged’ 2004 espionage carried out by Australia against Timor-Leste? What does it say about Australia and Australians? Are we defined by it, or might we find a way out?

The details of Australia’s unfriendly act of spying have oozed out from behind the government’s iron panels of refusal to confirm or deny. In a spectacular own goal, however, the matter has attracted intense interest because of charges concerning national security made against one of the spies, ‘Witness K’, and his lawyer, Bernard Collaery. Witness K was charged with conspiring to reveal information about the spying operation. Collaery is being prosecuted for one count of conspiring to breach the *Intelligence Services Act* and four counts of communicating with various journalists about the issue. After three years of prosecution hearings, in 2021 Witness K pleaded guilty and was given a three-month suspended sentence and a twelve-month good behaviour bond. Collaery continues to fight the charges.

National security laws have been invoked in the prosecutions, and levels of threat to security have been described in court affidavits by officials in government agencies. For example, the current head of the Australian Secret Intelligence Service (ASIS) claimed in the Supreme Court that ‘Further disclosure of this information could result in a real risk of extremely serious harm, including potentially catastrophic harm, to Australia’s national security’.

But why then did Witness K not attract a greater penalty? People could be forgiven for thinking that threatening national security to a possibly ‘catastrophic’ extent should have garnered more than a three-month suspended sentence, and who would think that espionage conducted eighteen years ago could possibly affect our current safety and security, or the operations of Australian intelligence services today.

It seems the public is expected to trust the word of politicians and officials, even though the official Australian relationship with the Timorese people, which for decades has been highly tainted, provides little basis for such trust. This is coupled with the absence of any acceptable demonstration that the public interest is being served. The prolonged, costly and secretive conduct of the prosecutions of the spy and his lawyer suggests rather that any ‘threat’ is more likely to concern harm to the reputations of some notable persons, and demands scrutiny

of the influence of resource companies on government decisions.

The position of Timor-Leste as a half-island not an hour’s flight from Darwin might suggest that an honest association between a relatively weak state and a richer, more stable neighbour would be mutually beneficial. Sadly, over many generations, Australian responses to geopolitical realities have dictated otherwise. Spying against Timor-Leste and the subsequent prosecutions of Collaery and Witness K are intimately connected to a deep historical relationship between Timor-Leste and Australia that reaches back even beyond the Indonesian annexation of Timor-Leste to Australia’s involvement there during the Second World War.

Australia, Indonesia and East Timor 1975–1999

For more than two decades the Timorese people suffered a brutal oppression, during which more than a hundred thousand Timorese died violently. Yet successive Australian governments supported the 1975 Indonesian invasion of Portuguese (East) Timor and its ensuing occupation. During that time Australia voted repeatedly in the United Nations for the matter of East Timor to be taken off the agenda, and Australian military assistance to Indonesia, particularly in the form of training, continued throughout the occupation. Gough Whitlam, the Labor prime minister in 1975, tacitly endorsed Indonesian claims to sovereignty; the Liberal-Country Coalition government led by Malcolm Fraser (1975–1982) publicly supported Indonesian claims; and the Labor government under Bob Hawke (1983–1991) maintained that support; while Labor’s Paul Keating as prime minister (1991–1996) actively sought to strengthen the relationship with Indonesia and pursued closer ties with its military. The succeeding Coalition government of John Howard (1996–2007) continued the policies of the previous decades. Leaving the Timorese people to the mercy of the Indonesian regime was bipartisan Australian policy for twenty-four years.

The details of Australia’s unfriendly act of spying have oozed out from behind the government’s iron panels of refusal to confirm or deny.

Nevertheless, the determined Timorese resistance to Indonesian rule received international support, especially after 1989, when the territory was opened to international visitors and the full horror of East Timorese death and suffering began to be revealed. In 1991 the Santa Cruz massacre was filmed and broadcast, leading to stronger global support, while the collapse of the Indonesian economy and death of President Suharto would provide opportunity for change as the 1990s drew to a close. Always in lock-step with Indonesia, Australia supported changes of policy under the new president, B. J. Habibie, previously an aviation engineer. Habibie opined that if a part of an aeroplane wasn't working you got rid of it, signalling, in a move that took the world by surprise, his desire for a political solution to the East Timor situation.

The UN-sponsored referendum in August 1999, in which the Timorese people voted overwhelmingly against an autonomy package offered by Indonesia, led to a wave of destruction carried out by a sullen, departing Indonesian army and their Timorese militias, resulting in another 1500 Timorese deaths. Subsequent investigations, including the 2013 Timor-Leste Commission for Reception, Truth and Reconciliation, concluded that between 102,000 and 183,000 Timorese died violently during the occupation, with some researchers estimating a higher death toll still. On 20 September 1999 a UN peacekeeping force headed by Australia began landing in the territory and remained there for the three-year UN mandate. The new nation of Timor-Leste celebrated its independence in May 2002, with the heads of neighbouring nations in attendance.

In contrast to Australian government endorsement of the Indonesian occupation, many ordinary Australians supported the Timorese people during their struggle, agitating for their freedom over decades. Once independence came, they worked tirelessly with them in health, education and civic development, working to this day in friendship with the Timorese for the development of the new nation and the relationship between our two nations.

The debacle that was the Australian-supported Indonesian occupation of East Timor is within living memory of most Australians. Many may take comfort from the generally excellent Australian military support following the collapse of Suharto regime. However, the shine on that episode is now dulled by the realisation that at the

same time a process of deceit was underway in official planning to spy on the fledgling Timorese nation. Australians now are confronted by the fraud their government perpetrated on the Timorese people.

The Riches of the Timor Sea

On the day the Timorese celebrated independence, 20 May 2002, a treaty governing the sharing of resources in some areas of the Timor Sea was signed by the leaders of Timor-Leste and Australia. Two years later negotiations commenced about a more easterly area, Greater Sunrise, and in Sydney in 2006 the CMATS Treaty (Certain Maritime Arrangements in the Timor Sea) was signed relating to this area. Thus the fledgling nation of Timor-Leste swiftly entered into regional negotiations to secure its future by using the proceeds of two of the few natural resources available to it—oil and gas. Little did any but a few Australians know that the 2004–2006 treaty had been compromised by ASIS. Australian spies impersonating AusAid workers had inserted listening devices into the walls of Timorese government rooms before the treaty negotiations took place. The deliberations of the Timorese were thus listened to, understood and used to the advantage of Australian negotiators. They knew how far their counterparts would compromise, who held what positions, and who was in agreement with whom. Australia was in the box seat, able to capitalise in a way denied to the Timorese.

The Australian Foreign Minister at the time, Alexander Downer, would later become a lobbyist for Woodside Petroleum, the company destined to gain the most from the resources subject to CMATS. The subsequent intrigue swept into its great maw a series of decisions and actions involving governments, intelligence agencies, corporations, and the administration of Australian law. Downer's significant involvement, Witness K's complaints to his superiors, his damaged employment prospects, the advice given to him by his employer ASIS to engage an approved lawyer, the acceptance of Bernard Collaery as that lawyer, the withdrawal of the Timorese from the treaty, Timor-Leste's case against Australia in The Hague, the raiding of Collaery's home and office, the seizure of Witness K's passport, the questionable involvement of a variety of government and opposition politicians, the signing of a new treaty in 2018, the laying

of charges against Collaery and Witness K, the relationship between the Attorney-General and the Commonwealth Director of Public Prosecutions, and the secrecy present in over sixty prosecution hearings are among the episodes that form the astounding sequence of events. The elements in this story are finally being discussed publicly, and have been met with deep disgust.

The Australian government continues to refuse to either confirm or deny that the espionage took place. As both Collaery and Witness K are charged with conspiring to reveal information, one can only conclude that it did: these men are not being prosecuted for libel. It is quite clear that the Timorese government and people were subjected to an unscrupulous Australian act within a few short years of their escaping an oppression in which Australia was complicit.

That this morally bankrupt episode in Australian history has another backdrop only doubles the depth of its dishonour. That backdrop is a series of events that took place exactly eighty years ago—in 1942, during the Second World War.

Australia, Japan and East Timor

In December 1941, along with some Dutch troops, a few hundred commandos from the Australian 2/2nd Independent Company landed in Dili, the capital of Portuguese Timor. The Dutch pulled out soon after, and later that same year members of the Australian 2/4th Independent Company arrived. This Australian incursion, or more properly *invasion*, breached Portuguese neutrality and was vehemently opposed by the Portuguese colonial administration.

The Australian move into Portuguese Timor was in response to fears that Japan might incorporate Timor into its expansionary plans and thus pose a threat to Australia. But Japan had no intention of invading Australia. The primary reason for its expansionist push southwards was to establish an economic, industrial and political empire stretching from Manchuria to the Dutch East Indies and through to New Guinea and the Pacific. The Japanese believed that retaining this huge sphere of influence would guarantee a flow of oil from the Dutch East Indies and be a bulwark against the invasion of Japan by others.

Some in Japanese naval ranks had proposed an invasion of Australia, but the army disagreed, maintaining that it would require ten divisions or more, which they simply did not have. So, while there were many attacks against the Australian mainland, they were designed to isolate the nation from its allies and to prevent the use of Darwin's strategic position by the United States. They were not a precursor to invasion. The first bombing of Darwin, on 19 February 1942, killed over 240 people and wounded up to 400, with most civil and military facilities damaged or destroyed. Many of the casualties were Americans. The Japanese generals were confident that Australia could be bullied into submission through isolation and associated psychological pressure. Despite the fears of Australians at the time, and the continuing belief of some that invasion was probable, no reputable historian now believes that the Japanese intended to invade Australia.

In its push southwards, Japan was faced with the fact that both Macau and the eastern half of Timor island were possessions of the neutral Portugal. Problems associated with invading them were discussed by the Japanese army, navy, legal experts, foreign ministry, prime minister and the emperor. However, since Australian and Dutch troops had already entered it two months earlier, Japan decided to invade Portuguese Timor, despite the breach of neutrality. It seems that while the Australian incursion in December 1941 was viewed as necessary to protect Australia, it actually became the catalyst for the Japanese invasion.

...Alexander Downer would later become a lobbyist for Woodside Petroleum, the company destined to gain the most from the resources subject to CMATS

The Japanese military invaded Kupang in the Dutch-administered western end of Timor with two battalions on 19 February 1942, and on the same day, one battalion landed in Dili, the administrative centre of the eastern Portuguese region. By and large, the Timorese in West Timor did not resist the Japanese, and the Australians there were taken prisoner. It was an entirely different story at the eastern end of the island, now Timor-Leste. At the time the East Timorese population was around 480,000 people, mainly subsistence farmers living in small hamlets and a few scattered towns. With the arrival of the Australians and then the Japanese they

were thrust into the international conflagration of the Second World War.

The few hundred Australians in Portuguese Timor initially had no contact with the outside world. After cobbling together a basic wireless they made contact with Australia on 19 April 1942, which ensured welcome air drops. They had found the Timorese to be friendly. They managed to feed themselves by living off the land and accepting assistance from Timorese families, who also nursed them during their bouts of malaria. A widespread network of cooperation ensued as numerous young Timorese men joined with the Australians. They relayed information on Japanese troop movements, guided the Australians through the mountains, pointed out the best observation and ambush positions, protected and carried equipment, and took the soldiers into their homes.

The Australians employed with great success the guerrilla tactics in which they had been trained. That success moved the Japanese to increase their numbers substantially in the latter part of 1942 with specially trained troops, including seven battalions from the elite 48th division. Final Japanese troop numbers approached 20,000, nearing the standard strength of a Japanese infantry division. There were never more than seven hundred Australians in Portuguese Timor at any one time. Up to forty men of the Independent Companies died in Portuguese Timor, but only ten in combat. The deaths of Japanese soldiers, as Paul Cleary notes, are calculated to be many hundreds.

It is extraordinary that so few Australians were able to engage, evade and frustrate the thousands of Japanese with their tank, engineer and artillery supports. When all other Allied resistance in Asia collapsed, this small group of Australians continued to fight the Japanese for many months, but what is too often forgotten is that this feat could not have been accomplished without the loyal assistance of the Timorese people.

Threat awaited the Timorese, however. The withdrawal of the Australians early in 1943 left the local people in the invidious position of having supported Japan's enemy. Thousands of Japanese troops remained in East Timor and had complete control of it until the end of the war. Their sustained and ferocious retaliation against the Timorese because of their support of the Australians took a grievous toll. But shockingly, many Timorese deaths were also the result of Allied—including Australian—

bombing of Japanese positions, which wiped out villages and crops, causing death, injury and starvation.

It is true that Australian wartime society experienced huge disruptions caused by the military mobilisation of many in the population, the rationing of food and clothes, the uncertainty of the world situation, the absence and deaths of loved ones, and a pervading fear. However, the effects of the Second World War on the Timorese people are utterly astounding. Calculations of the Timorese death toll, even allowing for some inaccuracy, are extraordinary in comparison to those for Australia and other nations worldwide.

A comparison of the 1947 Timorese census to that of 1930 shows that the population of the territory had declined from 472,221 to 433,412. As James Dunn notes, a figure of 40,000 Timorese dead is thus usually accepted, although even a minimum natural growth rate indicates a larger number. Therefore, between 40,000 and 60,000 Timorese died in this period—all civilians. In other words, between 8 and 14 per cent of Portuguese Timor's 1939 population died between 1941 and 1945, despite its status as the colony of a neutral power. This figure is startling when compared with the percentages of deaths in the populations of those nations officially at war. The enormous losses of major combatant nations such as Germany (9 per cent) and Russia (15 per cent) match those of Portuguese Timor in percentage terms.

The Australian move into Portuguese Timor was in response to fears that Japan might incorporate Timor into its expansionary plans and thus pose a threat to Australia.

The shocking death toll of East Timorese was a direct result of the local people's support of the Australians. The fate of the Australians in West Timor included death and injury, until the situation clearly called for surrender to the Japanese. They were then transferred to the Thai–Burma railway, where many were worked to death. That was not the case in East Timor, where there was an entirely different story, of friendship, loyal assistance and mutual respect. It would be followed, however, by grievous suffering.

The effect of the Second World War on East Timor is further seen through a comparison with the Australian-administered territory of Papua New Guinea. The support of the local New Guinean people for Australian

soldiers is well-known and rightly celebrated. Hiromitsu Iwamoto has estimated that 15,000 civilians died during the conflict, and as Papua New Guinea was an Australian protectorate, between 1942 and 1948 almost seven million pounds were paid to Papuan villagers to cover death, injury and destruction. However, the Australian government made only minimal payments to local Timorese helpers, and that was by way of silver coins distributed during the time the Australians were there, and small amounts repaid for material assistance. There was no reparation for injuries, even when requested by Portuguese authorities after the war. No other compensation has ever been paid to the Timorese people for their extraordinarily large losses during the war, despite those losses being incurred in their support of the Australians.

The question must be asked: given Japan's reluctance to invade neutral territories, would it have entered Portuguese Timor if Australia had not breached Portuguese neutrality first? It is hypothetical, yet worth pondering. What is not hypothetical is that the Portuguese Timorese chose to befriend the Australians, not the Japanese. Only towards the end of 1942 did a few cracks begin to appear in their support of the Australians, as a result of destruction and deaths, as well as the fomenting of tribal animosities by the Japanese. The widespread, courageous loyalty of the Timorese towards the Australians remains the testimony of the men who returned, who remembered them with gratitude and grief. One said to me, 'All we brought to the Timorese was misery'; another stated, 'The only people I can't look in the eye are the Timorese'.

Various groups and associations in Australia have attempted to recognise Timorese support for Australia during the Second World War, but there has been little, if any, official acknowledgement, even in this 80th anniversary year. But how could the Australian federal government celebrate the loyalty of the Timorese in its war memorial spectacles given the history of Australia and Timor? How could Australia acknowledge the Timorese people for their unique contribution when it is complicit in their oppression under Indonesia? How could an adequate official remembrance take place alongside the trickery and greed of spying, cooked up in greasy backroom deals with oil companies to secure greater profits? With the prosecution of those who opposed the swindling of an impoverished near neighbour still being pursued, how could that neighbour's unimaginable wartime sacrifice for Australia be honoured?

The Australian government and intelligence agency personnel who chose to spy on the new nation of Timor-Leste were people who had the benefits of lengthy education, likely practised some kind of religion, were well-paid, and enjoyed the other benefits of reputable employment. Some are even held in high esteem by sections of the population. The major historical facts of the relationship between Australia and Timor-Leste would not have been difficult for these people to find out as they laid the groundwork for spying on Timor-Leste. Government and agency personnel in service today would have similar or even better education and access to the history of the two nations. Yet they have persisted in the prosecution of two men of principle who oppose swindling the poor.

The act of spying and its current aftermath have been well described by Stephen Charles as 'a display of mendacity, duplicity, fraud, criminal trespass and contempt of international law'. If Australian governments can cheat people such as the Timorese, who will they not betray if the scent of profit or power is abroad?

The way forward

The reprehensible nature of Australian espionage against the Timorese cannot be properly understood without reference to two prior major aspects of the Timorese–Australian relationship: the Second World War and the Indonesian occupation. The Australian influence on those events involves us in very significant ways in the immense loss of Timorese life from the 1940s to the end of the 1990s.

...between 8 and 14 per cent of Portuguese Timor's 1939 population died between 1941 and 1945, despite its status as the colony of a neutral power.

Proper recognition is essential if the human realities I have described are to find their rightful place in this historical narrative. The key to recognition resides in realms other than simple fact or historical interpretation: it requires moral appraisal of events since the Second World War and frank judgement that the spying that took place in Dili was state-sponsored larceny and a betrayal of the highest order.

That is the judgement of an Australian, and it is no doubt shared by many other Australians. But are we to be defined by this history of betrayal? Can we let it rest? To remain unchallenged by one's nation's pitiful past means to deny any hope, but a large measure of hope for Australians already lies in wait. To build on the dignity and integrity of countless individual Australians both past and present, we could do no better than to look to the example of how the Timorese have responded to Australia's treatment of them.

It is wrong to idealise a nation or a people, and there is no intention here of burdening the Timorese people with some imagined perfection. There are serious levels of domestic violence in Timor-Leste. There is political chicanery, as everywhere. There are matters that have not yet been investigated, such as responsibility for the violence and death meted out by Timorese against Timorese in the two-week civil war prior to the Indonesian invasion. Political calculations continue to inhibit Timorese decisions as to how far they can demand justice for the neglect and harm done to them by other nations for fear that blame also lies at some of their own doors. However, it remains true that the Timorese response, particularly towards Australia, has been one of nonviolence, lack of revenge, and dignity. The Timorese people have not sought to blame Australia for its complicity in the Indonesian occupation. They have not complained about it abandoning them in the Second World War. There have been no bombs thrown at Australian installations in Timor-Leste or killing of Australians. There have certainly been some highly focused words of disappointment, but always observing diplomatic niceties.

What the Timorese people and governments have done is to open a space into which Australians and their governments might step.

Remarkably, the response of the Timorese people is typically one of forgiveness. This has not been in the form of a formal statement or some smug superiority disguised as spiritual largesse. Forgiveness does not mean that wrongs do not matter, or that they should, or even can, be forgotten. Forgiveness is a more a gradual process, a decision not to be controlled by the past, a determination not to repay a wrong with a similar wrong. Justice must be done, but it must be done in a careful and considered manner. Our world is witness to what philosopher René Girard calls the 'escalation to extremes', the tendency for humans to imitate the violence done to them and so

descend into a downward spiral that solves nothing. The Timorese have resisted this pattern, becoming an exemplar for Australia and the world.

Sergio Vieira de Mello, UN special representative during East Timor's transitional administration (1999–2002) is said to have commented on the display of Timorese forgiveness to António Guterres, Secretary-General of the United Nations. For de Mello it was the most surprising aspect of the whole situation: despite having been witness to a number of global conflicts, he had never seen anything like it elsewhere.

What the Timorese people and governments have done is to open a space into which Australians and their governments might step. The step would be enormously courageous, and expensive. It would entail calculating with Timorese leaders what reparations for the losses of the Second World War and beyond should be shouldered by Australia. It would mean widespread public acknowledgement of Timorese support for our soldiers, including a major explanatory display in the Australian War Memorial, and a mandatory section in the school curriculum telling the truth about Australian–Timorese history. The charges against Bernard Collaery would be dropped, and both he and Witness K would be compensated for the damage done to their lives, their families and their livelihoods. The Australian government would need to acknowledge the espionage of 2004 and increase aid to Timor-Leste. This would help to make up for the billions of dollars we have already reaped from Timor Sea oil and gas fields.

It could be done. As one of the world's richest nations, Australia could well afford it. We could surely muster the courage, given our claimed values and the example of the Timorese people.

And not a single Australian would die as a result. 

Susan Connelly is a Sister of St Joseph who has worked with the East Timorese people for over twenty-five years in literacy and cultural support as well as justice advocacy. In her book *East Timor, René Girard and Neocolonial Violence: Scapegoating as Australian Policy*, she applies the theories of René Girard to major elements in the Australia–Timor relationship.

Note: A fully referenced version of this article will be available at www.arena.org.au.