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SITTING DAYS—2002

<table>
<thead>
<tr>
<th>Month</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>February</td>
<td>12, 13, 14, 18, 19, 20, 21</td>
</tr>
<tr>
<td>March</td>
<td>11, 12, 13, 14, 19, 20, 21</td>
</tr>
<tr>
<td>May</td>
<td>14, 15, 16, 27, 28, 29, 30</td>
</tr>
<tr>
<td>June</td>
<td>3, 4, 5, 6, 17, 18, 19, 20, 24, 25, 26, 27</td>
</tr>
<tr>
<td>August</td>
<td>19, 20, 21, 22, 26, 27, 28, 29</td>
</tr>
<tr>
<td>September</td>
<td>16, 17, 18, 19, 23, 24, 25, 26</td>
</tr>
<tr>
<td>October</td>
<td>14, 15, 16, 17, 21, 22, 23, 24</td>
</tr>
<tr>
<td>November</td>
<td>11, 12, 13, 14</td>
</tr>
<tr>
<td>December</td>
<td>2, 3, 4, 5, 9, 10, 11, 12</td>
</tr>
</tbody>
</table>

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Broadcasts of proceedings of the Parliament can be heard on the following
Parliamentary and News Network radio stations, in the areas identified.

<table>
<thead>
<tr>
<th>City</th>
<th>Frequency</th>
</tr>
</thead>
<tbody>
<tr>
<td>CANBERRA</td>
<td>1440 AM</td>
</tr>
<tr>
<td>SYDNEY</td>
<td>630 AM</td>
</tr>
<tr>
<td>NEWCASTLE</td>
<td>1458 AM</td>
</tr>
<tr>
<td>BRISBANE</td>
<td>936 AM</td>
</tr>
<tr>
<td>MELBOURNE</td>
<td>1026 AM</td>
</tr>
<tr>
<td>ADELAIDE</td>
<td>972 AM</td>
</tr>
<tr>
<td>PERTH</td>
<td>585 AM</td>
</tr>
<tr>
<td>HOBART</td>
<td>729 AM</td>
</tr>
<tr>
<td>DARWIN</td>
<td>102.5 FM</td>
</tr>
</tbody>
</table>
HANSARD CONTENTS

HOUSE HANSARD

TUESDAY, 17 SEPTEMBER

Questions Without Notice—
- Foreign Affairs: Iraq................................................................. 6365
- Foreign Affairs: Iraq................................................................. 6365
- Foreign Affairs: Iraq................................................................. 6366
- Foreign Affairs: South-East Asia.............................................. 6366
- Health Insurance: Premiums.................................................. 6366
- Antiterrorism Legislation......................................................... 6367
- Education: Policies.................................................................... 6367
- Ansett Australia: Employee Entitlements............................... 6368
- Education: Funding................................................................. 6370
- Workplace Relations: Workers’ Entitlements ....................... 6371
- Workplace Relations: Workers’ Entitlements ....................... 6371
- Environment: Kyoto Protocol.................................................. 6371

Distinguished Visitors.................................................................. 6373

Questions Without Notice—
- Fuel: Ethanol ........................................................................... 6373
- Government Policy: Small Business ....................................... 6373
- Fuel: Ethanol ........................................................................... 6374
- Law Enforcement: Telecommunications Interception Warrants.. 6374
- Fuel: Ethanol Content............................................................... 6375
- Trade: Exports ........................................................................ 6376
- Fuel: Ethanol Content............................................................... 6376
- Health: Meningococcal Vaccine............................................... 6377

Personal Explanations.................................................................. 6378

Auditor-General’s Reports—
- Report No. 7 of 2002-03.......................................................... 6378

Papers......................................................................................... 6378

Questions to the Speaker—
- Parliament: Broadcast of Proceedings.................................... 6378

Ministerial Statements—
- Foreign Affairs: Iraq............................................................... 6378

Main Committee......................................................................... 6391

Bills Referred to Main Committee........................................... 6391

Ministerial Statements—
- Foreign Affairs: Iraq............................................................... 6391

Committees—
- Selection Committee—Report................................................. 6460

Committees—
- Public Works Committee—Report......................................... 6460

Adjournment—
- Veterans: Vietnam................................................................. 6464
- Environment: Water Management......................................... 6465
- Taxation: Family Payments.................................................... 6466
- Cook Electorate: Kurnell......................................................... 6467
- Scullin Electorate: Legal Services.......................................... 6468
- Wentworth Electorate: Woollahra......................................... 6469

Notices................................................................................... 6470

MAIN COMMITTEE

New Procedures in Main Committee................................. 6471
HANSARD CONTENTS—continued

States Grants (Primary and Secondary Education Assistance) Amendment Bill (No. 2) 2002—
  Second Reading............................................................................................. 6472
Workplace Relations (Registration and Accountability of Organisations) Bill 2002............................................................................................................. 6483
Workplace Relations (Registration and Accountability of Organisations) (Consequential Provisions) Bill 2002—
  Second Reading............................................................................................. 6483
  Consideration in Detail.................................................................................. 6500
Workplace Relations (Registration and Accountability of Organisations) (Consequential Provisions) Bill 2002—
  Second Reading............................................................................................. 6516
  Consideration in Detail.................................................................................. 6517
States Grants (Primary and Secondary Education Assistance) Amendment Bill (No. 2) 2002—
  Second Reading............................................................................................. 6526
Questions on Notice—
  Health: Prescription Medicines—(Question No. 680)................................. 6537
  World Health Assembly—(Question No. 763)............................................... 6537
  Defence: Reserve Depots—(Question No. 775)............................................ 6538
The SPEAKER (Mr Neil Andrew) took the chair at 2.00 p.m. and read prayers.

**QUESTIONS WITHOUT NOTICE**

**Foreign Affairs: Iraq**

Mr CREAN (2.00 p.m.)—My question is to the Prime Minister. Prime Minister, given the welcomed and significant development this morning contained in Secretary-General Kofi Annan’s statement that UN weapons inspectors would be readmitted to Iraq without conditions, will you now agree to make a full statement to the parliament on your government’s policy on Iraq in these dramatic and new circumstances?

Mr HOWARD—As will become further apparent during the course of the day, I believe the government’s parliamentary handling of this matter has been entirely appropriate.

**Foreign Affairs: Iraq**

Ms JULIE BISHOP (2.02 p.m.)—My question is addressed to the Prime Minister. Prime Minister, what is the government’s response to the announcement today that Iraq will admit United Nations weapons inspectors?

Mr HOWARD—The announcement made this morning by the Secretary-General of the UN that he had received a communication from the Iraqi government to the effect that Iraq was willing—so it said—to unconditionally readmit United Nations weapons inspectors is a welcome development. It is a cautious first step towards a solution of this very difficult issue without resort to military conflict. In those terms and in that context, the government welcomes this development. But, given Iraq’s history of misrepresentation—of pretending to do one thing yet doing another—I believe that the world should welcome this development with a great deal of caution and a great deal of reserve, even with a touch of scepticism, given what has happened in the past.

Experience with Iraq demonstrates that the international community must not take Saddam Hussein’s commitments at face value. We have years and years of defiance of UN resolutions to support that reservation and that scepticism. And in our desire, understandably, to welcome a positive development, we ought to keep that very much in mind. We are pleased that Iraq has agreed to start immediate discussions on practical arrangements for the return of the inspectors. The international community, however, is not in the business of negotiating those arrangements with Iraq. They have been comprehensively set down in Security Council resolutions.

It must also be recognised that this move by Iraq is in direct response to the growing pressure of the international community, most particularly the address to the United Nations by President George Bush. Those in the community who have criticised the United States President would do well to pause for a moment and to understand that, had it not been for that pressure and, particularly, that presentation made by the President, this action taken by Iraq would not have been forthcoming. In the same context, I draw the House’s attention to the fact that only yesterday morning our own foreign minister had the opportunity to communicate directly in a face-to-face meeting with the Iraqi foreign minister the view of the Australian government that weapons inspectors should be readmitted. I want to take the opportunity to compliment the foreign minister on the way in which he has conducted this matter in New York on behalf of the Australian government and the Australian people. He will have the opportunity, as he should, to report not only on Iraq’s serial noncompliance with United Nations resolutions but also on the discussions he has had in New York with the Iraqi foreign minister, the United States Secretary of State, the United States National Security Adviser and others.

In summary, we are cautiously optimistic, but the world would be deluded to naively imagine that this is the end of the difficulty and that the mere expression of willingness on the part of Iraq to readmit weapons inspectors means that the world can take its eye off this issue. That is exactly what Iraq has wanted the world to do, and successfully achieved in encouraging the world to do, over past years, and I do not believe that the
world should make that mistake. Iraq must now move very quickly to fulfil its obligations. The international community will not accept further delays or obstruction of UN weapons inspectors, and the Iraqi government should have no illusions about this.

Foreign Affairs: Iraq

Mr CREAN (2.07 p.m.)—My question is to the Prime Minister and it follows the answer he has just given. Now that Iraq has agreed unconditionally to the return of UN weapons inspectors, will the government now agree to support Labor’s proposal—

Mr Ross Cameron—It is out of order. The question is out of order.

The SPEAKER—The member for Parramatta! If the member for Parramatta has a point of order, he understands the forms of the House. The Leader of the Opposition has the call.

Mr CREAN—Prime Minister, now that Iraq has agreed unconditionally to the return of the UN weapons inspectors, will the government now agree to support Labor’s proposal, consistent with what we outlined last Friday, for a two-stage resolution process within the United Nations—the first calling for Iraq to fully comply with all resolutions by a specified time and the second to further assess Iraq’s compliance?

Mr HOWARD—I thank the Leader of the Opposition for the question. I think what should now occur is that Iraq should properly engage directly with the Security Council regarding the implementation of its stated intention to allow the return of the weapons inspectors. In the light of what has occurred today, it would be robbing both Australia and the international community of the needed flexibility if we prescribe in advance the resolutions that might be presented. The intelligent thing to do now is to engage Iraq and see what emerges from that engagement.

Foreign Affairs: South-East Asia

Mr GEORGIOU (2.09 p.m.)—My question is addressed to the Minister for Foreign Affairs. Would the minister inform the House of recent terrorist threats to Australian interests in South-East Asia? What steps has the government taken to protect Australians abroad and help combat terrorist threats in the region?

Mr DOWNER—I thank the honourable member for Kooyong for his question. I appreciate the concern he has for this whole issue of terrorist threats to Australia and others in South-East Asia. The honourable member will, I know, be aware that the Singapore government announced yesterday the arrest of 21 people for involvement in terrorist related activities. I believe all of these people were Singaporean citizens. The government welcomes this action by the Singaporean government. This follows the arrest of 15 people in December of last year. These arrests are the result of a very extensive investigation by the Singaporean authorities into the Jemaah Islamiah terrorist network and threats to our embassy and to other embassies in Singapore last year.

The Australian High Commission in Singapore was subject to a very serious threat at the end of last year. The threat was uncovered by the Singaporean intelligence authorities with the assistance of the Malaysians. All I can say is not only are we enormously appreciative of the effective intervention by the Singaporean and Malaysian authorities but over and above that we certainly very much welcome the subsequent arrests announced yesterday of further people associated with this plot and this network known as Jemaah Islamiah.

The government has been very concerned by recent information that we have received about a generic threat to Australian and United Nations interests in South-East Asia. In particular, in East Timor there has been information received relating to direct threats to Australian and UN interests and to United States interests throughout many parts of South-East Asia. We took very decisive measures during the course of last week. Non-emergency staff and dependents of the Australian embassy in Dili were offered assisted departure on a voluntary basis. The ambassador and a small core of staff remained in East Timor to provide advice and assistance to the Australian community. All of our regional South-East Asian posts have been asked to review their level of security, and many of them have adopted additional
security measures in cooperation with their host governments.

In conclusion, let me say that the Australian government has been working very closely with regional governments on this whole question of terrorism—not just the United States and other governments beyond the region. We have signed memoranda of understanding on terrorism with Indonesia and Malaysia, and we are in the process of negotiating a like MOU with Thailand. Australia and Indonesia are going to host a joint conference in Bali in December of this year to combat terrorist financing and money laundering. I met a couple of days ago with the Indonesian Foreign Minister, and both of us are very much looking forward to co-hosting this conference, which will be a region-wide conference. It will involve a large number of countries from around the region to reinforce the strength of our regional commitment to work together to deal with the problem of terrorism.

Health Insurance: Premiums

Mr STEPHEN SMITH (2.13 p.m.)—My question is to the Prime Minister and it follows on from my questions to him yesterday. Has the Prime Minister now had the opportunity to check the transcripts issued by his office of the comments he made to the Queensland division of the Liberal Party at the Brisbane Sheraton Hotel and at his subsequent doorstop interview on 29 August 1996, in which he gave an ‘absolute guarantee’ that any future increases in private health insurance premiums would require approval by his government? Is it not the case, Prime Minister, that on at least seven separate occasions on that day, you repeated the promise, including saying:

... I can honestly guarantee to you and promise you ... that we will put in place arrangements that ensure that any future increases will be as a result of a political decision and only if those in charge of the decision are completely satisfied.

Prime Minister, isn’t it the case that your absolute honest guarantee was dishonoured when you broke your promise on 11 September?

Mr HOWARD—I have had the opportunity of examining the transcript of the door-

stop, and I do not have anything to add to the answer I gave yesterday.

Antiterrorism Legislation

Mr SOMLYAY (2.15 p.m.)—My question is addressed to the Treasurer. Would the Treasurer advise the House of the contribution Australia is making to international efforts to combat money laundering and terrorist financing?

Mr COSTELLO—I thank the honourable member for Fairfax. I can inform him that Australia is at the forefront of international efforts to develop a response to money laundering and the financing of terrorism. We have played a leading role in the creation of the Asia/Pacific Group on Money Laundering and we provide significant resource support, including accommodation and funding for its secretariat.

In the wake of the events of 11 September 2001 we passed the Suppression of the Financing of Terrorism Act 2002, which strengthened the institutional framework and made it an offence to provide or collect funds intended to facilitate terrorist activities. Following the money trail is an important tool in dealing with terrorism and, under the charter of the UN antiterrorism measures regulations 2001, it is possible to list terrorist organisations which, when matched up with bank accounts, can lead to the freezing of their assets.

On Friday, three accounts were frozen as a consequence of matching with suspected terrorist groups. The amounts involved were small, but I should point out that all of the work done on the events of September 11 last year has indicated that the financing of the terrorist activity involved was with small amounts. It is estimated that, between the 19 hijackers, a sum as low as $300,000 may have been all that was necessary to finance their activity, including paying for flying lessons.

It is a criminal offence for a person or a bank in Australia to deal with a freezable asset, and a freezable asset is one controlled by a gazetted entity. If any of those account holders believe that their assets have been wrongly frozen, they have the opportunity to contact the Australian Federal Police and
discuss matters relating to it. This was a subject that was discussed in some detail at the APEC finance ministers meeting last weekend, where Australia was at the forefront of encouraging international efforts against the financing of terrorism. It will certainly be the subject of further discussions at the annual meeting of the World Bank on the weekend after this one. We intend to make every effort to bring to bear, on the financing of terrorism through our financial system, a contribution which will close down terrorist activities and make it possible to close down a source of financing for those heinous acts.

Education: Policies

Ms MACKLIN (2.17 p.m.)—My question is to the Minister for Education, Science and Training. Minister, in 1991, did you oppose John Hewson’s Fightback policy to deregulate university fees and introduce vouchers, then called ‘National Education Awards’? Minister, why are you now advancing, as your own, John Hewson’s decade-old policies—policies resoundingly condemned by the Australian people when they were again advanced in the late 1990s by the West review and then again in Dr Kemp’s leaked cabinet submission? Minister, isn’t it true that, now that you are in the Liberal Party, you have nothing new to offer—just old Fightback policies that increase university costs for students and their families, policies you opposed when you were a member of the Labor Party?

Dr NELSON—In an article in the Melbourne Age in early June, Barry Jones, who was the Federal President of the Australian Labor Party and the member for Lalor for a number of years, applied his considerable intellect to what he considered to be the biggest mistake of the previous Labor government. He said that its biggest mistake was to amalgamate the then colleges of advanced education with the then existing universities. At that time, the Labor Party, to its credit, recognised that Australian taxpayers could not fully fund the education of every Australian who wanted to go to university and it introduced the Higher Education Contribution Scheme.

The member for Jagajaga has issued 35 press releases—12,185 words—and not one of them this year has had anything constructive to offer in relation to the future of Australian universities. What needs to be remembered is that, in 1991 and moving into 1992, there were over one million Australians who did not have jobs, the interest rate on home mortgages was 17 per cent, businesses were paying 23 per cent on their overdraft and there were 100,000 students who could not get a place in an Australian university under the policies of the Australian Labor Party. The fact of it is that this government is thinking very much about Australia’s future. What the government is doing is thinking about where Australian higher education is going to be and how it is going to drive the economic development of this country for the next 20 years. What we have done is put onto the agenda for public consideration a variety of policy choices which we as a nation have to make. One of those choices, which has been argued by the Australian vice-chancellors, is that Australian universities need a degree of deregulation—that is what the vice-chancellors have said. What this government is doing is putting its nose to the grindstone and thinking about policies which serve the best interests of Australia. And, when the Labor Party wants to make a constructive contribution, I can assure you, Mr Speaker, it will be welcomed.

Ansett Australia: Employee Entitlements

Mrs HULL (2.21 p.m.)—My question is addressed to the Deputy Prime Minister and Minister for Transport and Regional Services. Is the Deputy Prime Minister aware of comments in the media that a court action could delay the final payments of entitlements to former Ansett staff, including those Ansett staff in Wagga Wagga; and does this action affect arrangements that the Commonwealth pursued to deliver staff entitlements?

Mr ANDERSON—I thank the honourable member for Riverina for her question and again acknowledge her vital role in ensuring the future of what were once Hazelton and Kendell Airlines, now flying as Rex. I also welcome the opportunity to set the rec-
ord straight on a number of matters where I think the government has done the right thing by Australian workers and yet seems to be facing a barrage of opposition to that being recognised by certain people in the trade union movement in Australia—so much so, in fact, that I cannot help observing that at this point at least those opposite seem so embarrassed that they are not prepared to associate themselves with the ACTU on it.

I am aware of comments in today’s Melbourne Age attributed to Ansett’s administrators that legal proceedings currently before the Victorian Supreme Court relating to superannuation could further delay staff entitlement payments by up to two years. In addition, I am aware of statements made by the Secretary of the ACTU, Mr Combet, who said:

Not one dollar of the money collected from the air passenger ticket levy has yet gone to Ansett workers.

I do not know how any man, in any conscience, could make such a claim. It is outrageous beyond all belief. Furthermore, he went on to say that the government was using the levy to double-dip on employee entitlements.

These are just outrageous claims. They are grossly misleading and they belie completely the reality—that this government has done more than any previous Labor government or any government in Australia with union affiliations to help workers caught in a very difficult situation, as Ansett workers were following the collapse of that airline. We moved to ensure that workers could receive their basic employee entitlements to community standards within weeks, with minimum delay, and we established SEESA. That provided a mechanism for moneys to flow very quickly. As of 10 September, $330 million has been paid out under SEESA to almost 13,000 Ansett group employees, which is an average of around $26,000 per worker. I pose this very simple rhetorical question: how much would the workers have received if the government had not intervened? To this point in time, absolutely nothing.

Mr Tanner—They would not have lost their jobs!

The SPEAKER—The member for Melbourne! The Deputy Prime Minister has the call.

Mr ANDERSON—To date, the government has recovered just $123 million from the ticket levy. In the third report to creditors, posted on the Internet last night, Ansett’s administrators state:

Employees have so far received entitlements of:

- 100 cents in the dollar for unpaid wages;
- 100 cents in the dollar for annual leave, long service leave, time in lieu and other days;
- 100 cents in the dollar for pay in lieu of notice, and for up to 8 weeks of redundancy.

More than 3,500 employees have now been paid in full. If we had not intervened, none of this would have happened. And the facts contrast very sharply indeed with the outrageous, misleading and downright dishonest claims of the ACTU—so outrageous that those opposite have not even tried to associate themselves with them, which shows how far beyond the pale they are. We have done more to help workers who have suddenly found themselves without a job through no fault of their own than Labor did in 13 years.

Let me conclude by saying that we are not double-dipping in any way, shape or form. We have clearly indicated that, if there is any over-recovery, we will cease the levy as soon as possible. If it proves that there is any over-recovery, the benefit will go to aviation and the tourism industry, which have been hard hit by the events of September last year. I close by saying that I sincerely hope that the administrators can obtain the maximum return from remaining asset sales so that the staff and other creditors, including the Australian taxpayer, can obtain the best possible outcome.

The SPEAKER—I call the member for Jagajaga.

Mr Crean—That is double dipping!

Mr Anderson—What did you ever do for workers who have lost their jobs?

Mr Crean—You put an airline out of business—that is what you did.

Mr Hockey—You did it twice, with Qantas!
The SPEAKER—It is extraordinary that I have to rise to my feet to get simple courtesy extended across the chamber. The member for Jagajaga had the call and was denied the call by the intervention of frontbench members on both sides.

Education: Funding

Ms MACKLIN (2.27 p.m.)—My question is to the Minister for Education, Science and Training. Minister, how many times have you told the story about the woman outside QUT who could not see a direct benefit from her taxes going towards universities? Minister, is telling this story over and over again consistent with your views about leadership outlined to the parliament in 1996:

In the end, leadership … is not about appealing to the primeval instinct in human beings to want for themselves; it is about trying to evoke in people a genuine enthusiasm to support things that are in the best long-term interests of others, the community and society.

The SPEAKER—The member for Jagajaga will come to her question.

Ms MACKLIN—Minister, why didn’t you show leadership by explaining to the woman outside QUT that funding universities was ‘in the best long-term interests of others, the community and society’?

Dr NELSON—I thank the member for Jagajaga for her question. Just for the benefit of the House, what happened was that, about four months ago, I was standing outside the Queensland University of Technology, waiting to go inside. I introduced myself to a lady next to me and I asked her, ‘What do you think about universities?’ and she said, ‘I don’t know really. I applied to go to one once but I didn’t get in.’ She said, ‘Are you going in there?’ and I said yes. She said, ‘Can you tell them something for me? I work very hard, and my taxes pay for what goes on inside there. When they come out and apply for the same job as me, they will get the job.’ There are a number of issues in that.

Whilst the Labor Party might see this as the everyday person being the object of derision and might have very little regard for the mechanics out there in the electorate of Macarthur and very little regard for the people at the checkout at Woolworths, these are the men and women who basically finance the $6.4 billion in public funds that will go into Australian universities this year—their hard work. When the member for Leichhardt was cleaning toilets at the Mareeba train station, he was funding the education of the Leader of the Opposition, for example.

Mr Albanese interjecting—

Dr Emerson interjecting—

The SPEAKER—I will deal with the member for Grayndler very swiftly—and the member for Rankin!

Opposition members interjecting—

The SPEAKER—I appreciate that the exchange has been good-natured, but the minister is entitled to be heard.

Dr NELSON—The point here is that university education provides a critically important basis—

Mr Albanese interjecting—

The SPEAKER—I warn the member for Grayndler!

Dr NELSON—for the economic and social development of our society. It essentially passes the soul from one generation to the next. But there is also a very strong personal benefit that is derived from an education: the average male graduate earns $620,000 more over a lifetime and the average female graduate $412,000 more than someone who does not go to university. Let us not ever forget that it is the hardworking men and women in this country, who have never seen inside universities, who fund what goes on inside them. When we are formulating policy in relation to our future, we will not ever lose sight of the fact that Australians should have choices available to them. Just going to university does not in itself make you better than any other human being, but it is important that you make a contribution to that from which you have derived a benefit.

The SPEAKER—I call the honourable member for Ryan.

Government members interjecting—

The SPEAKER—The member for Ryan will resume his seat. Is it beyond the wit of those on my right to give one of their own the opportunity to ask a question?
Workplace Relations: Workers’ Entitlements

Mr JOHNSON (2.32 p.m.)—My question is addressed to the Minister for Employment and Workplace Relations. Minister, what is the government’s position on the ACTU test case on termination, change and redundancy entitlements? Minister, would you inform the House of the impact of the ACTU’s claim if successful, especially on Australian small businesses? Are there any alternative policies on this issue?

Mr ABBOTT—I thank the member for Ryan for his question. As the member for Ryan knows, the policy of this government is clear: it is jobs, jobs and more jobs. Under the policies of this government one million new jobs have been created since March 1996, in contrast to the one million unemployed created under the policies of its predecessor. I regret to inform the House that the ACTU has applied to the Australian Industrial Relations Commission to increase redundancy entitlements from eight weeks pay after four years of service to 16 weeks pay after six years of service. In addition, the ACTU wants to extend redundancy entitlements to casual workers and, perhaps most seriously, the ACTU wants to end the small business exemption from redundancy liabilities. In addition, the Queensland Council of Unions has made a similar application to the Queensland Industrial Relations Commission.

I am sure all members will be pleased to know that this government has sought to intervene in the Queensland case, and we will most vigorously and strenuously oppose the ACTU’s application before the federal commission. There is a fundamental principle here: it is just wrong to pay people more to lose their jobs than to keep their jobs. The last thing that small business needs is to suddenly face a contingent liability of about $8,000 for every long-term employee should a business go out of operation.

I have been asked about alternative policies. To its credit, the Queensland government is opposing the removal of the small business exemption. I congratulate Premier Beattie for showing leadership on this matter. No-one expects leadership from the Leader of the Opposition. The Leader of the Opposition never stops talking about foreign policy but, when it comes to workplace relations, the former ACTU president seems to have taken a vow of silence. He said nothing about the strikes in the motor industry; he said nothing about the Qantas strike; he said nothing about the war being waged inside the AMWU; and now he is saying nothing at all about the ACTU’s redundancy grab. I think the people of Australia have a message: ‘Speak to us, O silent Simon; speak to us! What do you think? What do you think about the ACTU’s latest job destroying grab?’ If the Leader of the Opposition wanted to demonstrate that he was bigger than his background and that he was serious about creating jobs, he would state his view on the ACTU’s redundancy application.

Workplace Relations: Workers’ Entitlements

Mr McCLELLAND (2.35 p.m.)—My question is directed to the Prime Minister. Prime Minister, do you recall saying in the House on 4 June last year:

… the Commonwealth intends to amend the law so that in future, where bonuses were paid in the circumstances where those bonuses were paid to the bosses of One.Tel, that money will be refundable and can be used to meet the lawful and legitimate entitlements of the workers and also the other creditors of the company.

Do you recall saying yesterday, in answer to a question, that you agreed that large payments to former Ansett executives were unfair when workers had missed out on their money? Isn’t it true that, if you had acted swiftly last year in the wake of the One.Tel collapse, undeserved payments to Ansett executives could have been recovered? Prime Minister, when will your government legislate to protect loyal employees and stop this happening again?

Mr HOWARD—I recall having made that statement. The legislation has been prepared and, in accordance with the normal procedures for amendments to the Corporations Law, it has been circulated to the states for approval and comment.

Environment: Kyoto Protocol

Ms LEY (2.37 p.m.)—My question is to the Minister for the Environment and Heri-
tage. Would the minister advise the House of any recent analysis that supports the Howard government’s non-ratification of the Kyoto protocol? Would he advise the House of actions being taken by the government to reduce greenhouse gas emissions? Is the minister aware of any alternative views on this issue?

Dr KEMP—I thank the honourable member for Farrer for her question. The government is committed to making a full and proper contribution to combating global warming by working to meet the target that we negotiated at Kyoto. In answer to the honourable member’s question, I am aware of recent analysis which supports the government’s decision not to ratify the Kyoto protocol at the present time because it is not in Australia’s national interest to do so. I would like to make the point that the basis of the government’s decision has been highlighted today by the release of information showing that the ozone depleting substances in the atmosphere are now beginning to decline and predictions are that the hole in the ozone layer will begin to shrink by 2005. That is as a result of the working of the Montreal protocol in which Australia has taken a leading role.

There is a very striking difference between the Montreal protocol and the Kyoto protocol because the Montreal protocol includes all countries, including developing countries, and all countries have obligations under that protocol. This is precisely what Kyoto does not achieve. The Kyoto protocol does not put in place an effective global regime. It deals with only 25 per cent of global emissions. Most major emitters are outside the regime. There are no legal obligations on developing countries to reduce their emissions by a specified amount. Under these circumstances, Australia is continuing to press strongly for a proper global approach to the reduction of greenhouse gas emissions which could include all major emitters. The absence of our main competitors means that it is not in our interest to ratify this protocol. This was supported by Professor Warwick McKibbin, whose research was released last week. He said:

By any calculation, the sum of the future costs to Australia of ratifying Kyoto far outweigh the sum of the future costs of not ratifying. More importantly, there is a great deal of uncertainty about the extent of these costs which, even on our most optimistic assumptions, support the government’s decision about the long-term costs of ratification. That is the conclusion of Australia’s leading modeller and researcher of greenhouse gas emissions and the Kyoto protocol. I was very interested to see that yesterday Professor McKibbin was joined by an influential ally. Simon Crean, I think, knows who this ally is. He does not want to acknowledge it because the ally is the Premier of Queensland, Mr Peter Beattie. Mr Beattie stated at a press conference that Queensland and other states would be disadvantaged by the Kyoto protocol. When challenged by a reporter who said, ‘That’s what John Howard is arguing as well,’ Mr Beattie replied, ‘Yeah sure, well it’s true. I mean, I’m just telling the truth.’ It is a great relief to see a Queensland Labor premier telling the truth. That is very different to what the Leader of the Opposition has been saying and it is a very different position, of course, also to Premier Carr in New South Wales. But I have to say that Premier Beattie fingered Premier Carr. He said:

I understand Bob’s position but he is the only Australian premier that wins from it, and that’s fine. If I was in that position I’d be out there grandstanding as well.

So that is what one Labor premier thinks of another Labor premier—so much for standing on principle and standing on an effective position on greenhouse gas emissions for Australia. What about federal Labor? Well, as we know, Simon Crean has been prepared to write off the Queensland industries.

The SPEAKER—The minister will refer to the Leader of the Opposition by his office or seat.

Dr KEMP—The Leader of the Opposition has been prepared to write off industries and jobs in Queensland, Western Australia and other states. He has been his usual opportunistic self, joining the Kyoto conga line of those who seem to find it too difficult to think through these positions. Unlike the Labor Party, unlike the Leader of the Opposition, this government is not prepared to
start shipping Australian jobs and industries overseas. Instead of this irresponsible attitude by the Labor Party, I urge the opposition to start cooperating with the Howard government, to put in place a long-term national framework and to work for a proper global framework within which greenhouse gas emissions can be properly produced and global climate warming combated effectively.

**DISTINGUISHED VISITORS**

The SPEAKER (2.42 p.m.)—It has been drawn to my attention that we have present in the gallery this afternoon the Hon. Julian Brazier MP, shadow minister for work and pensions in the House of Commons in Westminster. On behalf of the House, I extend to the shadow minister a very warm welcome.

Honourable members—Hear, hear!

**QUESTIONS WITHOUT NOTICE**

**Fuel: Ethanol**

Mr McMULLAN (2.43 p.m.)—My question is to the Treasurer and concerns last week’s government announcements concerning the ethanol excise. Treasurer, can you confirm that Trafigura Fuels Australia’s contract to import ethanol was excise free when it was signed? Can you also confirm that the government’s new arrangements, introduced after the contract was signed and entered into, will impose a crippling $5 million excise bill on a contract which was excise free when it was signed?

Mr COSTELLO—I thank the honourable member for his question. Obviously, I do not have a copy of the contract between Trafigura and whoever the supplier is, and so I cannot confirm that. If the honourable member would like to give me a copy of the contract, I would be very happy to read it. He asked me to confirm what is in a contract between two commercial parties. I do not have a copy of the contract, so how can I confirm what is in it?

The government’s announcement, as I recall it, applies from Tuesday. It means that ethanol that is used in petrol from Tuesday will have a 38c excise. I consider that to be appropriate. Petrol has a 38c excise. If ethanol is an alternative fuel, it ought to be taxed on a similar basis. Otherwise, if a non-excisable fuel were to replace an excisable fuel, it would open up the opportunity for imports to be brought into the country to take an advantage of that disparity, which would obviously affect the revenue. I consider that to be appropriate. It applies from Tuesday of last week. The parties that are dealing in relation to that matter are now on notice in relation to the contractual situation. I think they will make their own decisions accordingly.

**Government Policy: Small Business**

Mr TOLLNER (2.45 p.m.)—My question is addressed to the Minister for Small Business and Tourism. Would the minister inform the House how the government is assisting employment growth and helping small business get on with business? Is the minister aware of any recent support for the removal of the job destroying unfair dismissal laws on small business?

Mr HOCKEY—I thank the member for Solomon for his question. He is a real advocate for Northern Territory small businesses—unlike the member for Lingiari, who tries hard! The economic management of the country delivers a safe, secure and good trading environment for Australia’s 1.2 million small businesses. Wages are higher, inflation is down, interest rates are down and industrial disputes are down, which is a great story. Employment is up, with the creation of one million new jobs since this government came into office.

Recently, in Sydney, I attended the Franchise Council’s annual conference. Franchising is a rapidly growing industry that covers 50,000 small businesses in Australia and employs 678,000 people, which is a massive increase over the last few years. It is an important and growing business. In one of those awkward moments, as many of my colleagues will understand, the Master of Ceremonies, Peter Switzer said, ‘We’re going to start polling the audience.’ With 500 people, it is a bit like the worm at election time—you never know quite how it is going to go. There is a danger that it could go down and there is a danger that it could go up, depending on which way the question is framed.
Question 1 to the 500 small business people was, ‘Do you support the federal government’s exemption of small business from the unfair dismissal laws?’ That was a reasonable question. It is an issue that the government have been running pretty hard on, and we think it is important. Of the 500 delegates, 78 per cent responded with yes—‘Yes, we support the federal government; that’s the coalition’s policy.’ Twenty-two per cent said, ‘No, we don’t support the federal government’s policy on unfair dismissal; that’s the Labor Party’s policy.’ That is a pretty good result. That is a distinction at university—if the member for Hotham goes back for a postgraduate degree. We will have to call on the member for Leichhardt to go back to Mareeba, but it might take a bit of work.

Question 2, a more difficult question, was: ‘Are you happy with the GST and the new tax system?’ You would wonder how that would go with 500 small businesses. We well remember the Leader of the Opposition coming into this place with Hockey Bear pyjamas and salad bags, saying it would be Armageddon for Australia’s small businesses. In the survey of 500 small businesses being asked the question, ‘Are you happy with a GST and the new tax system?’ 80 per cent said yes and 20 per cent said no. So, of 500 small businesses, 80 per cent supported the coalition and 20 per cent supported the Labor Party.

Mr Howard—Was Della Bosca controlling the worm?

Mr Hockey—We know John Della Bosca is still out there looking for his head somewhere down Pitt Street or Macquarie Street. We are also aware that the member for Hunter and Senator Barney Cooney are there saying, ‘Yes, small business should have a stronger voice in the Labor Party.’ The only person that is saying no is the Leader of the Opposition. Maybe we would like to know what Bob Carr thinks, because Bob Carr thinks that maybe Simon should just be his deputy.

The Speaker—Minister, I draw your attention to the fact that I have already required ministers to refer to all members of the House by their title or seat.

Fuel: Ethanol

Ms Burke (2.49 p.m.)—My question is to the Prime Minister. Prime Minister, was the government contacted by the major Australian producer of ethanol or by any representative of his company or the Industry Association before its decision to impose fuel excise on ethanol? If so, when? Was the government urged to take action to prevent Trafigura Fuels Australia from importing a shipment of ethanol from Brazil at a commercially competitive price?

Mr Howard—Speaking for myself, I did not personally have any discussions, from recollection, with any of them. I would be very surprised, in relation to a matter like this, if representations had not been made by all of the interested parties to various levels of the government—in fact, I would be quite amazed.

Law Enforcement: Telecommunications Interception Warrants

Mr Pearce (2.51 p.m.)—My question is to the Attorney-General. Would the Attorney inform the House about the government’s policy regarding the use of telecommunications interception warrants to fight crime in the community? Is the Attorney aware of any alternative polices?

Mr Williams—I thank the member for Aston for his question. I know that he is concerned about ensuring that our law enforcement agencies have effective tools to fight crime in his electorate and in the community generally. Australia has a first-rate national regime for telecommunications interception. Unlike many other countries, including the United States, the use of TI in Australia is regulated under one regime and subject to considerable safeguards. Warrants are issued only by senior judicial or legal officials. The use is overseen by Commonwealth and state ombudsmen and is the subject of an annual report to this parliament. Such warrants are used only in the case of serious offences. They are most commonly used in the investigation of narcotic offences, drug trafficking and murder. These are offences which the Howard government is committed to combating, in cooperation with the states and territories.
In the year ended 30 June 2001, lawfully obtained interception information was given in evidence in 890 prosecutions. In some cases, the use or availability of intercepted information led to guilty pleas by offenders, thus saving the time and expense of trials. As the 2000-01 report indicates, there has been an increase in the number of telecommunications warrants issued over recent years. This in part reflects an increase in the use of telephone services, particularly mobile services. We know that suspects, particularly those engaged in drug related crime, are increasingly exploiting technology to support their criminal activity. One way to do this is by using multiple services which, in turn, requires multiple warrants. New technologies mean law enforcement agencies are increasingly able to use interception as an investigatory tool in circumstances where alternative means would be ineffective.

I am asked about alternative policies. It appears, from recent comments by the member for Banks, that the federal Labor Party is suspicious of or has doubts about the use of telecommunications interception to fight crime. If Labor wants the use of TI cut back, it should spell out the areas of criminal activity that should not be investigated. If you follow the logic of the member for Banks, it is better to have criminals roaming the streets than to use new technology to catch them and put them away. The member for Banks should ask the law abiding citizens of Punchbowl and Bankstown which areas of criminal activity they would like to see dropped from the TI list.

The member for Banks claims that Australian law enforcers use 20 times more phone interception than their US counterparts. Unlike Labor, we take the view that our system is second to none in both national consistency and accountability mechanisms. As an editorial in today’s Sydney Morning Herald points out, the member for Banks is drawing a dubious comparison. The editorial states that the position of the member for Banks is:

...doubtful on two fronts. First, apples and oranges. Australian tapping powers emanate from one federal law and are easier to identify than in US records, where they are granted by three tiers of government, often using different definitions. Second, it stretches credulity to argue that a policing tool so effective at gathering convictions would not be fully exploited worldwide. That would be negligence by law enforcers.

Organised criminal activity such as drug trafficking requires flexible, modern responses from law enforcement. Telecommunications interception is one such flexible tool. The Sydney Morning Herald editorial goes on to point out that phone taps have: caught a New South Wales minister fixing prison releases, identified al-Qaeda terrorists fixing September 11, caught Hansie Cronje fixing cricket matches, and caught gang rapists terrorising teenage women in Sydney. The Howard government is committed to ensuring modern law enforcement tools are available to fight crime in Australia in a controlled, regulated environment. The Howard government’s system gives us that. Nobody knows what Labor is offering.

**Fuel: Ethanol Content**

Mr MARTYN EVANS (2.56 p.m.)—My question is to the Minister for Industry, Tourism and Resources and concerns last week’s decision about ethanol. Minister, why did the government decide that the excise should be permanent, while the producer subsidy is to be limited to only 12 months? Can the minister confirm that major potential new investors, such as Bundaberg Sugar, have said that this 12-month limit means that they will not commit to new investment for ethanol production? Hasn’t this just ensured that more than 90 per cent of the benefit will go to the existing producers of wheat based ethanol, the Manildra Group, which is run by the Prime Minister’s friend, Mr Dick Honan?

The SPEAKER—The member for Bonython has been in the House long enough to know that the latter part of the question was quite out of order.

Mr IAN MACFARLANE—In terms of the government’s decision, do I support the closing of a loophole that advantages a foreign country in terms of excise exemption? Yes. Do I support putting in place a production subsidy to encourage the establishment of an ethanol industry in Australia? The answer is yes.
Trade: Exports

Mr JOHN COBB (2.57 p.m.)—My question is addressed to the Minister for Trade. Would the minister inform the House what impact increased air services between Australia and the United Arab Emirates will have on exports and how they will assist job creation in Australia?

Mr VAILE—I thank the honourable member for Parkes for his question. It is an undeniable fact that as air services between countries increase so does trade and investment. Last week in Dubai, on behalf of the Deputy Prime Minister—who had negotiated the new bilateral air services agreement with the United Arab Emirates—I signed that agreement and also announced an expansion in the number of flights per week to Sydney by Emirates Airlines from four to seven. The statistics speak for themselves. Emirates have been flying to Australia since 1996 and, in that time, they have increased the number of flights per week from three to 15 and soon to be 18. At the same time, two-way trade between Australia and the UAE has doubled over that period, from $1.1 billion in 1999 to $2.2 billion in 2001.

It is not just what you carry on those aircraft that counts; it is the fact that there is a constant link between the peoples of the two countries, particularly of the respective business communities. Importantly in this relationship, wheat exports to the UAE remain strong at about 300,000 tonnes, or about $150 million worth, a year. I know that is of significant importance to the member for Parkes; and, in terms of the current security environment, along with the good solid market presence we have in Iran, Libya, Jordan and other countries in the Middle East, it proves the point that we have created a very sound market presence in that part of the world. We are continuing to develop that by expanding our air service linkages to the Middle East, which is one of the fastest growing markets that we have in the world.

As I said at the outset, it is an undeniable fact that people-to-people contacts grow as a result of expansion of air services. Our government intends to continue to do that—I know it is a specific policy of the Deputy Prime Minister to continue to pursue that—and, of course, it results in more jobs for more Australians. The exports into that region of the world that have been developed by these linkages have obviously played into the development and the growth of the one million jobs that have been created in Australia since 1996.

Fuel: Ethanol Content

Mr McMULLAN (3.00 p.m.)—My question is to the Treasurer. Treasurer, can you confirm that more than 90 per cent of the benefit from the government’s decision to impose an excise on ethanol and a subsidy to domestic producers will flow to wheat based ethanol production rather than assisting the sugar industry? Isn’t it also the case that the CSIRO has said that the blending of ethanol with petrol is greenhouse neutral? Treasurer, can you also confirm that the introduction of the excise, combined with the production subsidy, has the same economic effect as the previous arrangements except that it now introduces protection from international competition? Is that why the secretary of your department indicated to representatives of other departments, including the Secretary of the Department of Prime Minister and Cabinet, your department’s strong objection to the proposals?

Mr COSTELLO—I think I said in relation to the last question that the excise applied from Tuesday of last week. In fact, it applies from Tuesday of this week—that is, midnight tonight, 17 September. I table the Prime Minister’s press release in relation to that matter. Obviously where you have petrol which is excised at 38c a litre, and where you can substitute some of that petrol with ethanol—

Mr Fitzgibbon—You can substitute it with LPG!

Mr COSTELLO—you can bring down the price at the bowser by substituting a non-taxed product for a taxed one. That is why the government has introduced a 38c excise in relation to ethanol because it is a substitutable product—

Mr Fitzgibbon—But in a taxi you just flick the switch!

Mr COSTELLO—and it can be blended into petrol at the bowser. As I indicated ear-
lier, whilst that is available as a loophole, you would expect people to take advantage of it. The government has moved to close down that loophole by indicating that from midnight tonight there will be a 38c excise—

the same excise in relation to ethanol as there is in relation to petrol. As for the production subsidies, they are production subsidies which are designed to facilitate the domestic industry—

Mr Fitzgibbon—Is it WTO compliant?

The SPEAKER—I warn the member for Hunter!

Mr COSTELLO—which produces ethanol. The government has indicated that it will be looking at a production subsidy to stimulate the local industry as opposed to the international industry.

Ms Macklin—That’s wheat!

Mr COSTELLO—The hairy-chested Deputy Leader of the Opposition says that’s weak.

Ms Macklin—It’s wheat!

The SPEAKER—Treasurer!

Mr COSTELLO—Okay, she says, ‘It’s wheat’—I withdraw then, Mr Speaker. I think most people would support the stimulation for the domestic industry. They would consider it to be advisable to put the domestic industry into a place where it could develop the capacity, as opposed to allowing that totally to come from overseas. That is the reasoning behind the government’s decision. I think it is defensible on those grounds.

Health: Meningococcal Vaccine

Mr DUTTON (3.03 p.m.)—My question is to the Minister for Ageing, representing the Minister for Health and Ageing. In the light of recent media reports announcing the availability of new meningococcal C vaccine on the private market, can the minister update the House on how the Howard government is taking action to protect Australians most at risk from meningococcal C disease?

Mr ANDREWS—I thank the member for Dixon for his interest in this subject. On that note, I also thank the member for Dobell, who has taken a major part in disseminating information about the meningococcal vac- cine to his colleagues and to parents and families of children throughout Australia. It is every parent’s nightmare that their child might unknowingly contract meningococcal. Indeed, the group C of the disease causes 60 per cent of the deaths that occur in this country. Accordingly, the Howard government has announced the funding of a national meningococcal C vaccine program, which will commence at the beginning of next year at an initial cost of some $41 million in the first year. Initially this free vaccine will be made available to three key at-risk groups affected by the disease: firstly, 12-month-old children as part of their routine vaccination program; secondly, 15-year-old adolescents also as part of the routine vaccination program; and, thirdly, a catch up dose for 16- and 17-year-olds in the first year of the program. We expect that over one million young Australians will be vaccinated against this infection in the first year.

Members may be aware of some recent media reports that announced the approval of a new vaccine, which is hoped to ease the national shortage of this product on the private market. Until recently there had only been one registered provider in Australia, and the coming on line of this new provider and the third meningococcal C vaccine means that additional supplies are now arriving in this country. It means that there should be sufficient supplies both for the program which I have outlined and for parents who wish to provide a vaccination against this disease for children who are outside the confines of the program, which covers 12-month-old children and 15-, 16- and 17-year-olds.

The vaccination program for children and infants in Australia is one of the quite real achievements of this government. When we came to power the levels of childhood immunisation were at Third World country levels in many respects. Today we have around 90 per cent of children aged between 12 and 18 months being immunised against a range of diseases. I think this gives quiet assurance to more Australian families.

Mr Howard—Mr Speaker, I ask that further questions be placed on the Notice Paper.
PERSONAL EXPLANATIONS
Mr CREAN (Hotham—Leader of the Opposition) (3.07 p.m.)—Mr Speaker, I wish to make a personal explanation.

The SPEAKER—Does the honourable member claim to have been misrepresented?
Mr CREAN—Yes.

The SPEAKER—Please proceed.
Mr CREAN—Today in answer to a question the Minister for the Environment and Heritage said that in my support for the ratification of the Kyoto protocol I was prepared to write off Australian jobs. Mr Speaker, I seek leave to table three press releases, one issued on 14 August, another on 5 September and another on 6 September in which I demonstrate the benefit of ratification of Kyoto for jobs.

Government members—Why bother?
Mr CREAN—Why bother? It is jobs.
Leave not granted.
Honourable members interjecting—

The SPEAKER—I remind all members of the absolute obligations they have.

AUDITOR-GENERAL’S REPORTS
Report No. 7 of 2002-03
The SPEAKER—I present the Auditor-General’s audit report No. 7 of 2002-03 entitled Performance audit: Client service in the Child Support Agency follow-up audit—Department of Family and Community Services.

Ordered that the report be printed.

PAPERS
Mr ABBOTT (Warringah—Leader of the House) (3.09 p.m.)—Papers are listed as follows in the schedule circulated to honourable members. Details of the papers will be recorded in the Votes and Proceedings and I move:

That the House take note of the following papers:


Debate (on motion by Mr Swan) adjourned.

QUESTIONS TO THE SPEAKER
Parliament: Broadcast of Proceedings
Mrs CROSIO (3.09 p.m.)—On indulgence, could I direct a question to you, Mr Speaker? For the information of members of parliament, could you tell us if we are being broadcast today?

The SPEAKER—I indicate to the member for Prospect that I am not normally aware before I enter the chair whether the session is going to be broadcast or televised. The Whip has pointed out to me the fact that the broadcast light was on in association with question time. I assume that the fact that it is now off means that we are not now being broadcast.

MINISTERIAL STATEMENTS
Foreign Affairs: Iraq
Mr DOWNER (Mayo—Minister for Foreign Affairs) (3.10 p.m.)—by leave—Mr Speaker, the announcement this morning by the UN Secretary-General, Kofi Annan, that Iraq has told him that it has decided to allow the return of weapons inspectors immediately and without conditions is, on the face of it, a promising first step. I hope this is the start of a genuine diplomatic solution, a course Australia has always supported. But experience with Iraq demonstrates that the international community must not take Saddam Hussein’s commitments at face value. Caution is essential. Australia has never been naive about President Saddam Hussein. He is a past master of last-minute manoeuvres to head off decisive action. And he is renowned for his unpredictability.

A return of inspectors would, of itself, provide no assurance to the international community—which explains Australia’s firm position that resumed inspections must be unfettered and unconditional, and lead to the complete and permanent disarmament of Iraq’s weapons of mass destruction. I will at the end of this statement table the letter from the Foreign Minister of Iraq, Dr Naji Sabri,
to the Secretary-General of the United Nations, and the Secretary-General’s letter to the President of the United Nations Security Council so the House has access to both of those documents.

Just under a week ago we marked the anniversary of the terrorist attacks in the United States that took place on 11 September 2001, attacks that created a new dimension in international affairs. On September 11, terrorists turned civil aircraft into missiles and brought a new and threatening challenge to our security and to our way of life. This change has inevitably brought with it a new sense of vulnerability, a sense that is not unique to the United States but applies equally to countries such as Australia, for Australia is not immune from the threats posed by irrational actors and new and devastating categories of weapons.

Responsible governments are compelled to respond and to address this vulnerability. We must identify those who use terror and those who have the capacity and the motive to acquire and use weapons of mass destruction, for they seek to undermine free societies and the values we share and to harm our citizens. We need to challenge those who challenge international order. As the Prime Minister has emphasised, we can no longer afford to leave such threats unattended.

It is against this background that Saddam Hussein’s ambition to develop and deploy chemical, biological and nuclear weapons simply cannot be ignored. Combined with his record of aggression, both within and across Iraq’s borders, he threatens international security and directly challenges the authority of the United Nations and international law.

The international community is without doubt confronted with a grave threat. The international community concluded years ago that Saddam Hussein’s regime was a regime with an appalling record. Without provocation, Saddam Hussein invaded Iran and later Kuwait, resulting in the deaths of over one million people. During the five-year war against Iran, Saddam Hussein used chemical weapons—mustard and nerve agents—on at least 10 occasions. Between 25,000 and 30,000 people died from those weapons. In its attacks against its neighbours Iraq has also used Scud missiles, firing more than 500 at Iran during the Iran-Iraq war and almost 90 at Israel, Saudi Arabia and Bahrain during the Gulf War.

Saddam Hussein has been equally brutal towards his own people. He has not hesitated to use chemical weapons against them. His aircraft bombed the town of Halabja in Iraq itself with chemical weapons in 1988, leaving 5,000 Iraqi Kurds dead and 7,000 injured or with long-term illnesses. More generally, his record of human rights abuses is well known, and it is appalling. His regime routinely tortures and ill-treats detainees. Suspected political opponents and their relatives are arrested arbitrarily. A ruthless and pervasive internal security apparatus keeps the Iraqi people in a climate of fear, intolerance, uncertainty and deprivation.

While our concern about Saddam Hussein is not new, it is now more immediate. His regime’s actions remain a matter of great and growing concern to the international community, including Australia. We are a country with global interests and a history of active and responsible participation in world affairs. We cannot just stand by. It is important that parliament and the Australian community more broadly understand the reasons for our heightened concerns about Iraq and why we believe it is necessary to address them.

I will address four issues here today: first, Iraq’s persistent failure to comply with UN Security Council resolutions; second, Iraq’s weapons of mass destruction, including the implication of Iraq’s refusal since 1998 to accept UN inspectors, and its links with international terrorism; third, possible developments in the UN Security Council based on my discussions with council members and several Middle Eastern foreign ministers, including Dr Naji Sabri, the foreign minister of Iraq; and, finally, why Australia has important national interests at stake in the resolution of the Iraq issue.

But we are still in a diplomatic phase, as today’s events have demonstrated only too clearly, with the objective of persuading Iraq to comply with its United Nations obligations. We are not at the stage of making deci-
sions about possible military commitments. The United States has made no decision to take military action and we have not been invited to participate in military action.

For over a decade Iraq has persistently defied legally binding obligations to disclose and eradicate its weapons of mass destruction programs and capabilities. It has flouted and frustrated UN resolutions, UN inspections and UN sanctions. In April 1991, following the Gulf War, the UN Security Council passed resolution 687—a resolution that laid down the conditions of the cease-fire between the UN-sanctioned allies and Iraq. Importantly, it required Iraq to accept unconditionally the destruction and removal of all chemical and biological weapons, all stocks of agents, and all ballistic missiles with a range greater than 150 kilometres. The resolution also required Iraq to agree not to acquire or develop nuclear weapons. It had to declare all elements of its chemical, biological, nuclear and missile programs—within 15 days. The resolution established the United Nations Special Commission on Iraq, known as UNSCOM, the UN agency mandated to carry out inspections and destroy or remove Iraq’s chemical and biological weapons and missiles. The International Atomic Energy Agency, the IAEA, was to uncover and dismantle Iraq’s nuclear weapons program.

Iraq initially accepted inspectors from both UNSCOM and the IAEA, and these agencies subsequently discovered, documented and destroyed substantial elements of a large, advanced and lethal weapons of mass destruction program—a point I will return to shortly. But as the inspectors made more and more significant inroads into the Iraqi weapons program, Iraq became more and more obstructionist. Its actions constituted clear and material breaches of Security Council resolutions. New Security Council resolutions demanding Iraqi compliance were passed when Iraq systematically blocked the full access of inspectors to suspect sites, or when Iraq concealed or removed materials from sites inspectors were about to visit. But the Security Council’s attempts to steer Iraq back on course were met with a continuing pattern of obstruction and non-compliance.

Inspectors learned that in 1991 Iraq had destroyed critical evidence about its weapons of mass destruction. For instance, only in the face of information provided by a high-level defection in 1995 did Iraq admit it had produced and concealed biological weapons. Iraq’s pattern of frustrating the UNSCOM inspection program continued until UNSCOM was in effect forced out in 1998.

In short, Iraq consistently refused to comply fully with nearly all of the obligations imposed upon it; that is, 23 out of 27 obligations contained in nine Security Council resolutions. It is a serial transgressor. The resolutions were entirely reasonable. They set out what the international community required so it could be satisfied that Iraq no longer presented an unacceptable threat to its neighbours or to global security.

At the end of this statement, I will table a 15-page UNSCOM document. I would encourage members to read this document. It provides an extraordinary chronology of main events associated with UNSCOM’s work, in particular the way in which Iraq frustrated its work. Given today’s undertaking by Iraq, it justifies our caution, and I recommend that all members of the House read the document carefully.

Let us be very clear—the reason for the present crisis lies at no nation’s door but Iraq’s. Iraq has had more than a decade to determine that its interests and those of its people lay with compliance and to act accordingly. Iraq’s persistent defiance displays a clear pattern of lies, concealment and harassment that would be dangerous to ignore. Now the international community has to decide how it will deal with this defiance.

Let me now turn to my second point: Iraq’s weapons of mass destruction. Throughout the 1990s, UN inspectors in Iraq supervised or verified the destruction of:

- about 100,000 chemical munitions
- over 400 tonnes of bulk chemical agents, and
- over 2,600 tonnes of chemicals, known as precursors, which could have been used to make weapons.

Iraq initially lied to UN inspectors about producing VX, one of the most toxic of all
known chemical warfare agents. It continues to deny ever weaponising VX, even though UN inspectors uncovered unambiguous physical evidence in 1998. UNSCOM uncovered documentation which suggested Iraq had in the order of an additional 6,000 undeclared chemical munitions. UNSCOM could not confirm Iraq’s claim to have destroyed 500 artillery shells filled with mustard gas and 500 aerial bombs for delivery of chemical weapons.

UNSCOM assessed that major uncertainties still exist concerning some 4,000 tonnes of declared chemical precursors, including 200 tonnes of precursors used in the production of VX. Only after the defection in 1995 of General Hussein Kamal—Saddam Hussein’s son-in-law—did Iraq admit it had produced over 19,000 litres of botulinum toxin, almost 8,500 litres of anthrax and over 2,000 litres of aflatoxin. At the end of 1998, UN inspectors judged that Iraq could have produced two to four times more biological weapons agent than it had declared.

UNSCOM judged the biological weapons program to be the most incompletely documented of Iraq’s weapons of mass destruction programs. It concluded that Iraq possesses an industrial capacity and knowledge base through which biological warfare agents could be produced quickly and in volume, if Iraq decided to do so. UNSCOM reported that in 1997 Iraq still had 79 facilities capable of playing a role in biological weapons production.

Iraq admitted to UN inspectors that it had produced missile warheads filled with chemical and biological weapons. The inspectors supervised or verified the destruction of several different types of delivery systems, including ballistic missile warheads, artillery shells and aerial bombs. But UN inspectors were unable to establish that all these warheads had been destroyed.

Iraq is known to have tested unmanned aerial vehicles and airborne spraying devices as possible delivery systems for biological and chemical weapons. After it was effectively forced to leave Iraq, UNSCOM reported to the UN Security Council in early 1999 that Iraq’s claims that it had destroyed all its chemical and biological weapons could not be verified. At the time the inspectors were forced to leave Iraq, UNSCOM assessed thatIraq had:

- a residual, illegal long-range missile capability
- a quantity of chemical munitions
- the ability to manufacture more of those, including the toxic VX agent, and
- a biological weapons manufacturing capability.

Let us not forget what these chemical and biological weapons do to their victims. The effects of chemical weapons are horrific. Mustard gas burns or blisters any part of the skin it touches. Many Australian families will recall the awful and persistent effects it had on Australian soldiers who fought during the First World War. Just a few droplets of chemical nerve agents such as tabun, sarin and VX will kill within minutes if inhaled or within hours if absorbed through the skin. These agents attack the central nervous system, causing rapid paralysis, respiratory failure and death by asphyxiation. Biological agents like anthrax, botulinum toxin, gas gangrene, aflatoxin and ricin are either lethal or incapacitate people in various ways. Like chemical weapons, they are indiscriminate in their application.

Since 1998 and the departure of the UN inspectors, there has been an accumulation of intelligence information from a range of human and technical sources pointing to Saddam Hussein having continued or stepped up his weapons of mass destruction programs. Australian intelligence agencies report Iraq’s continuing attempts to procure equipment, material and technologies that could assist its weapons of mass destruction program. They judge that Saddam Hussein’s desire for weapons of mass destruction remains undiminished.

Iraq has been working to increase its chemical and biological weapons capability over the past four years. Let me give you three examples, based on intelligence reports. First, there has been some reconstruction and renovation of dual-use chemical weapons production facilities, like chlorine and phenol plants. This includes chemical production facilities at Fallujah on the out-
skirts of Baghdad. Secondly, defectors involved in Iraq’s weapons of mass destruction program reported the continuing development of its biological and chemical capability, including in mobile biological weapons production plants and in hospitals. Thirdly, in 2001 Iraq announced it would be renovating a facility at al-Dawrah that it claims is a foot-and-mouth disease vaccine facility. This facility was known to be a biological weapons agent production facility before the Gulf War.

In addition, Iraq is also believed to retain a small number of Scud-variant missiles, launchers and warheads. UNSCOM was unable fully to account for Iraqi Scud-type missiles, warheads and components. In particular, it was not able to verify Iraq’s claims relating to the number of missiles and warheads it claimed to have destroyed unilaterally.

During the 1980s, Iraq developed the capacity to build and to extend the range of Scud missiles capable of delivering both chemical and biological warheads. The extended range Scuds have a range of about 650 kilometres, making them capable of striking neighbouring countries, including Israel, Saudi Arabia, Iran and some other Gulf States. Iraq is forbidden by Security Council resolution 687 from possessing ballistic missiles with a range greater than 150 kilometres, as I have mentioned. Iraq is also suspected of retaining components and production equipment for these missiles. Before the Gulf War, Iraq also conducted an extensive, clandestine nuclear weapons program, in clear breach of its obligations under the nuclear non-proliferation treaty. International Atomic Energy Agency inspectors mandated to implement the nuclear dimension of the United Nations Security Council resolutions were, like UNSCOM, denied access to Iraq after 1998.

As with chemical and biological weapons, the Australian government has no reason to believe that Saddam Hussein has abandoned his ambition to acquire nuclear weapons. All the circumstances suggest the opposite. Australian intelligence agencies believe there is evidence of a pattern of acquisition of equipment that could be used in a uranium enrichment program. Iraq’s attempted acquisition of very specific types of aluminium tubes may be part of that pattern. Iraq still has the expertise and the information to reconstitute a nuclear weapons program and may have continued work on uranium enrichment and weapons design. And Iraq could shorten the lead time for producing nuclear weapons if it were able to acquire fissile material from elsewhere. The International Institute for Strategic Studies—an independent research organisation—concluded that Saddam Hussein could build a nuclear bomb within months if he were able to obtain fissile material. Iraq may also be using its program for the development of short-range missiles, permitted by the United Nations, to develop prohibited longer range missiles. There have been recent indications, including from intelligence sources, of new construction work on missile related production and test facilities. Iraq may well be developing longer range missiles prohibited by Security Council resolution 687. The government’s view is that there is good reason to be extremely worried about the status of Iraq’s programs. Any reasonable person would have to share that view. Indeed, while in New York last week I was struck by the broad consensus which exists regarding Iraq’s weapons of mass destruction capabilities.

It would be appropriate at this stage to say something also about the Iraqi regime’s involvement with international terrorism. Terrorism, as I think the House would agree, is contrary to all civilised values. Iraq has a long history of state-sponsored terrorism. Saddam Hussein has consistently used terror as a key instrument of his regime’s policies and has supported its use by others. The Iraqi regime has long supported, hosted, funded and trained Palestinian and other terrorist groups, including the Abu Nidal Organisation and the Palestine Liberation Front, led by Abu Abbas. The Abu Nidal Organisation is responsible for major terrorist attacks in 20 countries. The Palestine Liberation Front has mounted many attacks against Israel—members may remember the attack by the PLF on the cruise ship Achille Lauro some years ago—and it has undertaken state-directed terrorist activities in other countries, includ-
ing many of Iraq’s neighbours, over a long period. Iraq has developed and supported the Mujaheddin-e-Khalq, which undertakes terrorist attacks against Iraq’s neighbour, Iran, and in other countries—including on one occasion in Australia. I remind the House that it was this body that attacked Iranian diplomats in Canberra in 1992. The Mujaheddin-e-Khalq has several thousand armed supporters located at bases throughout Iraq. It is armed with weapons, including tanks, infantry fighting vehicles and artillery. In recent times, the Iraqi regime has openly praised suicide attacks against Israelis. It provides substantial financial grants, to the sum of $US25,000, to families of Palestinian suicide bombers. A nightmare for the international community would be for Iraqi weapons of mass destruction to find their way into the hands of terrorist organisations. And also, recent intelligence sources have confirmed the presence of Al-Qaeda members in Iraq.

Let me now turn to my third point. We have been in extensive consultations with the United States administration for some time—more than a number of months but certainly in the last few months—on Iraq. Recently the Prime Minister spoke to President Bush on the matter. We are very pleased with the process outlined by the President in his address to the General Assembly on September 12. As the House knows, I returned today from New York, where I had the opportunity to discuss the Iraqi situation with a range of colleagues, including United States Secretary of State, Colin Powell, the US National Security Adviser, Condoleezza Rice, the British Foreign Secretary, Jack Straw, French foreign minister, Dominique de Villepin, Russian foreign minister Ivanov, the President of the European Union Foreign Ministers, Per Stig Moller, and several foreign ministers from Arab countries. Everyone I spoke to agreed that the threat from Iraq’s weapons of mass destruction programs was real and could not be ignored by the international community. No-one argued with that proposition. There was also a clear understanding that the authority of the United Nations was at stake—a point also made in UN Secretary-General Kofi Annan’s speech to the General Assembly on September 12. I stressed the importance of what can be broadly described as due process and the need for the Security Council to meet its responsibilities in addressing the threat to international peace and security.

I said Australia’s considered view was that the longer we wait, the more time we give Iraq to work on new and covert ways to produce and deliver these weapons. I said Australia believed that the United Nations has been patient. It had worked hard to satisfy Iraq’s concerns about the previous inspection body, UNSCOM, by designing a new and more streamlined inspection body, known as UNMOVIC. The Secretary-General has been unstinting in his efforts to get Iraq to comply with Security Council resolutions. I also said that the requirements set out in United Nations resolutions would be satisfied only if inspectors are given immediate, unconditional and unrestricted access to all areas, facilities, equipment, records and relevant Iraqi officials. Finally, I said that while Australia would welcome new leadership in Baghdad our primary concern was the threat posed by Iraq’s weapons of mass destruction and its fundamental breach of international law.

With all relevant interlocutors in New York, especially the permanent members of the Security Council, I urged a fresh resolution be passedcondemning Iraq for non-compliance with existing resolutions, demanding the immediate return of inspectors to fulfil their responsibilities and a short time frame for this resolution to be adhered to. Australia has been more agnostic on the question of whether there should be more than one resolution. I do not think the events of today mean that the Security Council can now all of a sudden disengage from these questions. It is clear from my discussions that the permanent members of the Security Council are very conscious of their responsibilities and are indeed engaged in discussions on possible resolutions.

I also had a meeting with the Iraqi foreign minister, Dr Naji Šabri. Although some countries have refused contact with the Iraqi regime, I judged that Australia should leave no stone unturned in our efforts to get Iraq to comply with international law and disarm
and destroy its weapons of mass destruction. I asked him quite directly why, if Iraq had nothing to hide, his government refused to allow comprehensive inspections. I told him that, if Iraq had nothing to hide from the international community, it also had nothing to fear from the international community. Indeed, by meeting the demands of the international community, Iraq and its people have everything to gain.

Iraq’s announcement today that it is prepared to accept the immediate and unconditional return of weapons inspectors is a direct response to the strong stand taken by the international community, including importantly and very significantly—Iraq’s Arab neighbours. Australia has been playing, and will continue to play, its part in bringing pressure to bear on Iraq. The onus is now squarely on Iraq to allow the immediate and unfettered inspections leading to the complete and permanent disarmament of Iraq’s weapons of mass destruction. The Security Council cannot allow Iraq to resile from today’s commitment, as unfortunately it has done in the past.

My fourth point relates to Australia’s national interests, which are directly involved here, and in very concrete ways. We have a fundamental interest in global security. We need to understand the ramifications that could flow from Iraq continuing to defy the authority of the Security Council and successfully pursuing its program for weapons of mass destruction. It would do enormous damage to the system of collective security so painstakingly built up over the past 57 years since the end of World War II. It would encourage the proliferation of weapons of mass destruction to other countries and even to other regions. It would encourage some to believe that treaty obligations—such as those taken on by Iraq in the nuclear non-proliferation treaty and the biological weapons convention—can be flouted with impunity.

Because it is in our security interests, Australia has been at the forefront of UN and other work to develop and strengthen agreements to impede the proliferation of weapons of mass destruction. We lead the Australia Group, which imposes controls on chemical and biological agents; we are at the forefront of efforts to strengthen the non-proliferation treaty; and in 1996 we brought the Comprehensive Test Ban Treaty to life through the United Nations General Assembly. For these reasons, we contributed strongly to UNSCOM. Over 110 Australians served with UNSCOM during its seven years of operation, making Australia the fourth-largest national contributor. Hence, we have a major stake in the effectiveness of these expressions of collective will.

Australia also has an important stake in the stability of the Middle East. An Iraq with the capability to menace the region with weapons of mass destruction would be destabilising and have major economic consequences for the world and for Australia, given the vital role that secure supplies of Middle Eastern oil play in the global economy. Let us be clear; chemical and biological weapons are not ordinary weapons. They are designed to cause mass casualties and they are indiscriminate. They kill or incapacitate in horrendous ways. In the hands of malign or unpredictable leaders, they are weapons of terror. They have no place in conventional warfare. They have no place in modern civilisation.

The purpose of this statement has been specific; namely, to update the House on Iraq’s ambition to develop and deploy chemical, biological and nuclear weapons, and to say something about my recent meetings in New York on this issue. We also need to take cautious account—as I have said already—of Iraq’s letter to the United Nations Secretary-General. Obviously Australia hopes that this crisis will be resolved diplomatically and peacefully, through strong action by the Security Council involving full compliance by Iraq with its international obligations. In the weeks ahead the authority of the Security Council will be put to the test. The international community must not be seduced by words alone. We must not forget that it was Iraq that drove the weapons inspectors out in 1998 and has denied them access for four years. It is Iraq which, after four years without inspections, has to disprove that it possesses weapons of mass destruction.
The crisis is not over. We must not reverse the onus of proof by taking it away from Iraq, the transgressor, and placing it on the international community. I wish to table, for the interest of the House, the UNCOM chronology of main events, which I think the House will find very interesting to read; a letter from the Iraqi minister for foreign affairs, Dr Naji Sabri, to the United Nations Secretary-General, Kofi Annan; a letter from the Secretary-General to the President of the United Nations Security Council; and my ministerial statement. I move:

That the House take note of the papers.

Mr WILLIAMS (Tangney—Attorney-General) (3.45 p.m.)—by leave—I move:

That so much of the standing and sessional orders be suspended as would prevent Mr Crean (Leader of the Opposition) speaking for a period not exceeding 34 minutes, Mr Rudd for 20 minutes and all other Members to speak to the motion for 10 minutes each.

Question agreed to.

Mr CREAN (Hotham—Leader of the Opposition) (3.46 p.m.)—The onus is on Iraq to comply with UN resolutions—that we agree with—but the process for discharging the onus must squarely rest with the United Nations. It is rightly back there now, and appropriately so, since the intervention of the United States President last week. Up until now, Iraq has failed the onus of proof by not complying with UN Security Council resolutions. That we all know; that has been the case for the last four years; on that we all agree. But the debate today is not about whether Iraq will comply—it must—nor is it about any reversal of the onus of proof. The debate today is about whether the international community acts justly, effectively and appropriately in ensuring that compliance with its resolutions does occur.

The ends do not justify the means. At all times we must act within international law to secure Iraq’s compliance. After all, it is with international law that we are demanding that Iraq comply, and the best way to ensure compliance—as we have seen today with the welcome announcement by Iraq to allow the weapons inspectors back in—is through multilateral, not unilateral, actions sanctioned by the United Nations.

There are two important things to note about this statement by the foreign minister today. The first is that it finally is allowing this parliament to have a debate on an issue that is at the forefront of most people’s minds. Daily talk of the threat of war, exposing our troops yet again to danger, is something that is never far from our minds. You only have to look at the newspapers, day in and day out, to see the importance that this issue is attaching; but this is the first occasion on which this parliament has been allowed to have that debate. It is something that Labor has been calling for for some time. We welcome the fact that this debate is taking place today. What I think is sad, though, is that the Prime Minister, himself, is not reporting to this parliament. If it is good enough for the British Prime Minister to report to the House of Commons and recall it, if it is good enough for the US President to report to the United Nations, why, Prime Minister, shouldn’t you report to the people’s house and tell us what your strategy is in terms of Iraq?

Well and good for the foreign minister to report on recent discussions—I do not deny the significance of that—but you, Prime Minister, should have been leading this debate. You should have been leading the debate in the public, not following it. I invite you—because you are here in the chamber now—to take the opportunity, when I have finished, to address this parliament on what your strategy is, particularly given the significant development today: the announcement by Iraq of its preparedness to allow in, without conditions, the UN weapons inspectors. What we want to know, Prime Minister, is what your strategy is from here. I am going to be taking the opportunity to outline how the Labor Party would advance this issue. I invite you, Prime Minister, to do likewise. So, as welcome as the debate is, it is disappointing that the Prime Minister is not leading it. Every leader in the world who is taking this issue seriously is addressing it through their democratic processes—with one exception: the Prime Minister of Australia.

The second point to note from the foreign minister’s statement is that, by way of evi-
It appears to contain no new evidence—and that is important, given the questions that we were asking of the Prime Minister yesterday. In the parliamentary break of the last fortnight or so, the defence minister and the Prime Minister have both been out in the public domain, giving everyone the impression that they have new evidence at their disposal but that it is intelligence that must be protected. I accept the latter bit, but the defence minister promised that he would have the information declassified and then made public. The Prime Minister is on the public record as having said that he too had additional information. I might say that the Prime Minister really was arguing that he did not need any additional information—he had all he needed; but he was holding out the hope that there was additional information. Yesterday, in question time, we saw the Prime Minister retreat to the form that he had adopted previously: that we have all the information we need; that the fact that noncompliance has occurred is sufficient in its own right.

I am saying to this House today that the evidence that has been presented by the foreign minister has been on the public record. If anyone needs any evidence of that, what is the attachment that he has tabled to this parliament in this great debate that we are having? It is a document dated December 1999. I think it is important that the parliament actually has before it this record, because it is important in helping us make our judgments, but it is an insult to this parliament to come forward with the only attachment in terms of new evidence—a document that is three years old and already on the public record. The one piece of welcome new evidence today is that Iraq is prepared to comply with the UN. What we have not heard from the government is how it intends to address this matter now. What did we hear from the government? It was ‘agnostic’ about the way forward. That is not good enough, Foreign Minister. The government really needs to have a view as to how we should proceed in Australia’s national interests, and I will come to that when I give our response.

The evidence is important in making the case. As I said, we were told by the Prime Minister that he had additional information. The defence minister says he has additional information. That is what they say out in public, but when they have the opportunity to come into parliament and present it, they do not. I think that is important, because it is another example of a government prepared to say anything out there in the public domain to support its case but not to back it up in this parliament, which the Prime Minister has acknowledged has to be the forum that determines whether or not Australian troops are sent to war. If we are going to make that decision, we should have the evidence; we should not be played around with. The evidence needs to be presented.

The foreign minister’s address goes to four important issues. The first is Iraq’s failure to comply with the UN Security Council’s resolution. But that has been the case since 1998, Foreign Minister. What is different is that US President Bush has reactivated, by his intervention last week, the UN process, and in reactivating it, there is to be a new test. The new test will be the consequence of the resolution or resolutions that the UN Security Council adopts. So it is not sufficient to simply comply with existing resolutions. A new test has been established, and that is why it is important for this government to outline how those resolutions should be progressed and what Australia will be supporting in relation to those resolutions.

The second issue that the foreign minister’s speech goes to is Iraq’s weapons of mass destruction. Again, as I have said, the chronology of events that has been tabled by him is three years old. In his speech, he uses three examples, which he says are based on intelligence reports. On my information, all of these examples have been in the public domain as well; in other words, there is nothing new about them, and to try to come in under the pretence of his speech and say he is giving us new evidence based on intelligence reports is just a furphy.

Mr Downer—are you saying it does not matter?

Mr CREAN—No, it does matter. I accept the fact that it matters, but don’t pretend it is new evidence. Don’t pretend it is new evidence and don’t pretend that you are divulging...
Today I want to outline Labor’s alternative approach in three key areas. One, Labor said in April that the United Nations processes needed to be exhausted. Today’s welcome development is vindication of that stance which we took back in April—for which we were criticised by this government but which they have now embraced. Two, I have called for a full parliamentary debate. What we want is the Prime Minister leading that debate and telling us what his strategy is on the way forward. It is essential that the Prime Minister report to the Australian people and take them with him. He says he needs bipartisan support: that is what the parliament has delivered consistently in the past, but it will only happen if you take the people with you. You cannot deliver it in the people’s house unless you take the people with you. For that you need to open up to them and be prepared to explain what it is you are advancing. That is why again, Prime Minister, I challenge you today to come forward and explain to the Australian people just what direction you see Australia going in. Three, we have to define the course ahead. It must be based on our national interest and undertaken through the United Nations system.

Today’s decision by the Iraqi government to allow the unconditional return of UN weapons inspectors is welcome. As I said before, it vindicates Labor’s approach to date. It demonstrates what Labor have consistently said all along: the UN processes are the most effective mechanism for resolving the stand-off with Iraq. It is essential that the UN processes continue to be pursued. We must get a diplomatic solution on Iraq to avoid the necessity of war and we must ensure that UN resolutions are complied with fully and effectively. That is why Labor have been calling for a United Nations solution to the Iraq issue based on full disclosure of the public evidence. We first called for that back in April. Back then, I said:

We are of the view that on Iraqi WMD—that is, weapons of mass destruction—the international community should exhaust the options available under the fresh mandate for UNMOVIC … I went on:
… UNMOVIC should be given a reasonable but finite period within which to enforce its mandate in Iraq … In the event of UNMOVIC’s failure, we would still require—

and this is important to understand—

convincing evidence of Iraqi complicity in the terrorist attack on September 11 or WMD before committing to support direct US military action against Iraq.

That is what I said back in April. I also said: Labor will insist that the government make available all relevant evidence and that the Parliament should be recalled as a matter of urgency, so that the matter can be debated and then determined.

On 16 August I wrote to the Prime Minister asking him to make a parliamentary statement. So our position has remained clear and consistent all the way through: work through the United Nations system; allow a full and formal debate in the parliament, led by the Prime Minister; and produce the evidence if further action is required.

The Prime Minister continues to tell us that sufficient evidence exists, but he will not share it with the Australian people. The public are not satisfied with that, Prime Minister. When we called for these diplomatic solutions and a full public debate, the government attacked us as appeasers and heaped ridicule on our approach. But now they have adopted that very policy. Since our statement in April calling for the United Nations to produce a diplomatic solution, what have the government done? In April, US Vice-President Cheney indicated that the US would consider a pre-emptive military strike to achieve genuine ‘regime change’; in May, the Minister for Defence agreed. Labor opposed that view. Then, in July, the Minister for Foreign Affairs said that Labor’s refusal to endorse in advance any US attack on Iraq was appeasement.

Mr Downer—I didn’t say that.

Mr CREAN—You did say that, Minister. You do not even know what you said; that is your problem. You are so inconsistent in this debate that you cannot recall what you said, but you said it.

The SPEAKER—The Leader of the Opposition will address his remarks through the chair.

Mr CREAN—In August, the Treasurer said I was mouthing the words of the Iraqi representative in Australia. That was followed up two days later by Lord Echo over the road here, who went so far as to say that I was ‘talking like Saddam Hussein’—even though I was urging the very position the government has now adopted. Just a week later, after speaking to the US President, the Prime Minister changed the government’s line again: he was urging the UN to take a tougher stance against Iraq. After the announcement that Mr Blair would recall the UK parliament, the Prime Minister choked on his Weeties at the Lodge that morning, got straight on the phone to AM and said he was going to allow a debate in this parliament. Never mind the opinion polls going against them and the threat to wheat sales; they only took the decision about the debate and the UN approach after George Bush said it was all right and after Tony Blair said he was going to recall the UK parliament. It was a complete about-face by the government.

The government have badly misread the Australian public on this issue. They have left the impression that they will only follow the US, not stand up for Australian interests in their own right. We need a Prime Minister prepared to stand up for Australia’s interests. They have had total policy turmoil. In the space of a couple of weeks we have had the Minister for Foreign Affairs, Alexander Downer, go from hawk to dove—but I think that all Australians just think he has looked like a complete galah.

Just as I set out our position in April, today I want to set out the course of action that Australia should take from here. It is a two-stage process. The announcement by Iraq today that it will allow the unconditional return of weapons inspectors shows the fundamental importance of strong, decisive UN action. It is now up to the UN Security Council to set a reasonable but finite time frame for Iraq to comply with its obligations and allow the weapons inspectors to fulfil their task under Security Council resolutions 687 and 1284. The UN will then need to make an assessment based on the reports of the weapons inspectors and decide what further action is required. That is why we are
arguing that we not be agnostic about this course of action; that we should actually commit to a two-stage process through the United Nations, the beginning of the first of which has already been established. A time frame is now needed for those weapons inspectors to report back to the Security Council with a second resolution determining the course of action from there. That is what Labor are proposing, that is what we have tried to get the government to embrace and that is what the government should be arguing for.

If Iraq continues to frustrate UN efforts, and further action from the Security Council is not forthcoming, some countries may seek to invoke the provisions of article 51 of the UN charter, which acknowledges the inherent right of individual or collective self-defence against a clear and present danger. This clear and present danger can only exist if there is either strong evidence linking Iraq to the September 11 attacks or strong evidence of an expansion of Iraqi weapons of mass destruction posing an immediate threat to our security. In other words, the evidentiary bar is higher than simply noncompliance. Noncompliance is the test for the UN in relation to its first resolution. But if there is to be a course of action beyond that, our argument, very firmly, is that the bar needs to be set higher. That is one of the major reasons we continue to urge the government today to produce the extra evidence. As this issue develops, it is going to be terribly important that Australia know precisely the basis upon which it is making its decision. It is our view, based on the reading of the situation, that the United States would need to go back to the UN Security Council to seek authorisation for military action—for example, under article 51.

It is not sufficient, as the Prime Minister would have us believe, that noncompliance alone justifies a member state invoking self-defence for taking unilateral action. In essence, Labor’s two-stage approach means this: set the timetable for the weapons inspectors to report and establish the discipline for a new resolution based on that report. There is a clear difference between the government and the opposition on this point.

Labor strongly believes that any military action must continue to be made within the international legal framework of the United Nations Charter; the government refuses to give such an assurance.

When I spoke at the Returned Services League National Congress recently, I said that we have to develop policies that are in the national interest, which is something that I referred to earlier. The Prime Minister has said that he supports that view but he will not define it. And as the foreign minister’s speech indicates, he does not define it adequately either. Today, I want to do just that. Firstly, Australia has a national interest in ensuring the integrity of the global non-proliferation regime. Secondly, Australia has a national interest in making sure that any breaches of international law are dealt with through multilateral processes. Thirdly, Australia has a national interest in defending the principle of collective security. It is in our national interest that any military action, such as Australia’s peacekeeping mission to East Timor, should always be taken in coalition with other like-minded countries. We need an Australian Prime Minister to stand up for Australian national interests.

A new consensus is emerging in the international community that any action against Iraq needs to be undertaken within the context of the United Nations. While we have always been a strong ally of the US and always will be, it is in our national interests to promote an international framework for peace and security. Our national interest does not lie in simply responding to the United States. I believe it is the Prime Minister’s failure to understand this crucial point that demonstrates why the government has had so much trouble in projecting a consistent position in relation to Iraq—a position that should follow what is in Australia’s interests, not just follow US interests. This is a government whose foreign and national security policy has been exposed as being deeply flawed.

Yes, the government has finally come out in support of a United Nations based solution to the Iraq problem—something Labor have been promoting since April of this year—but the government only arrived at that position
after the governments of the US and the UK did so first. The Australian government should have been making that assessment in our interests and should have been determining accordingly. This is a government that is determined to follow, but it will not lead. This is a government that will not take the Australian people into its confidence and let them make up their minds. It is a government that has been totally inconsistent and, I dare say, incompetent in its handling of this important foreign policy issue.

We need a government that is prepared to define the national interest and look after it—and that is what I have used today’s address to do. We need a government that is prepared to take the Australian people into its confidence and give its own independent assessment of the current situation in Iraq. We must never be the lap-dog of any country. The Prime Minister thinks that other nations should determine what Australia’s national interests are. I say this to the Prime Minister: other countries do not decide what our national interests are; we do, and we should do. Furthermore, when making that decision, it is a decision that must be made by the Australian people through this parliament in a debate led by the Prime Minister.

We must try to reach our policy objectives towards Iraq by peaceful means—to the extent to which that is possible; I hope it is possible and I have heard the Prime Minister say that he hopes it is possible—because if we do go to war it will be Australian mothers and fathers, Australian husbands and wives, Australian sons and daughters, our neighbours and our friends who will be put in harm’s way. We cannot play politics with their lives. We owe it to them to exhaust all other possibilities before we ask them to put their lives on the line.

Those Australians who have fought in wars and who know the true horrors of war understand this perfectly. Recently, the Prime Minister and I addressed the National Congress of the RSL, and I was heartened by the comments of the National President of the RSL, Major General Peter Philips, when he said:

We’ve had some statements that are perhaps a bit bellicose, it’s a war of words at the moment, and I think the words have to be kept very careful, and I don’t think it’s helped by extreme positions coming from political parties.

Above all, as veterans, we were concerned to just highlight the great cost involved in going into war of any sort and especially the importance of diplomatic action.

That was said by the President of the RSL on the day before the Prime Minister and I addressed their meeting. These men and women from the RSL who support that view are not appeasers, but a similar view had been expressed by us a couple of weeks previously and that is exactly what we were accused of.

These are people who love their country. They know how vile war is. They are people who have been through the horrors of it. They have seen their comrades, their families and their friends exposed. They have been prepared to put their lives on the line and they know, as a consequence, why war has to be avoided. It has to be avoided not at all costs but because the evil has to be stopped. But wherever possible, and by whatever means, an attempt should be made first to do it peaceably and to find an alternative diplomatic way through. That is what these men and women from the RSL are urging, and that is what we have been urging. It is finally what the government has come to accept but, if the government now accepts that to be the correct course of action, it has to be more than just agnostic about the way forward.

The government has to understand how this issue can play out in the course of the next few weeks and months. Sure, we have a United Nations Security Council process in place, and we have the opening of the door to the weapons inspectors, but we need a resolution that ensures those weapons inspectors can get in and report accurately and that then allows the United Nations to make a decision as to how we proceed. If all of that fails, and if we are confronted with another choice, we need to understand that the bar for the evidentiary test will be higher. If for no other reason than that, the government should be looking for the additional evidence that is needed if we are going to send our sons and daughters off to war. This is the argument that this government will simply
Tuesday, 17 September 2002

Representatives 6391

not face up to. When we asked for the additional evidence, the government said, ‘You have all the evidence you need.’ Well, the Australian public do not think that, and that is not the basis upon which the United Nations is proceeding.

The course of action is clear. Now that the parliament finally has a bipartisan position on a diplomatic solution—exhausting the UN option—let us get some structure, some direction and, dare I say it, leadership from the government as to the way forward. Get the government to define what they say is the ‘national interest’. Do they disagree with the definitions that I have put down? If not, why don’t we make that the test by which we make judgments about participation and courses of action from here?

Importantly, the government needs to be looking for the additional evidence that either can be used to force compliance in the UN or may become crucial in terms of decisions taken at a later stage. This parliament needs level-headed consideration based on all of the facts. That is why Labor will continue to argue the case for the evidence to be made available, for the case to be made and for the coalition to be built.

We supported the 1991 war against Iraq, but it was through a UN process—interestingly, a two-stage resolution process of the United Nations. I have heard the Prime Minister talk about similarities between what he is doing today and what was done in 1991. He should go back and have a proper look at the processes that were pursued in 1991. He should look at the fact that there was a coalition built, and our response was to the coalition’s call for support through a two-stage resolution process.

If we are to learn and advance in the future, we should draw sensible lessons from our past. But most importantly we need some leadership for once on this issue. Australians want a Prime Minister that they are proud of: someone who will stand up for Australian interests; someone who leads and does not simply follow. You will get that leadership from Labor. I hope that this speech today will fuel the interest on the other side of the parliament to do just that. If they do it, they will get our bipartisan support and we can move forward as one nation, as we should.

(Time expired)

Debate (on motion by Mr Williams) adjourned.

Main Committee

The Speaker—I advise the House that the Deputy Speaker has fixed Tuesday, 17 September 2002, at 7.30 p.m., as the time for the next meeting of the Main Committee, unless an alternative day or hour is fixed.

Bills Referred to Main Committee

Mr Lloyd (Robertson) (4.20 p.m.)—by leave—I move:

That the following bills be referred to the Main Committee for further consideration:

- States Grants (Primary and Secondary Education Assistance) Amendment Bill (No. 2) 2002
- Workplace Relations (Registration and Accountability of Organisations) Bill 2002
- Workplace Relations (Registration and Accountability of Organisations) (Consequential Provisions) Bill 2002
- Australian Capital Territory Legislation Amendment Bill 2002
- ACIS Administration Amendment Bill 2002
- Family Law Legislation Amendment (Superannuation) (Consequential Provisions) Bill 2002
- Taxation Laws Amendment (Structured Settlements) Bill 2002
- Transport Safety Investigation Bill 2002
- Transport Safety Investigation (Consequential Amendments) Bill 2002
- Members of Parliament (Life Gold Pass) Bill 2002
- Egg Industry Service Provision Bill 2002
- Dairy Industry Legislation Amendment Bill 2002
- Health Legislation Amendment (Private Health Industry Measures) Bill 2002

Question agreed to.

Ministerial Statements

Foreign Affairs: Iraq

Debate resumed.

Mr Anderson (Gwydir—Minister for Transport and Regional Services) (4.21 p.m.)—I will not detain the House for long.
Firstly, I want to say that the Minister for Foreign Affairs, Mr Alexander Downer, has spoken on behalf of the government and has done so very well indeed. Secondly, I want to make some generally supportive remarks and put some personal perspective on this, and I want to do so to some extent on behalf of my party.

I am somewhat confused by what the Leader of the Opposition is really saying to us. He continues to call for fresh evidence. Surely he cannot seriously assert that the material before us is not of sufficient concern. It is a very extensive list indeed, and it ought to clearly indicate that action is called for. Surely the Leader of the Opposition can see the point that we have sought to raise consistently: if Iraq have nothing to hide then Saddam Hussein should open the doors to weapons inspectors and allow them, without condition, proper access. He should allow them the full capacity to discharge their onerous responsibility and then, once and for all, dismantle, remove or otherwise surrender the weapons of that nature that are found. Surely the Leader of the Opposition recognises now that the debate has shifted very considerably with the welcome—though we should be very careful—indication by Iraq that they will open their doors. The debate has now shifted to one of whether or not that inspection process is real and whether or not it can deliver what we need of it.

Few of us—mercifully few of us—who sit in modern Australian parliaments have been to war. Having said that, most of us are the children of families who have known war. Most of us can name a father, an uncle, a grandfather, an aunt or an uncle who has been involved in some way in the tragedy of war and has brought home something of a feeling in relation to the horrors of conflict. My own father served in World War II. He was with the 9th Division in the North African campaign and came very close to losing his life. He bore the scars of horrendous injuries for the rest of his life. But, like most men who have been through that, he very rarely talked about his war experiences. When he did, it was about the futility, the horror, the waste of war. I grew up knowing that it was his earnest wish that I should never have to endure what he experienced.

I often ponder whether, if the world community had stepped more decisively through the troubled 1930s—less appeasement in Europe, less isolationism in the United States—a stitch in time might very well have saved nine. I often ponder that. I do not draw any parallels between the 1930s and now other than this: if there had been decisive action, strong leadership, careful consideration of events and a willingness not to run away from the uncomfortable in the hope that it would disappear then it might very well have been that a lot fewer people would have suffered.

Now I have my own children, including a son who is about to become a teenager, and it is my earnest wish—as it was my father’s wish—that he and his sisters will live in freedom and not know war. I say that because I know how wary and concerned Australians are about war and the prospect of conflict. We abhor it. We have an appetite for peace and we want to see it stay that way. But I have to say that when I consider the events of September last year, and when I consider the real and potential evil presented by Saddam Hussein’s regime in Iraq, I realise that the world I so earnestly wish for my children—and that all members of this House wish for their children too—and for future generations of Australia is at risk. It is under attack. The greatest lesson we must take from 11 September 2001 is that it is not enough to live in peace and to practise democracy. We cannot change the world solely by our example. We must not only promote freedom but also protect it; and, where necessary, we must defend it. We have learned through history what can happen when we fail to act in the defence of freedom. A recent example comes to mind: the impotence of the UN during the 1990s in the face of the rogue regimes in Rwanda and Bosnia. The slaughter that followed is a chilling example indeed.

Like everyone in this place, I welcome this morning’s announcement that Iraq has agreed to the return of the UN weapons inspectors without condition. But I hope that Saddam Hussein means what his message to
the UN says and that this will lead to the identification and destruction of his weapons of mass destruction. The evidence, particularly as I have heard it recapped yesterday and again today in this place, is overwhelming. If that evidence is to be challenged by the Iraqis and by Saddam Hussein, that challenge can only be successfully executed by genuine and open commitment to the process of inspectors returning with free range.

The House will not be surprised to hear that I am sceptical; I am sure many others are. We have, after all, been down this road before. It is a favourite tactic of tyrants to appear to bow to the wishes of the international community while planning otherwise. The international community must ensure in this case that the undertakings are real and are carried out. The message to Saddam Hussein from the UN must be unequivocal. This is not another chance; this is the last chance. He must be left in no doubt that the resolve of the UN is unshakeable and that there can be only one alternative if he does not fulfil his undertaking. He must know that the free world does not seek military conflict but that the UN Security Council and the world community behind it will not shirk from their responsibilities in the defence of peace.

Mr RUDD (Griffith) (4.28 p.m.)—A week is a long time in politics. A day is an even longer time in international politics. The world today looks somewhat brighter than it looked yesterday, although the storm clouds remain and they are still very threatening. Our cause for hope today comes from the United Nations Security Council, the United Nations Secretary-General and the great work done by US Secretary of State, Colin Powell, supported by British Prime Minister, Tony Blair. In returning the question of Iraq to the international legal and security processes of the United Nations, operating under the UN charter, a heavy responsibility is imposed on the UN to live up to the expectations of those who framed its charter more than half a century ago. It must also live up to the expectations of the international community today—those for whom the maintenance of international peace and security order is not a meaningless phrase but a hard and practical reality on which our international order depends.

If there is a divide between us in this place, beyond the specifics on Iraq, it is on the value we attach to the United Nations. We on our side believe in the United Nations. We believe in the United Nations because it provides the best, but by no means the perfect, mechanism for advancing the global interests of small states like Australia. We believe in the United Nations because it embodies a commitment to the principles of international law that are infinitely preferable to the absence of international law. We believe in the United Nations because it establishes an international system which is infinitely better than the absence of an international system. For us also—through Evatt, the founder of modern Australian diplomacy and a co-founder of the UN itself—it is both part of our heritage and part of our future. We therefore differ from a government which believes you can simply turn the UN on and off, deriding it one moment and seeking the next moment to bathe in its legitimacy. As we have done over Timor, let us hope we can now do over Iraq.

Episodic UN bashing does us no good internationally, although plainly there are some who believe it does them good domestically. I remind the House that, were it not for the UN, there would be no independent East Timor and we may well have been in armed conflict with Indonesia. When it comes to the repatriation of East Timorese refugees from West Timor back home and the economic reconstruction of East Timor, were it not for the United Nations that burden financially would lie with us and our taxpayers, not with the entire international community through the United Nations. Australia benefits from the United Nations despite its failings.

The matter before the UN today involves the dictatorial defiance by Saddam Hussein of multiple Security Council resolutions that go to the core of the security of the region. Let us be plain about Saddam Hussein’s record: he is a dictator, he is a mass murderer and he is a sponsor of international terrorism. He has invaded his neighbours, in complete violation of international law, and he is in
possession of weapons of mass destruction, which in the past he has used against his own people as well as against his neighbours. None of these matters are the subject of dispute, although there may be some disagreement about what Australia and the international community should do about them.

Of course, Saddam Hussein is not alone on many of these counts. He is one of a number of the world’s dictators. He is not alone in committing crimes against humanity, for which purpose we now have an international criminal court and for which Saddam Hussein should be indicted. Saddam Hussein is not alone as a sponsor of international terrorism, when we look at the records of other states, including Iran and elsewhere, nor is he alone in his possession of weapons of mass destruction. According to the Federation of American Scientists, there are nine nuclear weapons states, 27 chemical weapons states, 19 biological weapons states and 16 states possessing missile delivery systems. But where Saddam Hussein does have a grim and unique claim on the use of weapons of mass destruction is in this: in the postwar order, he has used those weapons against his own people and against those who live in the country adjoining his borders.

The question therefore is not whether Saddam Hussein should be dealt with; the question is by what means. Labor’s policy on this, as outlined by the Leader of the Opposition, has been clear since 22 April and has not budged since then. We have argued for the exhaustion of UN processes. We have argued that, if these processes fail, a case for US military action would have to be established on either of two grounds—a linkage between the events of September 11 and the government of Iraq, or a significant expansion in the weapons of mass destruction capability and threat of Iraq. We have also argued that any military case against Iraq should first be debated in this parliament. Our policy has not changed, while we have seen much change around us both in the tone, content and intent of the policy of those opposite.

Throughout this period, we have seen our responsibility as being that of a responsible opposition—a responsibility made greater because we are dealing with real questions of national and regional security. It is not appeasement to argue for diplomacy, for, if it is, we now have before us a government of appeasers. It is not appeasement to argue for evidence, for, if it is, why is the government now falling over itself to provide what it is now defining as evidence? It is not appeasement to argue for the exhaustion of UN processes. It is not appeasement to ask what military resources we have to give, to ask whether our men and women in uniform would confront the use of weapons of mass destruction in the battlefield that would be Iraq, or to ask whether the government is committed to regime change or not. Nor is it appeasement to ask the fundamental question in the minds of many Australians, namely: what impact would there be on terrorist threats to Australia as a result of Australian military support for separate US military action against Iraq? The Prime Minister’s off-hand dismissal of such questions yesterday as hypothetical is remarkable. For the Australian people, such questions are not hypothetical when their Prime Minister has told them that war against Iraq is probable and that it is equally probable that the United States, under those circumstances, would ask Australia for military support in such a war.

It is not appeasement to ask any of these questions. It is in fact our responsibility, as a responsible opposition, to ask these questions. In the policy debate that has unfolded over the last several months, the opposition has had a positive effect, as judged by the Australian people and by the content now evident in the policy of those opposite. It has also been said that if we have not been appeasers then we may at least have been anti-American. I would like to deal with that charge head on. This party is proud of this country’s alliance with the United States of America. We are proud of this alliance because we formed it in 1941 under Labor Prime Minister John Curtin. We have supported it for 60 years since then, under successive Labor prime ministers.

We believe the US alliance is in our fundamental national security interests, both for ourselves as Australians and more broadly
across the region of which we are a part. We believe in this alliance because it is also our more fundamental belief that the United States is overwhelmingly a force for good in this world, not the reverse. That does not mean that we will always agree with America. A good ally is not an unquestioning ally. A good ally is not a compliant ally. A good ally is one which sometimes says, ‘You may be getting it wrong.’ That applies potentially, possibly, to the question of Iraq.

We in this place are elected to safeguard the interests of this nation, not of any other nation. The Minister for Foreign Affairs, who earlier today sat opposite in this debate, is the foreign minister of Australia, not of any other country. The Prime Minister, who refuses to participate in this debate, is the Prime Minister of Australia, not of any other country. For American allies elsewhere in the world, this is a simple matter: to be a good ally of the United States does not mean as a mere axiom that you therefore simply comply with every element of US policy. A good ally, a responsible ally, asks questions—and, from time to time, may disagree.

The United States is to be congratulated on its decision to place this complex question before the United Nations. The question now is: what do we in the international community do about it? Last Friday, I released on behalf of the opposition a five-step process which we would hope the government would support on a bipartisan basis. Specifically, these steps are as follows. The first is the early convening of a Security Council meeting to discharge its responsibilities under resolution 1284 of December 1999 on the removal of Iraqi weapons of mass destruction, missiles and production facilities, and the consideration of any other relevant resolutions. Second, the Security Council should determine a reasonable but finite time frame for the return of UN weapons inspectors. Third, the Security Council should not tolerate any Iraqi noncompliance or partial compliance with the execution of UNMOVIC’s mandate in Iraq. Fourth, the Security Council should reconvene immediately to form a conclusion as to whether or not Iraq has complied. Fifth, if Iraq does not comply, the Security Council should resolve the most appropriate form of collective action against Iraq, including under article 42 of the United Nations charter.

The basis for action by the United Nations Security Council under the charter already, in large part, exists because of the litany of Iraqi violations of the disarmament resolutions which exist in relation to its weapons of mass destruction capability and program. It was entirely correct of the foreign minister, Mr Downer, to meet his Iraqi counterpart in New York to put directly to him the case for immediate Iraqi compliance with the relevant weapons of mass destruction resolutions. I support the foreign minister wholeheartedly in his doing so. If a separate action is in the future contemplated beyond article 42 of the charter, then such action cannot escape the purchase of international law, in which the charter is central. I repeat what I said earlier: Australia, as a small state, has an in-built interest in sustaining the system of international law. International law exists, in large part, to sustain and support the interests of small states. International law grew out of a system of states where at one stage only the largest and the most powerful prevailed.

Article 51 of the charter is potentially relevant for the purposes to which I have just referred: the self-defence provisions of the charter. The application of article 51 requires a stringent form of evidence as would establish a real and present threat to our security. If article 51 or any other provision of the charter is to be invoked, then noncompliance with UN resolutions is of itself insufficient. Article 51 or another international legal basis would impose a separate and more substantial body of evidence that would constitute a real and present danger. We in the Labor Party continue to remain open to receiving such evidence should this become relevant in the future.

We face a difficult period ahead. Much can go wrong, despite the good news we have had overnight. The international community must maintain its resolve. What this country requires is a consistency of policy and a consistency of resolve from its government. There is one question of policy on which I would ask the government to resolve its mind forthwith because it affects all of us,
and it goes to the question of regime change. On 10 March, Foreign Minister Downer said in response to a question on the issue of regime change:

Well, the Americans have said that they do want to bring down Saddam Hussein and they, of course, were saying that under the Clinton Administration as well. In the latter years of the Clinton Administration they put a lot of money in and effort into trying to build up political opposition groups within Iraq to Saddam Hussein. The present Administration is continuing to do that. They are very determined to bring down Saddam Hussein. But, does Australia support that? Yes.

That was what the foreign minister of Australia said on 10 March this year. Today, the foreign minister said in his statement to the parliament in this important debate on Iraq:

Finally, I said that while Australia would welcome new leadership in Baghdad our primary concern was the threat posed by Iraq’s weapons of mass destruction and its fundamental breach of international law.

This is not a change of tone; this is a change of content in Australian government policy. Six months ago, the foreign minister was unequivocal in supporting regime change. Six months later, subsequent to things becoming a little politically heated for the foreign minister, we now have infinitely more equivocal language. How can we have a government in Australia which is having a bob each way about whether or not it supports knocking off another government?

You need to be clear on these questions. You cannot say, ‘Well, we are half inclined to knock them off’ or ‘Well, we are more or less totally inclined to knock them off,’ and then decide at the end of the day, ‘Well, maybe not’ or ‘Maybe so.’ This affects all of us because it goes to the heart of this country’s interests; it goes to the heart of the interests of its people and the conclusions drawn about this country by others. It is a question of fundamental, serious policy.

On this there is a clear difference between us and the government. Our policy unequivocally does not have as its object regime change; our policy has as its object the removal of Iraq’s weapons of mass destruction, consistent with United Nations Security Council resolutions 687 and 1284 and, conceivably, a resolution which may soon follow. Our policy is not regime change. Unless the foreign minister formally repudiates his unequivocal statement of 10 March this year, I can only assume that this government’s policy is one of regime change. We need to be absolutely clear about our policy because if you are unclear about the policy objective on this question it radically affects the sort of diplomatic and, ultimately—although we hope not—military strategies to be embarked upon.

Foreign policy in this country should not be the extension of domestic politics by other means. National security policy, even less, should be the extension of domestic politics by other means. For more than 100 years the people of this country have been prepared to support decisions by their governments to go to war in one circumstance or another on the condition that the people of Australia have been given a reason for going to war. As of now we have not been given such a reason. There can be no graver decision undertaken by a government than to commit our men and women in uniform to war. It affects Australian families in every town and in every city of this country.

I come from Queensland. In the regional towns of Queensland there are many families—disproportionate to the Australian national average—who have sons and daughters serving in the Australian Defence Force. If the government of this country is to take a decision to dispatch our men and women— their sons and daughters—to war, they want to know that there is not only a good reason for doing it but also that there was no other course of action available. If there is one lesson which endures from Vietnam it is this: the worst thing this nation can do is to send abroad its men and women in uniform when there is not a bipartisan national resolve to do so. We on our side of this House strive towards achieving a bipartisan consensus with the government. The worst thing we could ever do is have a circumstance repeat itself of the type that we had in the 1960s and the 1970s. That can never happen again. If we have one responsibility in this place it is to ensure that, if that situation arose, we
would not put them in that invidious situation once more.

It is time for our parliament and our country to go forward with determination and resolve. It is time for us to go forward with the international community with determination and resolve. It is time for us to have a country and a leadership in this country which leads the international debate on what we should do with Iraq and does not simply follow the international debate on what we should do with Iraq. Let us do all these things within the confines of international law. *(Time expired)*

Mr VAILE (Lyne—Minister for Trade) *(4.48 p.m.)*—In participating in this debate on Iraq this afternoon I come from the position of having just returned from my second trip to the Middle East in as many months. During the past week I spent some time in the United Arab Emirates and then some time, in fact three or four days, participating in the ninth Joint Ministerial Commission in Iran. It is a well-known fact that the people of Iran suffered from weapons of mass destruction at the hands of the Iraqis during the Iran-Iraq war, and of course during any number of discussions that I had during the visit we were reminded of that by our Iranian counterparts. It is something that they will remember for generations to come because it certainly was a very ugly outcome as far as they are concerned.

Not only Iran but also other Arab countries within the region—even across to countries like Libya in North Africa—that we have had dialogue with certainly expressed concern with regard to the instability that is being created within the region because of Iraq's weapons of mass destruction capability. As I said, Iran suffered at the hands of Saddam Hussein and his regime in the Iraq-Iran war, and the Kuwaitis suffered in the invasion of Kuwait in the early 1990s, and certainly those memories have not dissipated within the region at all. There is concern within the region, and that is also of concern to Australia.

Obviously, with my portfolio responsibilities, I take a very keen interest, as I have indicated in the House this week, in the significant economic importance that the region has for Australia. We have almost $8 billion worth of export sales to the overall region, so stability economically in the Middle East is also of significant importance to the Australian nation and the Australian people.

Iraq has persistently flouted its obligations to disclose and eradicate its weapons of mass destruction programs and capabilities. It has refused for over a decade to comply fully with nearly all the obligations imposed upon it by United Nations Security Council resolutions. Consecutive governments of both political persuasions in this country have supported the multilateral system in terms of the resolutions that have been passed by the United Nations Security Council and have implored the United Nations to try to seek Iraq's compliance with those resolutions. So it would be the height of irresponsibility for the international community to allow this to go on.

Consequently, a great deal of diplomatic pressure has been brought to bear on Iraq. There has been a lot of energy expended on what some would call 'soft diplomacy' in this regard. During the course of time that has passed since the Gulf War, that has not met with a great deal of success, and history has recorded that. This morning's announcement that Iraq has decided to allow the unconditional return of inspectors is, on the face of it, certainly encouraging, although past experience has taught the rest of the world to be cautious about such announcements. We certainly hope that Iraq will now move quickly to match its words with actions and comply with its obligations under the United Nations Security Council resolutions. This would not only be a good result for regional stability but also for the long-suffering people of Iraq.

The Australian government is deeply sympathetic to the plight of Iraqis who are suffering the consequences of the failure of the Iraqi government to fulfil its international responsibilities. Every effort has been made by the UN and the international community, including Australia, to limit the impact of sanctions on the Iraqi people themselves. In particular, the oil for food program is specifically designed to alleviate the impact of sanctions on the Iraqi population, allowing
Iraq to sell oil to purchase medicine, health supplies, foodstuffs and other items for essential civilian needs. The Australian government actively encourages Australian companies to participate in the oil for food program and actively facilitates that participation. Since its establishment in 1996, the program has been progressively finetuned; for example, the ceiling which previously applied to Iraqi exports was abolished, and expedited procedures to approve a wide range of humanitarian supplies were introduced.

Through the UN oil for food program, Australia has been a reliable and longstanding supplier of quality wheat to Iraq. We recognise the need to ensure a reliable food supply to the Iraqi people, notwithstanding our policy differences with their government. Consequently, the Australian government was extremely disappointed when, some months ago, Iraq threatened to penalise Australian wheat farmers and their families because the Australian government reiterated its demand for Iraq to abide by UN resolutions. The way the dispute about quality which had delayed the unloading of several Australian wheat shipments to Iraq was resolved demonstrates the sound commercial relationship between AWB Ltd and the Iraqi grains board. We will continue to work closely with AWB Ltd to help maintain and increase its existing market share in Iraq.

The improved security situation in the Middle East that would result from the elimination of Iraq’s weapons of mass destruction capabilities would lead to an even better regional trade and investment environment. Australian exporters and investors who are already well established in regional markets would, of course, stand to gain. In my recent visit to the region, I signed an air services agreement with the United Arab Emirates and announced extra capacity into Sydney for the Emirates airline. In Iran, I co-chaired, with the Iranian minister of agriculture, the ninth Australian-Iran Joint Ministerial Commission. Key outcomes of that visit also included the confirmation by the Iranian government of an order of 530,000 tonnes of wheat from Australia and the prospect of further orders of Australian wheat from Iran.

We also announced that we were going to begin negotiations on an investment protection and promotion agreement between Australia and Iran. But, as I reiterate, at the same time everybody we met, from President Khatami and the ministers down to the commercial operators in Iran, expressed their concerns about the instability in the region being caused by the current regime in Iraq and their possession of weapons of mass destruction, based on the experience the Iranian people suffered during the Iran-Iraq war.

Suggestions that other Arab countries would boycott Australian exports in solidarity with Iraq are not credible. I have already noted that Australian exports to the Middle East have been growing strongly, and my own contact with government and business leaders in the region indicates continuing strong enthusiasm for trade with Australia. That is evidenced by further orders for Australian wheat that have come in from countries like Jordan and Libya, from where we have respectively received 50,000-tonne orders for wheat in recent months.

In conclusion, I restate that Australia’s commercial relations with the Middle East are in a very healthy state and have the potential to grow considerably in the future. For this reason, a peaceful and stable Middle East region is as much in the interests of Australia as it is for the countries of the Middle East. We heard the Leader of the Opposition talk about the national interest. I think $8 billion worth of trade annually is in the national interest as far as Australia is concerned. The onus is now squarely on Iraq to allow immediate and unfettered inspections leading to the complete and permanent disarmament of Iraq’s weapons of mass destruction. The Security Council cannot allow Iraq to resile from today’s commitment as it so often has in the past. We welcome this announcement, albeit cautiously. The onus is now upon the United Nations and the Security Council to follow through to ensure that the inspections are undertaken expeditiously and that Iraq disarms. (Time expired)

Ms MACKLIN (Jagajaga) (4.58 p.m.)—To go to war is the most serious decision any nation can make. The terrible decision to commit itself to conflict is something any
civilised society makes with great reluctance. Even in these days of smart bombs, guided missiles and overwhelming firepower, the fact remains that in wars people die, people are horribly maimed, buildings are destroyed and families and whole communities are torn apart. The consequences reverberate through the generations that follow. You only have to talk with the families of war veterans to know of the lasting impact of conflict. Just a few weeks ago, on the remembrance day, a Vietnam veteran’s mother said to me, ‘Don’t destroy this generation as the generation of those who went to Vietnam were destroyed.’

That is why Labor says to those who want Australia to go to war against Iraq: make your case. Explain how invading Iraq serves the interests of Australia and other peace-loving nations; explain what will be achieved by such an invasion and what difference it will make to international security and to the safety of Australians; explain why war is the only course of action left. I ask for this because, if there is to be bipartisan support for a war on Iraq, each of us here will be rightly held accountable, now and in the future, for all the consequences of that decision. My Labor colleagues and I do not shrink from the responsibility of making such a decision—after all, that is what the Australian people have elected us to do—but we have to be convinced that a war on Iraq is in Australia’s interests and in the interests of international peace. We have to be convinced that it is the only way of securing a safer world. We have to be convinced because, if we support such action, we must be able to tell those we send to battle—and those they love who are left behind—it is the right thing to do. It is for these reasons that we need this debate today.

Labor has been a strong supporter of Australia’s involvement in the United States led war on terror. The international armed response to the terrorist threat so chillingly demonstrated on September 11 last year was swift and just. Though just, the fact remains that many innocent people lost their lives in the attacks by the international forces. To dismiss as collateral damage the killing and maiming of many innocent men, women and children as a result of these attacks is unacceptable. It should be at the front of the minds of everyone here that, if we commit to war, many innocent Iraqi people are bound to die. We must weigh that cost against the goals we set out to achieve.

There is no doubt that the terrorist attacks that took place last year, though they occurred in the United States, were an assault on the safety and security of us all. In his speech to the United Nations General Assembly last week, Secretary-General Kofi Annan outlined exactly why the terrorist threat needed a broad, sustained and global response: broad because terrorism could be defeated only if all nations united against it, sustained because terrorism would not be easily defeated, and global because terrorism is such a widespread and complex phenomenon. The success of the international coalition in overthrowing Afghanistan’s Taliban regime and in rooting out many of the terrorists it harboured has brought some measure of security for the world, but at a heavy cost in innocent lives.

Now the attention has turned to Iraq. The United States President, George Bush, argues the government of Saddam Hussein poses a grave and gathering danger to world peace and security. The case being mounted by those calling for an invasion of Iraq has included accusations that the country is a haven for Al-Qaeda and other terrorist groups, that it is developing and stockpiling chemical and biological weapons of mass destruction and that it is developing a nuclear capability. The fact is that it is four years since United Nations weapons inspectors were last in Iraq and little is publicly known about what weapons capabilities it now has. The decision made by Iraq earlier today to give UN weapons inspectors unconditional access provides a glimmer of hope, but much still needs to be resolved before we can determine just how substantial this breakthrough is.

During the 1980s, Iraq developed one of the most extensive chemical weapons arsenals in the world. By the end of the Gulf War, it possessed hundreds of tonnes of nerve and mustard gas. The appalling record of Saddam Hussein’s regime—invasions of Iran and Kuwait; missile attacks on Iran,
Saudi Arabia, Bahrain and Israel; genocidal assaults on Kurdish and Shiite communities; and the brutal repression of internal dissidents—inspires little confidence that its intentions are peaceful or benign. But suspicion by itself is an insufficient justification for declaring war. This is one of the basic principles underlying Australian law and democracy. You cannot strike out at someone just because you think they present some threat; you must have some evidence to justify your actions. Most people accept this as reasonable, because the alternative is vigilante behaviour and a breakdown of the rule of law.

Arguments for pre-emptive strikes must be considered in this light. If we attack without good reason, we risk behaving in a manner exactly the same as the one we seek to oppose. If we accept the use of any means, however unlawful or unprincipled, to defend our democracy and way of life then we endanger it. In our international actions, Australia must observe the very principles and rules upon which our nation is founded or the terrorists have won. As Kofi Annan acknowledged, this is a crucial test for the Security Council. The Security Council must take action for the sake of its own credibility and survival as well as the safety and security of the world. Underlying every effective system of law is the means to enforce it. The United Nations has shown in the past that it can act effectively to protect international order and security. It did so in the Balkans and, more recently, in East Timor. The UN has succeeded where individual nations, no matter how powerful, may not have.

Iraq’s decision to re-admit UN weapons inspectors is a welcome development, but the UN must maintain the closest possible scrutiny over the work being carried out by those weapons inspectors. The Security Council should meet as soon as possible to establish a firm time frame for the weapons inspection process. It should reconvene at the end of that period to assess the extent of Iraqi compliance. If it is judged that Iraq has failed to comply with UN resolutions, the Security Council should determine the most appropriate form of collective action to be taken. Labor has been arguing since April this year that we need to explore all UN diplomatic processes regarding Iraq before proceeding to any other form of action. The reason is clear: those advocating immediate action against Iraq have not yet made their case. There is as yet no evidence of a direct link between Iraq and the terrible attacks on September 11 last year.

There is as yet no evidence of a significant expansion of Iraq’s capability regarding weapons of mass destruction since UN weapons inspectors were forced out of that country in 1998. If the Security Council fails to bring Iraq to account then there will be time to consider any grounds for separate action led by the United States, but Australia should not automatically follow that path. We have been a strong ally of the United States since 1941; we have fought alongside each other in wars across the world. But in a mature relationship such support should never be provided uncritically. It is Australia’s right and duty to assess each call to action on its merits. If the United States wants Australia to join it in any action against Iraq without UN mandate then it must produce the evidence that Iraq poses a clear and immediate threat to world peace.

If this government possesses information showing Iraq poses a real and present danger to Australia, the Australian people have a right to know. If this government wants the Australian people to commit to a war against Iraq, it must present the evidence to back this up. Labor and the Australian people have shown in the past that they are ready to act when there is a real threat posed to national security and world peace. But quite rightly they expect their political leaders to provide a convincing case to support this action—after all, they are the ones who will be making the sacrifices that any conflict requires.

Dr SOUTHcott (Boothby) (5.08 p.m.)—This ministerial statement outlines one of the gravest threats facing the world today. Much of the focus has been on the different nuances within the United States administration and comments by the Australian government, but really the focus should be on Iraq and the weapons of mass destruction they have acquired and sought to develop over the previous 20 years. Iraq have
persistently shown an intention to develop capability in biological and chemical weapons, missiles and nerve agents, and they continue to work to develop a nuclear weapon. To those who believe that they do not possess such weapons, I point you to the International Institute for Strategic Studies recent assessment of their capabilities. To those who believe that they will not be used, look at the use of chemical weapons against Iran and the Kurds, and the firing of missiles against Iran, Israel, Saudi Arabia and the Gulf states. This is a state which has invaded two of its neighbours: Kuwait and Iran. It is a state that is in breach of nine UN Security Council resolutions relating to weapons of mass destruction. It is a state which is in breach of 23 out of 26 specific demands contained within those resolutions. It is a state which continues to commit gross violations of human rights.

To uphold the effectiveness of the United Nations and the Security Council, these resolutions must be enforced. Otherwise, Iraq’s defiance will serve as a green light to any nation who wishes to develop and use weapons of mass destruction in the future. The government’s position on this issue has remained consistent. First of all, weapons of mass destruction must be eliminated as required by United Nations Security Council resolutions. Second, we prefer diplomacy and the resumption of weapons inspections. However, the weapons inspectors must not be impeded in carrying out their job in Iraq. We cannot return to the cat and mouse games which Saddam Hussein played with UNSCOM. On the issue of United States led military action, no decision has been taken by the United States. Australia has not been asked, so that is hypothetical. If Australia is asked in the future, that is something which will be considered based on the circumstance at the time and our national interest. Clearly, the status quo is unacceptable. The end goal here has to be the elimination of the weapons of mass destruction in accordance with United Nations Security Council resolutions.

On the issue of evidence, there is already a mountain of evidence out in the public domain. Former US Defense Secretary Caspar Weinberger in his testimony to the US Senate hearings in July said, among other things that are on the public record, that trucks are being imported into Iraq and converted into mobile missile launchers. Surface-to-air missiles are targeting allied flights over the no-fly zones. Iraq have been caught importing the tubing which is uniquely used to enrich uranium, and defector evidence points to an ongoing program. In the area of biological weapons, an Iraqi defector in December 2001 said he had visited 20 secret facilities in Iraq for the production of chemical, biological and nuclear weapons. A high-level 1995 defection forced Iraq to admit that they had weaponised anthrax, botulinum toxin and aflatoxin. UNSCOM concluded that Iraq had two to four times more biological agents unaccounted for than were declared.

In the area of chemical weapons, UNSCOM believe that Iraq have stockpiles of VX, sarin and mustard gas. They also are building dual use plants, such as chlorine plants or phenol plants, which can be converted to chemical weapons production. The evidence of Iraq’s nuclear weapons program is outlined in the International Institute for Strategic Studies analysis of September 2002. It says that Iraq can produce a nuclear bomb within months if they are able to obtain fissile material. The institute also, again, points to the importing of aluminium tubing which can be used to make centrifuges to enrich uranium. In the area of missiles, Iraq continue to develop missiles with ranges greater than 150 kilometres, in breach of UN Security Council resolutions.

I, along with most members of the House, welcome the announcement this morning of Iraq’s agreement to the unconditional return of UN weapons inspectors. A diplomatic solution was always the government’s preference. But make no mistake: this stand-off was not due to anything that the United States government had done, or the British government, or the Australian government. It was due to Saddam Hussein’s repeated violation of United Nations Security Council resolutions. He has continually deceived the international community. His efforts to deploy chemical and biological weapons and to develop a nuclear weapon capability is the gravest threat to international security today.
Australia has an important stake in the removal of this threat. We cherish international peace and we have global interests. Saddam Hussein would not have allowed weapons inspectors back into Iraq in response to the United Nations alone. He has shown just what he thinks of UN Security Council resolutions. It was the threat of military force which called his bluff. Kofi Annan, the United Nations Secretary-General, has said that President Bush’s speech to the UN General Assembly last week helped galvanise the international community in getting Iraq to comply with the UN resolutions. In the past Iraq has prevented UNSCOM and UNMOVIC from undertaking their mandate. UNSCOM and UNMOVIC were established under a United Nations resolution to disarm Iraq of its weapons of mass destruction and the means of making or delivering them and to ensure that it does not reacquire the weapons prohibited to it by the Security Council.

United Nations inspectors left Iraq in 1998 following obstruction from the Iraqi authorities. In October 1998 Iraq was offered a new deal: let UNSCOM inspectors back in in return for the comprehensive review of sanctions. Saddam Hussein rejected that offer. Subsequently Iraq has refused to allow inspectors to return, leading to the current crisis. It has persistently tried to circumvent UN resolutions. Iraq’s continued defiance of these resolutions has led the international community to consider its options. The threat of military force was the most drastic and least wanted action, but it was the only action that Saddam Hussein seemed to understand. He has a track record in the use of weapons of mass destruction. Between 1983 and 1988 Saddam Hussein used chemical weapons and mustard and nerve agents at least 10 times against Iranian soldiers, Iranian civilians and his own people.

Throughout the 1990s UNSCOM found chemical agents such as mustard gas, sarin gas and VX gas and undertook the destruction of these agents. In its last report to the UN Security Council at the end of 1998 UNSCOM said that Iraq’s claim that it had destroyed all its chemical and biological weapons could not be verified. In addition, in July this year the United States Senate heard expert testimony on Iraq. It heard that, since the last weapons inspections in 1998, Iraq had been working to increase its weapons of mass destruction capability. The United Nations must make sure that the weapons inspectors are provided with unconditional access to sites around Iraq. The international community cannot let Saddam Hussein deceive them for any longer.

Mr SWAN (Lilley) (5.17 p.m.)—In the aftermath of September 11 last year we all realised that the comfort that came with the end of the Cold War had been replaced with the fear of a new threat: global international terrorism. Post September 11 there is now a terrible new sense of vulnerability, with more lives lost in one attack in one day than in 50 years of terrorist attacks in Ireland and Israel—and it was without any form of conventional weapons. I certainly welcome the announcement today by United Nations Secretary-General, Kofi Annan, that Iraq has unconditionally accepted the return of UN weapons inspectors. This development is a victory for those who believed in measured and effective diplomacy through the United Nations. It is certainly a belief that we in the Australian Labor Party have held for a very long period of time. Our commitment arises from our belief that, for a country of our size, international diplomatic action through the United Nations is an essential protection and that this is always preferable to unlawful, unilateral military action.

Of course, there is speculation as to whether Iraq will gladly comply during the weapons inspection procedure that will now commence. No-one can discount the failures of Saddam Hussein on this previously. It is therefore vital that we unconditionally support the UN in its dealings with Iraq. The fight against international terrorism is something around which people who believe in freedom, democracy and justice must unite. Lives are at stake. Many more people could die without effective action. As a father and as a parliamentarian, I believe that we must act in a principled and humanitarian way to confront this menace. How we combat terrorism will define what sort of nation and international arrangements our children
To preserve democratic traditions and to minimise the loss of life we must be consistent and principled in our strategic and tactical fight against global terrorism. When force of arms is required it should be used; but how do we determine when to use it?

I want to make it clear that I believe the regime in Baghdad is repugnant. It is a dictatorship, like many elsewhere in other countries, that cruelly suppresses its own people while creating an arsenal of threatening weapons. Saddam Hussein has a dreadful history. In the 1980-88 Iran-Iraq conflict we had the longest conventional warfare of the last century. There was something like a million casualties. Following the cease-fire in that war, he used chemical weapons extensively; this time against his own nationals. This was an unprecedented act—an act of a mass murderer. So the question that we have to face up to is simply this: does participation with the Americans in unilateral action to remove Saddam Hussein help or hinder our fight against Al-Qaeda and other international terrorist organisations? Will such action be able to remove weapons of mass destruction if they are proven to exist and if they are proven to have become a much more substantial threat in recent times?

Any action against Iraq must be done in the right way, based on sound principles of international law, otherwise there will be serious costs, firstly, to our major objective—the war on terrorism—and, secondly, to our relations elsewhere in the Arab world. There is little doubt that pre-emptive unilateral action against Iraq would seriously destabilise the whole region. Our bottom line must be not to make the situation worse but to make it better. That is why we must act lawfully and, firstly, diplomatically through the United Nations. As James Baker III, the principal diplomatic adviser to President Bush’s father, has said:

History will be an unkind judge of those who prefer to do business, rather than do the right thing.

One of the problems with our domestic debate on Iraq has been the puerile attempt by the Minister for Foreign Affairs to question the patriotism of this side of the House. All we have reasonably asked the government to provide is evidence on Iraqi involvement in September 11 and any new evidence on the further development of weapons of mass destruction in Iraq. He said that we were appeasers for daring to call for evidence, for calling for UN participation and for our attempts to highlight the horrendous nature of war. I say that our approach has been less political, more patriotic and more sensible than that of the government.

Another problem is the anti-Americanism that raises its head too often in this debate. It is not surprising that it does, given the debacle of Vietnam and some of the frightening rhetoric that has passed the lips of President Bush—rhetoric that has offended significant sections of his own Republican Party and frightened many in the international community. But we should not let the unwise statements of President Bush the younger camouflage what is driving the thinking of the American people on these issues, nor should they camouflage the importance of the American alliance to the long-term security of this country. Three thousand people were killed in one attack in the United States. The US has not been confronted with anything on this scale since the American Civil War. Unquestionably, as a nation, it is the No. 1 target of terrorist fanaticism. This does not mean that it has the right to take unilateral military action, but it most certainly means that it has the right to expect to be supported in its attempts to uphold UN resolutions on chemical and biological weapons.

The critical issue here is weapons of mass destruction. Frequently, it is said that there are plenty of other unenforced resolutions from the Security Council—such as resolution 242, which requests Israel to withdraw from occupied territories. It also says that Israel has the right to security behind secure borders. The point about resolution 242 is that the US has wielded an enormous effort over time in influencing and trying to secure peace in the Middle East. An Egyptian president and an Israeli prime minister have lost their lives in that process. Yes, we can say that the approach of the current US President has been ineffective in pursuing effective Middle East peace processes, but we can also
say that the American people over time have put an enormous amount of effort into an international solution in that region. The US should be able to expect the same support and effort to be given to it in its quest to eliminate weapons of mass destruction in Iraq as it has given elsewhere in an attempt to bring peace to the Middle East. Along with the rest of the international community, the US should not have to bear the burden of seeing that Saddam Hussein meets his obligations under UN resolutions to remove weapons of mass destruction.

This was brought home to me quite poignantly only last week, when I stood at the Menin Gate outside of Ypres in Belgium. There, some 36,000 Australians lost their lives—indeed, my own grandfather was gassed in the battles that surrounded that important area. Something like 250,000 Allied forces, including those Australians, lost their lives in that area over a period of three months. This demonstrates to us the carnage of war and the danger and horror of war. If there is a clear and present danger from the further development of weapons of mass destruction, I for one do not want to be part of a system that ignored those developments which could result in carnage of that nature again. History is littered with examples of where clear and present dangers have been ignored and many innocents have died. We must be prepared to act if the evidence indicates that Iraq has escalated the development of weapons of mass destruction, I for one do not want to be part of a system that ignored those developments which could result in carnage of that nature again. History is littered with examples of where clear and present dangers have been ignored and many innocents have died. We must be prepared to act if the evidence indicates that Iraq has escalated the development of weapons of mass destruction, but that action must be lawful and justified by the evidence. Only in the last week has the government swung behind our insistence that we follow UN processes, because the truth is very simple: if the UN will not enforce its own resolutions against Iraq, the whole UN collective security system will be badly wounded, perhaps fatally. The truth is that the Howard government only considered the UN processes following polls showing deep concern about its support for unilateral US action.

I am in favour of acting, but I am in favour of acting through UN processes. The processes that the UN should follow have been outlined quite extensively today by the Leader of the Opposition, Mr Crean, and our foreign affairs spokesperson, Mr Rudd. But, in addition to talking about the importance of that lawful action, we should understand this point in the debate about combating international terrorism: we can defend our physical security with armies and with our military might but, when we defend our civilisation, we must do it with education, with clean water and with food. Terrorism is bred partly from despair. A solution to the Middle East problem would help but, more fundamentally, doing something to alleviate the crushing poverty on this planet is essential.

At the end of the 1990s, one-third of the world’s countries had lower per capita income than they did at the beginning of the same decade. The quality and quantity of public education systems in many countries has been declining, and the gap between the wealthy and the poorest nations has been growing. There does need to be a concerted international effort—and certainly a concerted effort from this country—to address the causes of despair and fanaticism in many countries around the world. We ought to particularly understand that, given our current and recent experience in East Timor. In summary, if we act, we must act responsibly and we must act legally, but we must also commit ourselves to long-term social and economic progress in those countries.

Mr BAIRD (Cook)  (5.27 p.m.)—I welcome the comments by colleagues in this House today. This is a serious issue confronting this nation and the international community. I, along with the rest of the community, welcome the announcement this morning that Iraq will allow United Nations weapons inspectors back into the country. This is a positive development and demonstrates that sustained, reasonable diplomatic pressure exerted through the United Nations can be effective. The fact that they are being allowed back in is a significant breakthrough. We wish them well in terms of the UN negotiating these arrangements.

When addressing this issue, it is important to ask a series of questions. The first one is: has it been proven that Iraq has weapons of mass destruction? It has been proven over a significant number of years that that is the case and that Iraq continues to develop them.
The second question is: has it used these weapons in the past in pursuit of other countries, in terms of trying to assume its own will? The third question is: does it have an appalling human rights record? Of course, that is the case. The fourth question is: will we regret our actions in the future if we simply sit back and wait for others to talk about the issue, or should we be fully supporting the UN in its activities now? The fifth question is: do we have a strong alliance with the USA that needs recognising and supporting at this significant time?

While the announcement regarding the weapons inspectors is welcome, such commitments have come from Iraq before, only to be broken. For example, after it promised in 1991 to comply with Security Council resolutions that required all foreign prisoners to be returned to their home countries, 11 years later there has been no action. In the same year, Iraq agreed to destroy its existing stockpile of weapons of mass destruction and halt its development program. This promise has also been completely ignored. Saddam Hussein's actions in the coming days and weeks will be crucial in ensuring that the world is not brought to the brink of another avoidable conflict in the Gulf.

The United Nations must now ensure that the weapons inspection program established is both comprehensive and thorough. The United States and its allies should continue to discuss and explore every option that will avoid conflict. No reasonable government ever wants to go to war or to expose its defence personnel to the dangers involved, yet war will remain an unfortunate option for the international community if Iraq once again breaks its promise or fails to fully conform to the requirements set out by the forthcoming Security Council resolutions.

It is because of his past performance that war would continue to remain an option if Hussein fails to meet his obligations. He has a terrible track record in a number of areas, most particularly in his continued efforts to develop weapons of mass destruction despite the clear will of the United Nations, his actual deployment of such weapons and his mistreatment of his own people. These factors combined are strong justification for viewing Saddam Hussein with great suspicion.

The Iraqi regime has for many years had a clear desire to accumulate weapons of mass destruction, despite the demands of the international community that this not occur. During the 1990s, United Nations inspectors working with UNSCOM—the precursor to UNMOVIC—found significant quantities of a large number of chemical agents, which led them to conclude that a significant program of development was under way. Among those chemical agents was one known as VX, the most toxic of all such materials. One drop of this substance is enough to cause the human nervous system to fail and immediate death.

The Iraqi government has always denied using this substance in its weapons program, despite clear evidence that it was. In 1995 the Iraqi regime admitted that it had biological weapons, including anthrax, at its disposal during the Gulf War. Iraq acceded to the international Biological and Toxin Weapons Convention four years previous to this admission, yet it offered no proof that its stocks of potential biological weapons agents had been destroyed. With respect to nuclear weapons, reports today from an Iraqi dissident scientist that the country could have a nuclear bomb by Christmas if its program goes unchecked are particularly disturbing. Iraq must now patently demonstrate to the international community that it is abandoning its programs and relinquishing its ambitions in this area.

Saddam Hussein not only has a track record of pressing ahead with programs to develop weapons of mass destruction against the will of the international community but also has a history of deploying such weapons. At least seven separate uses of chemical weapons during his country's long and bloody conflict with Iran have been confirmed by United Nations inspectors. The Gulf War saw the deployment of about 90 Scud missiles to Israel, on top of the 500 that were aimed at Iran during the earlier conflict. The missiles have also been deployed against Saudi Arabia and Bahrain at other times. Iraq used chemical weaponry against the Kurdish population in northern Iraq during 1997 and
6406 REPRESENTATIVES Tuesday, 17 September 2002

1998. One notorious attack on the town of Halabja killed some 5,000 Kurdish people, and many residents of the town suffer persistent illnesses due to the chemical agents used. Hussein’s demonstrated propensity to use the weapons at his disposal is precisely the reason we must be so concerned about him. The usual strategic equations do not apply.

Finally, there are many accounts of the appalling way in which the people of Iraq are treated by their own government. As chairman of the Amnesty International parliamentary group, I have seen some shocking reports: the systematic torture of political prisoners, which includes electric shocks, the gouging out of eyes and extremely severe beatings; the beheading of a 25-year-old woman without trial in the street and in front of family members after her husband fled the country; and an incredibly frequent use of the death penalty—hundreds of political prisoners are hanged each year, many without trial. In October 2000 dozens of women accused of being prostitutes were beheaded, also without trial. President Bush’s words, ‘History is calling us,’ carry great resonance. I believe that we ignore history’s lessons at our peril.

We have seen Hussein’s track record—what he is prepared to unleash upon other people and upon his own people. This includes weapons of mass destruction, both biological and chemical. We have seen them directed at Iran and we have seen them directed at Israel. We have seen him make and break commitments to the UN before, both in terms of the return of prisoners and in relation to the destruction of weapons of mass destruction. He has also repeatedly refused to allow weapons inspectors to return to Iraq. Commitments were given; the United Nations Security Council have given their directions to him—and he refuses to comply. We have seen what happened in the past when a regionally aggressive dictator was appeased because it was the easiest short-term decision to make; it has been seen in various parts of the world throughout history and in recent times. When we saw various dictators emerge, many people simply sat on their hands; we all know that, when good men sit back and do nothing, that is the time when evil can flourish.

We have a real opportunity right now to take some positive action. We need to be sure that we provide the appropriate level of support in this country, through our foreign minister—who has done an outstanding job—and through the Prime Minister in his discussions with President Bush and the British Prime Minister. It is a challenge to us in terms of international obligations and avoiding international conflict; but we also have an obligation to the people of Iraq and the people of the region. If we allow the accumulation and stockpiling of weapons of mass destruction to go on ad infinitum without taking action, and simply turn a blind eye to the gross abuse of human rights in Iraq, we stand condemned as a nation. This is about being patriotic: it is about being patriotic to the values and ideals of this great country and also to the ideals of the United Nations and the reasons for which it was established.

Mr McMULLAN (Fraser) (5.37 p.m.)—I rise in this debate on Iraq confidently to support the remarks made by the Leader of the Opposition, Simon Crean, in his excellent speech on this issue. It is a very important debate because there are a number of factors that we need to balance. There is no doubt that Saddam Hussein is a nasty, brutal dictator who has bullied and brutalised his neighbours and his own citizens. He has displayed a single-minded obsession with rebuilding his capability in chemical, biological and nuclear weapons. He is a serious menace to the region and to the world. Since his invasion of Kuwait in 1990, he has repeatedly and flagrantly defied efforts by the United Nations to prevent him from rebuilding his capability in weapons of mass destruction.

In short, there can be no doubt that the world would be a much better place without Saddam Hussein and his regime. But those are words you could apply to other regimes around the world. It is not unique, of all the regimes in the world, to say that the world would be a better place without Saddam Hussein and his regime. We can think of a few in this region—most clearly the Burmese regime—and others that also have
some of the worrying international links that Saddam Hussein’s regime has. To justify taking the step of military action, we need to go further than simply saying that the world would be a better place without him. Those sorts of observations are easy to make; it is much more difficult to answer the question: what should the world do about it?

Since the end of the Gulf War, Saddam’s weapons of mass destruction capability has been circumscribed but almost certainly not eliminated. However, the nature of Saddam’s WMD capability and whether it has increased in recent years are matters of considerable debate among international relations specialists. This is acknowledged even in the briefing note the Prime Minister tabled in parliament yesterday. The note said, in part:

... accumulation of evidence from human and technical sources points to Saddam Hussein having continued or increased his WMD programs.

That advice to the Prime Minister says that perhaps it has continued or perhaps it has increased. It does not assert with confidence that his capability has increased; it may have only continued. Of course that is a worry, but if we are talking about one of the ‘new’ circumstances then that focus on ‘increased’ is important. The expert reports are consistent with the comments the Prime Minister tabled in the House yesterday. I do not want to labour the point further about the uncertainty of the evidence; others have done that. My argument is that it is this uncertainty that lies behind the Labor Party’s call for the government to make available to the Australian public, as fully as possible, the information it has before we are asked to support action against Iraq.

I want to talk particularly about the importance of a multilateral approach. One of the deeply worrying features of the early stages of the debate on this matter was the enthusiasm of some of the more hawkish members of the United States administration for unilateral action against Saddam. One of the most worrying features of the Australian government’s response was its willingness to support the American position without apparently having been presented with a full account of any change in the nature of the threat from Iraq and without having fully explored multilateral approaches. The most important and welcome development in this debate has been the recognition by the US President, apparently under considerable pressure from various international leaders—in particular, British Prime Minister Tony Blair—of the importance of taking a multilateral approach.

The global institutions of the international system are far from perfect but they represent a crucially important effort by the world community to solve problems through negotiation and diplomacy according to the rule of law instead of through brute military force. The devastating world wars of the 20th century gave great impetus to the evolution of global governance through the United Nations, the Bretton Woods institutions and the World Trade Organisation. The United States played a crucial role in creating these institutions. In the years leading up to 1989, during the Cold War, there seemed to be less commitment to and focus on those multilateral institutions. Since the fall of the Berlin Wall in 1989, we have seen an opening up of international relations and the possibility of heightened activity by those international institutions.

Of course, the role of the United States is a central question for advocates of a multilateral approach to international affairs. As the nation with the greatest power to act unilaterally, the US has the greatest power to undermine that multilateral approach. There seems to be a bit of a misunderstanding: people somehow think that these international institutions serve the interests of the powerful nations. The facts are quite simple. If those international institutions—the World Bank, the IMF, the WTO and the United Nations—did not exist, the nations that would flourish would be the most powerful ones, and not just in foreign affairs. Regulation constrains the powerful, not the weak. It is in the interests of middle-sized nations like Australia to strengthen, support and reinforce the role of those multilateral institutions.

The dominant power, like the United States, always faces a tension—a choice—between its ability to act unilaterally to promote its own immediate interests and its desire to maintain the long-term stability of the
international system at minimal cost. To be effective, such a dominant power needs the support and consent of the broader international community. The danger of unilateral action by the US in Iraq is that it would undermine its legitimacy by acting without that international consent.

I welcome the government’s belated recognition of the importance of the UN’s role. But I note that, at times, like the Bush administration in the United States, the Howard government has failed to understand the importance of international institutions such as the UN in ensuring the broadest possible international support for action against Iraq. The government attacks the United Nations too often at home to be a credible advocate of its role when Australia needs it. If Saddam Hussein repudiates the multilateral approach, as he has done in the past, the best defence of the multilateral system is to enforce sanctions to ensure his compliance—and preferably that would take place through the United Nations. If the United Nations is unable to agree on a response, we need to be sure that any response is based on a broad international coalition.

If, as I do, you have profound reservations about unilateral action, the alternatives are to support either multilateralism or pacifism. I do not say that lightly—I was once a pacifist, although I am not now. My point is that those who believe in supporting peace and those who advocate multilateralism must recognise this can involve some difficult choices. I wanted to join in this debate to make that point. Sometimes too many people join in a debate just to say what everyone else has said. I do not pretend that my views are unique or special, but it is because I particularly wanted to make that point that I speak in this debate.

As shadow Treasurer, I note with interest that my counterpart, the Treasurer, is not listed to speak in the debate. The Treasurer is as guilty as anyone else on the government’s front bench of seeking to play domestic politics with this important debate. He made a ludicrous contribution and displayed what can only be described as a careless attitude to the facts with his claim in August that the opposition had sided with Iraq. After the Treasurer had dipped his toe into the foreign affairs water, he found it not congenial and he fled. He is not taking any part in this debate; he has had nothing more to say since that failed attempt to pursue the line of political division around this important issue that did him and the government no credit. I am pleased that we are seeing a return to more bipartisan support.

There are strong arguments for acting to remove the threat to world peace represented by Saddam Hussein. My arguments today are: firstly, that the cause of world peace is best served if the response to these threats is made on a multilateral basis; and, secondly, that we must continue to place maximum emphasis on the fact that, if it is at all possible, this must be achieved through the United Nations. I welcome the fact that the Leader of the Opposition, the shadow minister for foreign affairs and the shadow minister for defence, in the Senate, have been articulating that position consistently over the last five months. I am pleased that the government is essentially joining that position. I look forward to our taking it forward on a balanced basis for a continuing debate in this House and elsewhere on behalf of the Australian people.

Mr CHARLES (La Trobe) (5.47 p.m.)—I rise to support the foreign minister’s statement earlier this day on Iraq. I welcome today’s statement by the United Nations Secretary-General, Kofi Annan, that Iraq will now comply with appropriate UN resolutions and immediately allow the unconditional return of UN weapons inspectors to Iraq. Like the Prime Minister and the foreign minister, I remain sceptical but hopeful that there will be a positive outcome.
Exactly 12 months ago today—on 17 September 2001—at 2.01 p.m. in this House the Prime Minister moved a motion in eight parts condemning the September 11 terrorist attacks in the United States. That motion was unanimously supported. In my contribution 12 months ago today, I said:

I rise to support the motion before the House. Those of us alive in the world today will never forget 11 September 2001. A despicable, calculated, premeditated, coordinated act of terrorism and murder was perpetrated on the United States of America, its citizens and citizens of another 40 countries around the world. This was indeed a worldwide act of barbarism which has repulsed those human beings who believe in freedom, democracy, liberty and justice. This was not a random act of terrorism designed to frighten but a crime so heinous as to have been a long time in the planning, executed with precision, and with the objective of destroying the maximum number of buildings and the maximum number of civilians in New York City and Washington DC.

We sometimes forget 11 September 2001 all too readily, but we should not forget that barbaric act. We should not forget that, since that time, the world has condemned terrorism. There is little question that Iraq has proved itself in the past to be a terrorist nation. I ask colleagues to consider whether it is reasonable that citizens of a country that was so unexpectedly and so heinously attacked 12 months ago should be expected to sit back and wait for the next act of terrorism or whether it is reasonable to support them wherever possible in trying to root out terrorism and making sure that such an unexpected attack does not happen again.

Those who have spoken out against the US administration for proposing unilateral action against Iraq if Iraq does not comply with the UN resolutions have now had the fallacy of their arguments exposed. Iraq has capitulated, but not because we continued to say nicely that the United Nations should ask Iraq once again to allow inspectors in—we have been saying that for four years, and inspectors have not been allowed into Iraq. It is my view that one never shows timidity to a bully. In this instance, I think the case has been proven.

Mr Deputy Speaker Wilkie, last Sunday I returned from leading a parliamentary delegation visit to Egypt—which you, the member for Greenway and Senator McGauran also attended. During our visit we met with a range of senior government officials as well as advisers and senior politicians. We discussed a range of issues, including Australia’s bilateral trade relationship with Egypt, which is excellent. We did hear about two issues over and over again: the first was the continuing problems between Israel and Palestine, and the second was indeed Iraq.

We met with the Egyptian foreign minister, Mr Ahmed Maher, who said that there are two questions high on the Egyptian agenda: one is Palestine and the other is Iraq. On Iraq he said that, while Egypt is not a friend of the Hussein regime, it is concerned about the precedent that would be set if an outside country could use force to determine who should lead another country. This is an issue that we heard about over and over. It is not something that I have heard in Australia, but perhaps I have not been listening attentively. There are many in the Arab world who believe, rightly or wrongly, that although Hussein is not a legitimate leader of Iraq he is their leader and that to impose someone else upon their population would not prove successful, because that person would not have legitimacy. This is what they argue. I am not totally persuaded by, nor am I totally against, such an argument.

Mr Maher went on to say that Egypt recognises that there are obligations on Iraq per the UN resolutions, and Egypt’s advice to Iraq has been, and continues to be, that those obligations need to be fulfilled. It appears that they have been. That advice included that Iraq should allow the return of inspectors. He said that UN resolutions are based on the liberation of Kuwait, which the US recognised previously. This was used previously as a reason for not invading Iraq after the liberation of Kuwait. But I remind the House that that was before 11 September. Mr Maher said that the UN should continue its effort and that any action should be a decision of the UN Security Council. That appears to be the case, and I am very pleased to hear that statement today from a foreign minister.
Later that same day we met with Mr Amr Moussa, Secretary-General of the League of Arab States. He is a former foreign minister of Egypt. He said, amongst other things, that Egypt was fairly and squarely in the international coalition against terrorism. That is an important statement. He said that Egypt joined with the United States and with Australia in being absolutely opposed to any form of terrorism. On Iraq he said that the collective Arab world has worked to bring the Iraqi regime back to the negotiating table and to allow UN inspectors back. He said that they will continue to work on that. Let us hope that that is now solved. He hopes that Australia would not be a staunch supporter of military action. He said that Australia’s mediation and diplomacy would be welcome in the region and that they particularly value Australian openness.

I remind the House that the League of Nations wound up being a toothless tiger. It is my fervent hope that the United Nations can prove equal to the task of bringing Iraq to book over its weapons of mass destruction and its chemical and biological weapons potential, and that Iraq will open itself up to the world to allow inspectors in and allow us to rid the world of the potential for terrorism. Australia can be an honest broker. It is important that we have maintained contact with Iraq—unlike our colleagues in the United States and the UK. That was demonstrated to us today in the House, when the Minister for Foreign Affairs spoke of his meeting with the foreign minister of Iraq. It is a shame that the Leader of the Opposition and the member for Griffith have not given the foreign minister the credit he so richly deserves. (Time expired)

Mr BEAZLEY (Brand) (5.57 p.m.)—All of us welcome the fact that Iraq has apparently conceded after 11 years—particularly the last five years of resistance—of not implementing resolution 687 that it is prepared to allow weapons inspectors in, on an unfettered basis, to report on its program of weapons of mass destruction. Iraq’s record of deceit is so great that we must, of course, temper that with a certain degree of realism; nevertheless, it is a step in the right direction. Since the atrocity of September 11, the United States has enjoyed unprecedented success in mobilising an enormous coalition around the globe of the horrified and the threatened. The relationship between the United States and China has not been as good as it now is during the entirety of George W. Bush’s presidency and for a fair bit of the Clinton presidency prior to that. The Chinese are convinced that they have a problem with Al-Qaeda and with separatism in the Muslim majority provinces in their west, and they are totally sympathetic towards the objectives of an international campaign against terrorism. They have acquiesced to the US military moving alongside them in the Muslim republics which were part of the former Soviet Union in central Asia.

Relations with Russia are better now than they have been at any time since the Second World War. Again, this is based on Russia’s understanding of the significance of international terrorism and terrorist movements within their own territory, a thorough understanding of the significance of the events of September 11 and a willingness to play a role in helping the US and allied armed forces into areas over which Russia had some sovereignty when it was the Soviet Union. Probably too the United States has the best relationships it has ever enjoyed with all powers in South Asia—both sides of one of the rifts in international relationships over the course of the last few decades. We see a remobilised Europe and a NATO that is prepared to declare war in aligning itself with the United States.

In South-East Asia there is a redirection of national policy. We have seen the help that Singapore is rendering now, for example, in pursuing elements of Al-Qaeda that threaten our facilities and American facilities in that country. We have seen the Philippines welcoming back American assistance to deal with the Abu Sayyaf terrorists. Arab states too have turned to more seriously consider the support within their territories for terrorist operations, Al-Qaeda operations, and to deal with issues of funding and security in relation to the participants in terrorist activities from among their own nationals. This is
a formidable diplomatic achievement which, when allied to the fact that the Taliban government in Afghanistan has been overthrown, constitutes a nine-month period in American history for which you cannot find an equivalence of more effective American action around the globe. Yet if you talked to the average American statesperson, you would not believe the United States had been so successful in recent times. It is the main game, but it needs to be understood that the United States profoundly does not believe that the world shares with it an equality in its sense of grief about what happened on September 11, nor an equality in terms of the threats posed by the operations of international terrorism.

People ask, in relation to the situation in Iraq, ‘Why now?’ After all, the Iraqis have been defying those UN resolutions for more than a decade. After all, the inspectors were thrown out four or five years ago. The answer to the question of why now is September 11 and the coincidental anthrax attacks that the United States experienced. In the American government now, there is no longer a ready constituency of folk who are prepared to take risks with the lives and security of Americans. That is why the Americans have refocused on Iraq as one of the potential threats to the lives and security of their people. They do not see that there is an equality of threat around the globe. They do not see us as being as threatened as they are. This is a sea change from the times of the Cold War, when the United States itself took on a threat that was essentially directed towards Europe and was prepared to make itself a target in order to meet what it perceived to be that threat. Europe is not threatened now. The Europeans woke up to this century in the least threatened condition in recorded history. The United States, on September 11, found itself almost uniquely threatened in terms of degree, if not necessarily in terms of exclusivity.

So it is important in this environment for the United States to have friends with a cool head and a steady hand. Since November last year, US policy has whipsawed. There are those who, when looking at the situation in Iraq, believe that the case is so threatening and the potential for those weapons to be utilised in a domestic context equivalent of the anthrax attacks is so immediate that the United States is justified in taking unilateral action to root it out. There are others who take the view that, while there is truth in that and it is true that the regime change that would follow from it would be desirable, nevertheless the international organisations that the US has worked so hard to build oblige the United States to go a different route—to go through the process of seeing if those institutions can be made to work.

An effective ally of the United States would comprehend these things and comprehend the sense of threat to the United States. They would understand that those who take the view that a more cautious approach is necessary take that view because they see that the outcome of such a conflict, when engaged in unilaterally, is so imponderable as to not necessarily be worth the risk. They see that the difficulties entailed in dealing with the political consequences of the build-up time and the action itself would be so great that it is worth trying another route. An effective ally of the United States would have established a dialogue with the United States to work these issues through with them. And what did the good old Australian government do? The good old Australian government played politics. Rather than seeing an obligation to a good ally to enter into that dialogue, they saw a political opportunity at home.

The product of this has been national humiliation for this country. If we do not stand here and praise Mr Downer, as some of the government speakers have invited us to do, it is because we resent being humiliated as a nation. Whether we here like it or not, having had a whiff of wheat fired across our bows and having been so cravenly obliged to retreat in the face of it, we understand that others see it as a national humiliation. Saddam Hussein—a man who appears in snap-brimmed hats with the brim turned up, firing rifles before his people at the same time as he tortures and humiliates them, drops weapons of mass destruction on them and lies to the United Nations—is given a propaganda victory by the Australian government. That
is why we do not praise this particular government and its operation. We are glad that it has returned to something like professionalism under the influence and pressure of professionals in the Australian Labor Party. They are professionals who have had diplomatic experience, in the case of the member for Griffith, and ministerial experience, in the case of the Leader of the Opposition—an opposition doing a very effective job indeed of defending the Australian national interest in this regard.

A lot of water will flow under the bridge between now and when this issue is resolved. I am not an optimist when it comes to the likelihood of Saddam Hussein actually conforming. If he is conforming, I am suspicious that it is because he has so mobilised his resources in concealing his weapons of mass destruction that he must have some confidence that he will avoid their being discovered. There is a lot of debate to come and that debate will need cool heads. That debate will need to be conducted against a background of knowledge that armed force might ultimately be applied and that any circumstance like that requires serious attention from serious politicians, not gung-ho warmongering. This debate will, I believe, be replicated in this chamber over the months to come. I believe that we in the Australian Labor Party have made a very good start in defending the national interest of this country, and I welcome the fact that the government now seems to be trailing behind.

During this debate, I have had many communications to my office—as I guess other members and senators have—making two basic points. The first relates to the so-called jingoism of President George Bush and some members of his cabinet. I make this observation: if America had not pushed its case, this morning’s announcement from Baghdad would never have come and the views of the Security Council would not have changed as they have over the last several days. The second theme from constituents pleaded the case not to take Australia to war. This was premature, because no-one wants a military conflict if it can be avoided. A solution has to be found in the art and the practice of world diplomacy.

World leaders recognised that the best way to achieve a diplomatic solution was through the United Nations. This seems an obvious statement, but taking this through the UN was necessary on a number of levels. Firstly, membership of the UN brings with it certain obligations which include utilising the processes offered by the UN and not circumventing them because they do not suit your nation at a particular time. Secondly, if we are going to cite Iraq’s failure to comply with UN resolutions to allow weapons inspectors in et cetera, how can we then turn around and be involved in an attack on Iraq that completely bypasses the UN? If nations are going to take the moral high ground against Iraq based on its failure to play fair with the UN, then those nations themselves have to play fair as well. Diplomacy and going through the correct UN channels also provides an opportunity to consider a medium- to long-term plan for the region. The UN is in the best position to formulate and implement such a plan. It has the resources to ensure a plan is carried out properly. A unilateral or non-UN action is unlikely to
include such a plan or to be able to carry out such a plan.

In my view, the next few weeks and months will be the most critical period the world has seen for some time. The UN has to prove that it is not a toothless tiger and that it can deal decisively with threats like those posed by Saddam Hussein. But, by the same token, nations such as Australia have to give the UN a chance to prove this and, at the same time that they are giving the UN a chance to prove itself, they are giving peace a real chance. The UN needs to step up a gear and make it clear that it is calling the shots, not Saddam Hussein. The United States has indicated that, despite George Bush’s threat to act unilaterally, it is prepared to accept a two-step UN resolution on Iraq. The first step is to require Iraq to disarm, end its pursuit of weapons of mass destruction, cease abusing domestic minorities and return or account for all Gulf War prisoners. The second, if they fail to comply with the first, outlines the force that will be used as a result of that failure.

The Security Council must act decisively. Firm and decisive action may be the only thing that can prevent the US taking unilateral action. The Security Council cannot back down on demanding full and unconditional access to Iraqi weapons facilities, but in return it must be able to assure Iraq that the US and Britain and their allies will not launch military action. It will be hard to give such an assurance, but world peace may well depend on it. Iraq is not going to comply with UN demands when it can see no benefit. The United States, Britain and Australia must all be willing to provide this show of good faith. If Iraq complies fully with the UN resolution, then the United States, Britain and Australia must pledge not to take military action, regardless of Iraq’s actions. Iraq cannot feel it is doomed if it does not comply and doomed if it does, as Iraq’s Deputy Prime Minister stated last Saturday. A two-step resolution will assist this process. It will show Iraq that the UN will not stand by and let it manufacture and stockpile weapons of mass destruction, but at the same time it will demonstrate that it is not determined to go to war no matter what.

I have also heard it said that Australia is the lap-dog of the United States. That comes up in debate from time to time. The pivotal question here is the merits of supporting unilateral US actions as threatened by George Bush in his speech to the UN. What can be gained from supporting the US in such a move? Australia has not been asked by either the UN or the US or by any other nation to support a military strike on Iraq and, if it is asked, the Australian people must feel confident that no action will be taken without full consideration of their interests.

The final point that I want to make is that nations have to concentrate on getting rid of nuclear and chemical weapons rather than getting rid of Saddam Hussein. By focusing on the real issue at hand—that is, getting rid of weapons of mass destruction—the whole campaign will carry a legitimacy that will be unquestioned. The world must now be vigilant that Iraq meets its commitment and its responsibilities to the United Nations. The world must be determined that the UN resolutions be complied with and the world must resolutely stand against any threat of terrorism, now and in the future.

Mr EDWARDS (Cowan) (6.15 p.m.)—For his weekly column in the Sunday Times on 15 September, Matt Price wrote an article headed ‘Iraq debate a win for public’. He said:

After months of bickering, common sense has prevailed.

The most pressing issue facing Australia and most of the rest of the world—what to do about Iraq—now will be the subject of a debate in Federal Parliament.

It will happen—if not this week, then the next—soon after Foreign Minister Alexander Downer returns from addressing the United Nations.

This concession marks a significant victory for Labor and other Opposition parties.

Ignore the denials of John Howard and Mr Downer.

When the prospect of an invasion of Iraq loomed large a few months ago, the Coalition sought to exploit what it perceived as Labor’s soft position on supporting the US.

Back in April, Labor announced its policy on Iraq.
The Opposition was not going to blithely support an American invasion—it wanted evidence of Iraq’s weapons programs, it wanted all UN avenues exhausted and it wanted a debate in Parliament.

Five months on, the Coalition has swung around to Labor’s position.

The Government made a mistake in trying to drive a wedge into an area of serious foreign policy and it knows it.

While Simon Crean has remained calm and generally above the ruck, Mark Latham painted Mr Howard as an “arse-licker” and Kevin Rudd pinned the “Rambo” tag on Mr Downer. Both labels—crude and exaggerated—have stuck to some extent.

A majority of the public remains cautious about committing Australian troops to a second war and concerned about political subservience to the US.

Labor’s position reflected this better than the Government’s early criticism of unnamed appeasers.

Having dropped its divisive rhetoric more than a month ago, the Government struggled to establish its position on Iraq.

When Mr Howard and Mr Downer finally supported the UN option, they appeared to be mirroring the American position.

The ALP are not soft on this issue; nor are we appeasers. I congratulate Simon Crean for his strong, clear stance, and for the leadership he has offered Australia on the matter of Iraq. Anyone who does not fear a war with Iraq is a fool. Anyone who does not fear the consequences of a war with Iraq and fear for the wellbeing of Australian and allied forces, as well as innocent civilians, is a blind, blithering, warmongering fool. I invite the people of Australia to consider what category they might put our Foreign Minister in. I also want to condemn the Prime Minister for his lack of accountability on this question and for his lack of leadership. I do not want Australia’s position decided by Bush, his family friend Donald Rumsfeld or US Vice President Dick Cheney. I want our position decided by strong and decisive Australian leadership, and then I want that position ratified by this parliament—the people’s House of Australia. Simon Crean has displayed that leadership over many months, and he did so again today. I think that is the sort of strong leadership that Australia needs at a time like this.

I want to refer to an article in the Courier Mail of Thursday, 15 August. It is headed ‘Now Alexander, toddle off safely to bed’. This article was written by Peter Charlton, the national affairs editor. I have heard members opposite quote from this newspaper. Let me quote this:

The novelist and poet Siegfried Sassoon won a Military Cross as an officer in the Royal Welch Fusiliers in World War I. Later, while being treated for shell shock, he campaigned against the war and threw away his MC. Now, with sabres rattling over Iraq, Sassoon’s poem Base Details seems appropriate:

If I were fierce, and bold, and short of breath,
I’d live with scarlet Majors at the Base,
And speed glum heroes up the line to death.
You’d see me with my puffy petulant face,
Guzzling and gulping in the best hotel,
Reading the Roll of Honour.

Poor young chap,” I’d say “I used to know his father well;
Yes, we’ve lost heavily in this last scrap.”
And when the war is done and youth stone dead,
I’d toddle safely home and die—in bed.
The journalist went on to say:

Harsh? Perhaps, but the militaristic enthusiasm of Prime Minister John Howard and Foreign Minister Alexander Downer is rather unpleasant, while their subservience to the US Bush Administration recalls Harold Holt’s obsequious “All the Way with L.B.J.” pledge during the Vietnam War—a war, it should never be forgotten, which conscripted young Australians who did not have the vote.

The Foreign Minister, a deputy leader wannabe, has been notably jingoistic, starting with remarks to The New York Times a month ago. He was talking tougher and going further than anyone in the Bush Administration, but that didn’t worry him.

Needless to say, Downer is comfortably over the age for military service and was at a public school and university in England during Vietnam. Defence Minister Robert Hill avoided conscription by going to London for postgraduate legal studies.

This is the same Defence Minister who last month offered an Australian armoured brigade as a possible contribution to the potential Iraqi war. When it was pointed out that we didn’t have such a formation, he said it was a matter of semantics.
No, Minister. Your staff will provide you with an accepted definition.

Downer, meanwhile, has been accusing the Opposition of “appeasement”, attempting to draw parallels with attitudes towards Adolf Hitler in the 1930s. Preposterous, of course, but we can expect little else from a politician who allows himself to be photographed wearing fishnet stockings ...

It is interesting that the journalist referred to conscription. I now refer to an article in the Sunday Age of 15 September. Under the heading ‘National MPs told to toe Telstra line’ is an article written by Brendan Nicholson. Under the little side heading ‘Nats back troops’ it reads:

The National Party’s federal council adopted a motion from the Young Nationals condemning Iraq and supporting the use of Australian troops if diplomatic options failed. The motion was seconded by Young Nationals Victorian president Justin Crook, who said he considered the issue carefully because he could be conscripted to fight there.

I am not aware of any plans that the government has for conscription, but if they have any plans they should come into this House and tell the people—particularly the young people—of Australia what those plans for conscription are. If there are no plans, then the Prime Minister should come into this House and detail that fact, that indeed no plans for conscription. But, either way, how safe a position is this young fellow—this Justin Crook, the Victorian President of the Young Nationals! He is sitting in the comfort and safety of some party debate saying, ‘I’ll support this because I might get conscripted.’ The young bloke ought to realise that today we have a volunteer Australian Defence Force. If he is really keen to serve and if he is really concerned about Australia’s safety, perhaps he should go and enlist like lots of other young Australians who are out there doing a tremendous job.

In the relatively short history of our nation, we have lost over 100,000 men and women in the field of armed conflict. Much of Australia’s sacrifice has been in pursuit of other countries’ battles. Indeed, we have lost approximately 1,000 lives for every year of our Federation. I do not want to see that figure grow at all—not, at least, without some good, solid reason. To date, that solid reason does not exist or, if it does, it has not been justified to the people of Australia. It was interesting to see that that conservative body the RSL were preaching caution on the question of Iraq—I know Simon Crean referred to this in his speech. They were preaching caution for good reason. Indeed, I have discussed this issue with many senior members of the RSL, and they are very cautious about this.

In conclusion, a member across the aisle here said that Australia should be the honest broker in this issue. Well, the government will not be the honest broker in the issue of Iraq unless it can be honest with the people of Australia and honest to the integrity and character of Australia. This issue will unfold, and we need more of the very calm, reasoned leadership that has been shown by Simon Crean. I commend Simon for his speech today. The other thing is: I want to know why the Minister for Veterans’ Affairs is not down to speak in this debate.

Mr King (Wentworth) (6.25 p.m.)—Since 1991, the free world has hoped that Iraq would comply with the UN resolutions relating to it. Now the Australian community is hoping that the UN will demonstrate the resolve necessary to ensure compliance with those resolutions and to ensure that the necessity of military intervention is put to one side. In taking note of the ministerial statement on Iraq, let me acknowledge at the outset the appreciation that I have for the contributions that I have received from my constituents by email, letter and telephone concerning this issue. I appreciate their concerns about Australia’s involvement in a war against Iraq or Australia’s involvement without the UN sanction for such a war, just as I appreciate the concern of those who fear what an unchecked Iraq will do to lasting peace in what has become the world’s most troubled region.

Let me also mention, in passing, two other outcomes which I have observed in recent weeks in relation to this issue. The first is the undertaking, contained in President George Bush’s speech to the United Nations on 12 September, that the United States would rejoin UNESCO. I have a particular interest in
the success and ongoing activities of UNESCO, as a former president of the World Heritage Committee. Just 12 months ago I resigned from that organisation to come to this place. This is what President Bush had to say:

The United States is joining with the world to supply aid where it reaches people and lifts up lives, to extend trade and the prosperity it brings and to bring medical care where it is desperately needed. As a symbol of our commitment to human dignity, the United States will return to UNESCO. This organisation has been reformed and America will participate fully in its mission to advance human rights and tolerance and learning.

To my mind, and to those such as Francesco Banderin, the Director of the World Heritage Centre, and Mr Koichiro Matsuura, the Director-General of UNESCO, I think this outcome is a very important and significant advance and I welcome it.

Let me also mention a second outcome which it seems to me has some significance. There is little doubt that the apparent brinkmanship of the United States in relation to the situation in Iraq, where clearly the US government has lost patience with the Iraqi government’s intention to do anything about compliance with the UN resolutions, has meant that the United Nations itself has been reinvigorated. Member states finally have come to appreciate that, unless the UN acts in accordance with its resolutions, the respect that it has lost over the last decade or so—particularly on this topic—will mean that the organisation itself will be compromised. On the contrary, if it acts, it will show that it has credibility, not just to those people who are involved in the immediate day-to-day workings of the organisation but among ordinary people all around the world who care about freedom and democracy and ensuring compliance with established procedures and UN resolutions.

For a civilised, free and democratic society and an active member of the United Nations like Australia, there is in this case an issue which is at the heart of the present matter but, in order to come to it, it is necessary to briefly examine some of the history of the case. It goes back to the Gulf War in August 1990, when Iraq invaded and annexed Kuwait. Before Kuwait was liberated, as a result of Operation Desert Storm, on 27 February 1990, the UN Security Council passed certain resolutions relating to a full withdrawal and imposed certain trade and economic sanctions on Iraq. After the ceasefire, the Security Council then passed three important resolutions which are at the heart of the debate today. Those resolutions, it seems to me, take into account the cruel and inhumane treatment and methods adopted by Iraq in the war against Iran between 1980 and 1988 in which, without mercy to its opponents, Iraq used chemical and biological weapons, killing many thousands of people in a war which saw a million lives lost.

Atrocities against the Kurd and Marsh Arab minorities in Iraq during those years, such as the use of gas at Halabjah in 1988, reinforced the determination, it seemed to me, in 1991 of the United Nations to comprehensively direct Iraq to destroy its weapons of mass destruction and take other measures. The question which I believe this House must simply address today is this: has Iraq complied with those resolutions? If it has not, the question is whether the UN or, in default, the free nations of the world will act without delay to ensure that those resolutions are addressed.

Resolution 688, which was declared in April 1991, is worth some brief examination in this context. It refers to the duties and responsibilities under the charter of the United Nations for the maintenance of international peace and security and to the grave concern at the repression of the Iraqi civilian population in many parts of Iraq, including most recently in Kurdish populated areas. Part 2 of the resolution states:

2. **Demands** that Iraq, as a contribution to removing the threat to international peace and security in the region, immediately end this repression, and in the same context expresses the hope that an open dialogue will take place to ensure that the human and political rights of all Iraqi citizens are respected;

3. **Insists** that Iraq allow immediate access by international humanitarian organisations to all those in need of assistance in all parts of Iraq and make available all necessary facilities for their operations;
That resolution and the next resolution, which I will briefly refer to—namely, 687—are at the core of the current debate.

Resolution 687, which was passed on 3 April 1991, refers, amongst other things, to statements by Iraq threatening to use weapons in violation of its obligations under the Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or other Gases, and of Bacteriological Methods of Warfare, signed at Geneva on 17 June 1925, and to its prior use of chemical weapons, affirming that grave consequences would follow any further use by Iraq of such weapons.

Certain demands were made upon Iraq in that resolution but the critical one is in part C, paragraph 8 of the resolution. The decision was:

... that Iraq shall unconditionally accept the destruction, removal, or rendering harmless, under international supervision, of:

(a) All chemical and biological weapons and all stocks of agents and all related subsystems and components and all research, development, support, and manufacturing facilities relating thereto;

(b) All ballistic missiles with a range greater than one hundred and fifty kilometres, and related major parts and repair and production facilities.

That resolution also set up UNSCOM, the inspectorate which was then admitted to Iraq, although I will come to the details of that shortly.

What is the history of compliance or non-compliance with these significant resolutions? The fact is that in relation to biological and chemical weapons Iraq has been involved in what I can only describe as a decade of defiance and non-cooperation.

In relation to biological weapons, perhaps the most dramatic thing of all is the production of some 8,500 litres of anthrax for use with warheads and possible aerial bombs. Can it be considered that a modern state which has any integrity, any respect for not only the lives of its own citizens but its obligations in a free world, could contemplate the manufacture of such a massive amount of harmful biological weapons? Following the attacks on the World Trade Centre we saw problems arising from anthrax incidents. Another very serious and dangerous biological weapon that has been produced is botulin, which has a disastrous, incapacitating result for humans. There is also the possible threat of re-establishing a foot-and-mouth disease factory in or around Baghdad.

In relation to chemical weapons, there is now clear evidence that VX, which is one of the most dangerous weapons of its kind, has been produced, as has mustard gas, which has a disastrous effect in relation to any contact with humans. In respect of nuclear weapons, the nuclear capable facilities, it appears, have been produced in recent years and scientists who have been employed and who would be capable of operating those facilities have also been identified. The fact is that Iraq only lacks fissile material, which if acquired will take some three months to make active. (Time expired)

Mr TANNER (Melbourne) (6.35 p.m.)—The issue that we need to confront in this parliament about the prospect of an attack on Iraq and Australia’s potential involvement in such an attack is a question of legitimacy. Any role that Australia may play in such an attack would ultimately be comparatively small. We would not be there to add military might to the weight of the United States; we would be there to add legitimacy to such an attack. The key question that we have to confront is: would such an attack be right or wrong?

Many issues are raised by the prospect of an attack on Iraq: our national interest, the prospects for our future trading relationship with Iraq and the region, the United States alliance and our military capabilities. But the core issue cannot be avoided. The key issue in this debate is: is it right or wrong? Is it morally appropriate for Australia to lend its legitimacy to such an attack? Because we are dealing with a variety of unknowns and unpredictable factors, obviously we cannot say with certainty here and now precisely what the answer to that question is. But Labor has set out a number of broad principles around which these issues can be judged to enable us to respond to circumstances as they unfold.

The critical question in this debate is not the future of our trade with Iraq; it is not the chances of success of any military venture; it
is not risks about another Vietnam; it is not problems concerned with offending other nations; it is not concerns about overstretching our military capability. All of those are important issues; they are all relevant. But the core issue that Australia must confront in any prospective attack on Iraq is: will we add our good name—our legitimacy—to such an attack? Is it right? Is it appropriate? Should Australia support that attack in a way that is more than just simply a token way but ultimately is about lending our moral weight in the international community to the attack?

There are two essential scenarios here. One is the possibility of United Nations endorsed military action; the other is unilateral action by the United States. It could be that the United Nations may support a renewed military attack on Iraq, in effect continuing the efforts to rid Iraq of weapons of mass destruction which commenced at the conclusion of the Gulf War in 1991, as part of the settlement of that conflict. Until now, sanctions have been the primary means by which that objective has been pursued—weapons inspectors have been part of the process of seeking to ensure that outcome—and there has been mixed success. There are different opinions about the magnitude of the threat. I certainly welcome the revival of those UN processes and the prospect of inspectors returning to seek to enforce those UN resolutions.

However, it is important that we keep in mind, whether we like it or not, that in many parts of the world it is seen that there is a double standard in the West with respect to enforcement of UN Security Council resolutions—that some are deemed to be more important to enforce than others. We do not even necessarily need to look to the more obvious examples that are often quoted, the resolutions with respect to Israel’s occupation of the West Bank and Gaza. For example, resolution 520, which requires that Syria withdraw its troops from Lebanon, is a resolution that nobody in the ranks of the major international powers has treated seriously for a considerable period of time. So we have to accept that there is something of a double standard in the international community about issues of enforcing the resolutions of the Security Council. I hope that we can soon be in a world where all Security Council resolutions are treated seriously and dealt with in an even-handed way, but we cannot ignore the fact that there is a long-standing history of Western colonialism and intervention in the Middle East which has left a very bitter taste in the mouths of many peoples in the Middle East, going back to the Sykes-Picot Treaty during the First World War and beyond.

If the United States decides to go it alone and pursue unilateral action by means of some kind of pre-emptive strike, then we face a different set of questions. Our choice is still whether or not we lend our good name: do we support the American action? Do we decide that this is appropriate and that Australia supports this prospective military attack? The United Nations charter does give the right to self-defence by military means to United Nations members, and it is recognised that that may include the notion of a pre-emptive strike when there is an imminent threat or an anticipatory self-defence. If you draw an analogy from criminal law, it is perfectly appropriate, if somebody is running towards you wielding a knife, not to wait for them to actually attempt to stab you before you are entitled to respond to defend yourself. The key question that we will have to confront in these circumstances is: at what point is pre-emptive or anticipatory self-defence justified? Clearly, in the situation following the tragedies of September 11, the self-defence response by the United States in Afghanistan with regard to Al-Qaeda was appropriate. The question we may have to confront, if there is a prospect of unilateral American action against Iraq, is: at what point does the threat posed by Iraq become so imminent, so real and so unavoidable that the United States are entitled to take a pre-emptive response?

Labor’s test has been to refer to two issues. One is evidence of a connection to Al-Qaeda on the part of Iraq—an involvement in the events of September 11—and the second is increased capability and threat with respect to weapons of mass destruction. In spite of some media consideration in the last couple of days, I think it is still extremely
unlikely that any serious causal link will be shown between the Iraqi regime and September 11. The mere fact that we may find one or two Al-Qaeda activists or people involved who have previously been connected with the Iraqi regime by itself is not enough. The Middle East is a cauldron of political activity, terrorism and all sorts of different people participating in different things. It would be expected that some of the people involved had prior involvement with some of the regimes there. The real focus will be on weapons of mass destruction and on the issue of threat—to what extent there is a serious imminent threat to either the United States or an ally in the region that has called on the United States for support because that threat is about to be realised.

On my reading of the situation, the evidence of a threat of that magnitude is extremely flimsy. Other regimes in the region appear to have some weapons of mass destruction, not only Israel, which is acknowledged to have nuclear capacity, but also other regimes such as Syria, Iran and Egypt. The delivery mechanisms that Iraq has available are clearly very limited and capable only of being used against fairly immediate neighbours. The evidence so far available suggests that, because of the very great difficulties in obtaining the appropriate amount of fissile material, the notion that Iraq will have nuclear weaponry in the immediate or foreseeable future is relatively remote. It may be possible to show that there is a threat increase of sufficient magnitude to justify a pre-emptive strike on the part of the United States but, as I see the situation now, it is a very unlikely scenario.

We have seen a range of rhetoric and the usual bluster from many in the government about these issues and references to issues that ultimately, I think, need to be set aside. Yes, Saddam Hussein is a monster. Yes, it is one of the most evil regimes in the world. Yes, he has gassed his own people, 15 years ago. There are many evil regimes in the world—Burma is a fairly good example. We are not proposing to invade it in spite of the fact that the military regime in Burma enslaves its own people. Last night we were here applauding and lauding a man who is widely acknowledged as one of the architects of the Tiananmen Square massacre in China, which surely would have to be at least comparable with the gassing of citizens in Iraq by the Saddam Hussein regime. We as a nation stood silent while approximately 200,000 Timoreses died on our own doorstep at the behest of the Suharto regime in Indonesia. International law does not provide a pretext for attacking another regime or another state simply because it is mistreating its citizens. So these issues, much as they tell us about the evils of the regime, need to be set aside in terms of considering a military attack.

The final thing that is worth keeping in mind is that the precursor to the establishment of chemical and biological weaponry in Iraq came from the United States. A 1994 United States Senate report revealed that the United States government had licensed the delivery of chemical warfare agent precursors, chemical warhead filling equipment, biological warfare materials—including anthrax and botulinum toxin—and missile fabrication and systems guidance equipment to Iraq. So the precursor to Iraq getting these capabilities was actually America’s contribution of these things. We need to exercise caution, stand on the side of peace and only give legitimacy to war as an absolute last resort. (Time expired)

Miss JACKIE KELLY (Lindsay—Parliamentary Secretary to the Prime Minister) (6.45 p.m.)—Like most members in this House, I welcome the decision of the Iraqi government to readmit the UN weapons inspectors. There are many members in the House who will now take the opportunity to speak on the readmission of the UN weapons inspectors, the UN Security Council resolutions and US and Australian foreign policy in the Middle East—and some will be more learned than others. I would like to add to this debate by drawing from my experience as a legal officer in the RAAF.

There are only a handful of MPs today that have seen some form of military service. On the front bench, the member for Longman served as an officer in the Royal Australian Regiment in the early 1980s. I served for six years in the RAAF as a legal officer. The
member for Leichardt served in Townsville, Darwin and Sydney as an aircraft engine fitter for nine years. The member for Kalgoorlie served in the RAN for three years. Senators Ross Lightfoot and Brian Harradine did national service and Senator Andrew Murray served in the Rhodesian Air Force for some time in the seventies. With the retirement of Tim Fischer from this place, the member for Cowan is the only Vietnam veteran remaining in the House. He saw action in the Pioneer Platoon of the 7th Battalion in Vietnam.

Mr Snowdon—What about Graham Edwards?

Miss JACKIE KELLY—He is the member for Cowan. Some members of this House have experience in the Reserves or have participated in the parliamentary defence program. I have listened to the Leader of the Opposition and the shadow minister for foreign affairs and those opposite agonising about the rights or the wrongs of attacking Iraq. They want assurance that the attack will be in compliance with international law and that there will be no other way—it will be a last resort. They want two stages before this: the first one setting a timetable for compliance of weapons inspections and a UN resolution after any noncompliance and a report to the UN; they then want conclusive evidence produced to be debated in parliament on whatever intelligence is available. All of this leads me to believe that those opposite have no idea what they are doing in a military conflict, and I take a great deal of comfort from the fact that the Howard government is in charge—the same Howard government that brought about intervention in Timor for the greater good of that nation, that ousted the Taliban from Afghanistan and that has put in place a $10 billion spending program to increase defence capability, which had ground to a halt under the former Labor government. All of the spending on defence now is to get our troops in readiness so that, should they be called to action, they will certainly be prepared for it.

Those opposite remind me of Neville Chamberlain coming back from Poland, saying, ‘There will be peace in our time,’ Chamberlain and others spent years negotiating with Hitler in order to prevent another war in Europe—two decades after the Great War in which an entire generation of young men had been wiped out—negotiations which basically surrendered the rights of Czechoslovakia. Hitler’s troops had taken Austria. On 1 September 1939, just hours after Hitler’s troops had invaded Poland, Neville Chamberlain in his speech to the parliament stated:

I would like to thank the House for the forbearance which they have shown on two recent occasions for not demanding from me information which they recognized I could not give while these negotiations were still in progress. I have now had all the correspondence with the German Government put into the form of a White Paper.

He then had the white paper distributed to members of parliament. The Leader of the Opposition basically said that we need to look to the past for some sensible lessons for the future. I think that is an incredibly important lesson that he should look to in dealing with intelligence of any sort. Intelligence, especially military intelligence, is gained by people putting their lives on the line and their sources’ lives on the line. They can be exposed in all sorts of ways by carelessness in a parliamentary debate. The sources of that information are incredibly important and take a long time to build up and to create confidence in. Suddenly, we have an opposition that is baying for every little bit of disclosure of every source of information right across our military intelligence network. It just really beggars belief.

The parliamentary defence program is certainly a worthwhile project, giving MPs a taste of what our ADF personnel do—both reserve and regulars. I listened with interest yesterday as some of the MPs recounted their experiences. However, it is only from returned or former service men and women that you have a unique perspective on the prospect of military action: they have either seen conflict or they have spent a good part of their lives training for it. Members of the Australian Defence Force would have a better idea than most about what a modern conflict would be like. The most junior private in the Australian Army has an idea of what a bullet will do to someone. Airmen and sailors are cognisant of the destructive power of
bombs and missiles. They know, or can imagine, how truly terrible war is—they train for it every day.

Having said that, I do know from my experience in the RAAF that there is a curious kind of excitement that infects a unit or a formation when there is any chance of military action. I saw how keen fellow officers were to secure a posting to Rwanda or Somalia. Professional military personnel are like professional athletes: forever training for a great race. Despite their knowledge of what war would be like, there is that strange professional desire to put their skills to the test. No one wants war, but if there has to be conflict and Australia has to be involved, they would not want to miss it. As a member of parliament, I hope that we never have to put their skills to the test, but I know that sometimes it is necessary. The single greatest decision a government can make is to commit a country’s soldiers to military action. It is a decision that is never taken lightly and one that must weigh heavily on all those involved.

Once committed, it is important to remember that we have one of the finest defence forces in the world. During the Korean War an American base had a sign saying ‘Second to None’, and down the road was an Australian Army camp with a sign which said ‘None’. I think that still holds true today. I think a lot of lessons can be learned from the Vietnam Rolling Thunder campaign and the Gulf War Instant Thunder campaign. The Rolling Thunder campaign of Vietnam was bogged down with political overlays and overtones of domestic politics. We have learned an exceptional amount from that campaign. You saw with the Instant Thunder campaign that then came out as Desert Storm in the Gulf War that when you decide to take military action it is a rolling thing that is happening at the time; you need to make decisions at the time. It is not something you come back to debate, argue about and play domestic politics about. You commit and make sure that you have well-trained professional military people in place to carry it through—and we do.

We have exceptionally well trained people who understand the law of war. For the education of those opposite, I will explain from an Air University review what the law of war constitutes. ‘It is a balancing of national security interests, expressed in legal terms as military necessity, against the desire of the United States or other members of the international community to limit to the extent practicable possible effects of war on those individuals and objects directly affected by the hostilities, which can be expressed as the avoidance of unnecessary suffering by those not taking part in the conflict.’ There is nothing in the international law of war that requires you to take a first hit. Absolutely nothing says that you must be hit first before you can launch a strike. That is simply not founded in international law. Certainly there are laws on what are lawful targets and the right way to conduct a campaign, but nothing says that you have to be hit first, that you have to turn the other cheek, wait for the UN to come to your rescue or wait for an ANZUS treaty to be activated. The law of war does not require it to be the absolute last resort, when you have nowhere else to go, your backs are against the wall—this is it.

We hope that the government takes a more pragmatic and realistic approach and is not like Neville Chamberlain returning from Poland saying, ‘There will be peace in our time.’ We are hoping that war in Iraq will not be necessary; in fact, it would be fantastic if that were so. We can rely on the Howard government to carry us through these turbulent international times—it took us through Timor and has taken us through Afghanistan; it has a tried and proven record on this issue—with great aplomb and with the greatest interest for our Australian serving personnel and with the least risk to Australian lives.

(Time expired)

Mr SNOWDON (Lingiari) (6.55 p.m.)—This is an extremely important debate on Iraq and should not be trivialised by contributions like that of the previous speaker, the member for Lindsay. The debate goes to the basis of Australia’s historical involvement in the framework of international law that has been at the base of our foreign policy since the establishment of the United Nations. In this debate Labor has reaffirmed its commitment to the inter-
national legal framework. Our view on Iraq and the need for its compliance with UN resolutions was clearly elucidated in April of this year. It is a view which has been consistently expressed ever since by the Leader of the Opposition, the shadow spokesman on foreign affairs and every other person who has been speaking on behalf of the Labor Party. This stands in stark contrast to the position which has been adopted by the government. Underpinning our position has been the view that any action against Iraq should come by virtue of resolution by the United Nations.

Fortunately, today, as a result of the international pressure, the debate about how to deal with Iraq is back where it ought to be, with the Security Council of the United Nations. The focus has shifted, thankfully, from the threatened immediacy of potential unilateral action to the United Nations Security Council imposing its collective will on Iraq to allow weapons inspectors unfettered and unhindered access to potential sites for weapons of mass destruction. In short, the debate is back where it ought to be—in the hands of the United Nations. There has been increasing concern within the Australian community that the Howard government was close to committing Australian forces to action in Iraq that was not sanctioned by the United Nations. This concern was engendered in part by the bellicosity of the foreign minister and then the Prime Minister earlier in the year.

We have to wonder what was in the minds of the Prime Minister and the defence minister earlier this year, adding to Downer’s rhetoric, they suggested that Australia was capable of sending an armoured brigade as a contribution to military action against Iraq. This claim was never repeated after the Australian Defence Association told the media that there was no such brigade in the ADF and that the government was confusing it with the Darwin based mechanised infantry brigade. What this demonstrated was how out of touch, despite what the previous speaker has said, the Prime Minister, the defence minister and the foreign minister are on Australia’s defence capacity and capability. One really wonders what end game was being contemplated by the Prime Minister at that time. Was he in fact foreseeing the potential for an invasion of Iraq, perhaps with the prospect of changing the regime—an invasion and occupation which would inevitably have meant hundreds of thousands of troops? Did he have any idea what was being proposed? Did he have any understanding at all of the strategic interests of Australia and what was being proposed by him then? He certainly had no idea of what Australia’s Defence Force capacity was and is.

We have before us a very important proposition. As the member for Brand said in his contribution, we should not accept the political game that was being played by the government when they attacked—as the previous speaker, the member for Lindsay, did by virtue of her referral to Chamberlain—the Labor Party and the Leader of the Opposition as appeasers. The government, led by the Prime Minister, the foreign minister and the defence minister, were involved in an adventurous campaign, an escapade across the political landscape, designed to try to engender support for them in a campaign potentially of invading Iraq—because they thought this was good news. Little did they realise that the Australian people are not fooled by the stupidity of the allegations of the Prime Minister and the foreign minister that identified the Leader of the Opposition with Saddam Hussein. How objectionable to the Australian community is that? It was not a meaningful contribution to the debate, and it showed how out of touch the Prime Minister and the foreign minister have been in relation to this issue. In contrast, the Leader of the Opposition and the Labor Party have been very disciplined in their approach; we should use the forums of the United Nations and engage the United Nations to effect a change in the situation in Iraq.

There is a question which exercises my mind about how any potential military exercise might be executed. There are issues which I do not think have been contemplated by the Prime Minister; they have not been elucidated in any debates in this place by him or by any other member of the government. If it were their will to support some form of military action, what type of military
action are we talking about? Would the invaders target any chemical or biological weapons of mass destruction? What, if any, collateral damage would result from any such action? What is the chance or the probability of Iraq using weapons of mass destruction? What is their capacity? What would be their likely targets? What is the potential impact on regional and international security as a result of any knock-on effects from Iraq targeting neighbours with weapons of mass destruction? Those issues have not been discussed in this place. As far as I can tell, despite the bellicose nature of the language of the Prime Minister and the foreign minister, they have not been contemplated, nor have they been explained to the Australian community.

I wonder what was going through the minds of the Prime Minister and the foreign minister. What did they see as the end game? I think it is clear, as a result of the contributions of the Leader of the Opposition and the shadow foreign minister, that they see the end game as regime change. There may be some regime change down the line, but we have to immediately concentrate our minds upon the effect that the United Nations may be able to bring about by bringing back inspectors to look for weapons of mass destruction and by changing the way Iraq relates to the rest of the world. That seems to me to be a primary obligation.

I have another concern and, again, I do not think this issue has been widely canvassed within the community. We know that 75 per cent of all victims of war are civilians. In this madness to drive towards the invasion of Iraq, what was being thought of in terms of those innocents, those Iraqis who do not support Saddam Hussein but who are civilians and who would suffer because of the collateral damage that would result inevitably from any mass invasion of their country? It seems to me there are other military alternatives that may be considered in the coming months. We need to contemplate a total rejection of the way the Prime Minister, the foreign minister and the defence minister were leading the country in this debate up until the present. Thankfully, they have come to their senses. Thankfully, as other speakers have said, they are picking up where they should have been when Labor announced its policy in April this year—that is, supporting the proposition that we have this debate and that this should be handled by the United Nations through the Security Council.

That will be difficult. There is no question about that, and there is no question that what we have seen today is part of a negotiating strategy of Saddam Hussein. But we have to be on our guard and we have to be aware of the games that are being played by him and others. We have to make sure that the United Nations holds Saddam Hussein accountable and that if, at some future point, action is required, it is taken under the auspices of the United Nations. I will complete my remarks by referring to an article by Geoffrey Barker. He says:

Nobody could stop the US from overthrowing Hussein.

He quotes the German Foreign Minister, Joschka Fischer:

But what will follow? It would mean assuming the task of establishing a new order in the Middle East—but by means of a confrontation without the support of moderate neighbouring states ... Would that enable a solution to be found to the key Arab-Israeli conflict? Would such a solution be found fair by Arabs? Is there a majority in the US in favour of lasting engagement? And, finally, what new order would you choose?

Mr SLIPPER (Fisher—Parliamentary Secretary to the Minister for Finance and Administration) (7.05 p.m.)—This has been a very worthwhile and interesting debate. Thirty years ago, the first episode of the sitcom MASH aired on CBS. It was the first antiwar sitcom in television history. Were you aware, Madam Deputy Speaker Corcoran, that the show won 14 Emmys and that 125 million people watched the final episode? It was undoubtedly the most popular show of its time. It is ironic that, 30 years later to the day, we are still discussing the option of war. The announcement this morning by the United Nations Secretary-General, Kofi Annan, that Iraq has offered to readmit weapons inspectors is a promising first step. However, experience would indicate that, as a world community, we need to be cautious. Saddam Hussein has a long
history of playing games and is known to conduct last-minute manoeuvres to avoid decisive action. He is unpredictable; he is an abuser of human rights.

Do not get me wrong. I was very heartened by the news and I hope it is the start of a diplomatic solution, which Australia would support. I would support a solution without war, and I think all of us would, but the crisis is not over. We need not only to conduct weapons checks but to get a commitment from Iraq to destroy weapons of mass destruction and to eliminate forever its capacity to generate new types of these weapons. We also need a guarantee that inspections can take place quickly and that inspectors will not be hindered in any way in their work, as has happened in the past. The offer to readmit weapons inspectors into Iraq is an important step in the right direction. We will have to wait and see what the fine print is and what may be demanded by Iraq in future negotiations.

The history of Saddam Hussein is not a proud one. In fact, since the end of 1998, Hussein has refused to allow any Monitoring, Verification and Inspection Commission inspectors to enter Iraq, even though the UN has shown maximum flexibility in talks aiming to get the inspectors readmitted. I participated in a Sunday program, and Richard Butler was there. He was particularly impressive, and he outlined the difficulties that he was confronted with as part of the team at that time and the absolute determination by Iraq to prevent the team from doing its work. The defiance of Iraq and Saddam Hussein to the international community has led the United States to question Hussein’s intentions and therefore to consider military action. The facts are fairly clear: America has not made any decision to enter Iraq; Australia has not received any request to participate and Australia has not made any decision to participate. In the event that Australia were asked to participate then clearly Australia would consider any request from the United States. We are very good friends of the United States, but the Prime Minister and the foreign minister have indicated that any decision that we made as a government would be a decision made in the best interests of this nation.

In the last 10 years, UNSCOM inspectors have found chemical agents such as mustard, sarin and VX, and have undertaken destruction of these agents. However, there is clear evidence of a large-scale program being undertaken. These particular agents are not innocent; these agents are very serious and very toxic. VX, for instance, is the most toxic of all known chemical warfare agents. As little as one drop can cause paralysis of the central nervous system, which in turn would cause death. As far back as 1995, the government of Iraq admitted that it had biological weapons at the time of the Gulf War, comprising anthrax, botulinum toxin, gas gangrene, aflatoxin and ricin.

Iraq claims to have destroyed all of its stocks of biological weapons when it acceded to the biological weapons convention in 1991, but has offered to this date no credible proof. UNSCOM has judged that Iraq has produced three to four times more biological weapons than it declared. In July this year the US Senate heard detailed expert testimony that, since the last UNSCOM inspections in 1998, Iraq has been working to increase its chemical and biological weapons capacity. That is a matter which must concern all of us—both those of us in the chamber and those of us in the wider community of Australia. I strongly believe that diplomatic efforts should continue and would prefer a solution without military action, but only if that achieves the complete elimination of Iraq’s illegal weapons. Speaking personally, I often feel that it was a pity that Saddam Hussein and his government were not removed at the time of the Gulf War, but I do understand the very practical reasons why that did not occur. Who would have thought that 10 years down the track, as a world community, we would once again be debating what to do about Iraq’s refusal to comply with its international obligations?

All of us would accept that war is scary. What is even scarier is the concept of the outlaw regime of Iraq in control of nuclear weapons. I have two young children and, as a father, I would obviously prefer them not to have to live through the tragedy of war.
But I do not want the next generation to live in the fear of what weapons countries like Iraq may hold and what damage they can do with weapons of mass destruction. Look at September 11, 2001: the whole world changed at that time. All of the certainties were exploded. What we thought were the boundaries of decent conduct obviously were passed by those people who perpetrated those awful acts in the United States. September 11 is an example of the damage that can be done. It is an example of the vigilance that we as a world community must take. It is an example that things have changed and that things will never, ever be the same.

Let us look back into history. Without provocation, Saddam Hussein invaded Iran and later Kuwait, resulting in the deaths of over one million people. So we are not talking about a liberal democracy in Iraq; we are talking about an outlaw regime. The regime and the leader are prepared to thumb their collective nose at the attitudes of the people of the world. It is a country which has absolutely no respect or regard for its own people. Between 1983 and 1988, Hussein used chemical weapons on at least 10 known occasions, targeting his own people. There were approximately 30,000 deaths. His record of human rights abuses is appalling. Would anyone want their children to live in fear of what the next move by Saddam Hussein may be?

As a world community, we do need to challenge those who challenge international order. As our Prime Minister has emphasised, we can no longer afford to leave such threats unattended. We do not know the extent of Iraq’s mass destruction weapons base. Although Iraq has given the United Nations a commitment to readmit weapons inspectors, we do need to treat Saddam Hussein’s assurances and commitments with great caution—after all, he does not have the runs on the board and he has an appalling ongoing record. Inconclusive negotiations will not address the threat to international peace and security, and that is why we need to ensure that weapons inspectors are not hindered in their inspections. We need to get a guarantee that weapons checks can happen quickly. We need a commitment from the government of Iraq to destroy weapons of mass destruction and we need to eliminate Iraq’s capacity to produce new weapons.

Despite the posturing of the Australian Labor Party, I do not believe that the government and the opposition are very far apart on this issue at all. I believe that if action is required in due course it will be action of a bipartisan nature. We supported what the new opposition did during the Gulf War. During times of national crisis, one of our great assets as Australians is that we are able to work together. We must however remember that it was Iraq which drove out the weapons inspectors in 1998 and kept them out for four years. The onus is on Iraq to prove that it does not now possess weapons of mass destruction.

Mr DANBY (Melbourne Ports) (7.15 p.m.)—Baghdad’s acceptance of unfettered access for United Nations weapons inspectors has been widely welcomed around the world. I assume that it is as welcomed by the government as it is by the opposition. Extreme pressure at the United Nations has brought about this worthy result. Obviously there are doubts about whether Saddam Hussein will allow unconditional access to his secret weapons laboratories, but we will come to that issue later. Support for this UN process has been Labor’s policy since April. The adoption of support of this policy by the government—in my view and in the view of the opposition—is a vindication of Labor’s stance since April. It is a stance backed by the Australian people. I think it is very interesting that the poll in the *Sunday Age*, the Taverner Poll, seen all around the country last weekend, said that American unilateral action against Iraq would be opposed by 58 per cent of the Australian people and supported by 36 per cent. The survey also asked the question:

Should Australian troops support US military action backed by the UN?

Action such as this may be the end result of this UN process that we entering into. On this question the result was ‘yes’ 68 per cent and ‘no’ 28 per cent. We may get to the day that the member for Fisher was talking about when there are nonpartisan attitudes towards
this problem if we follow this process and it will have clear public support.

The member for Boothby said during this debate that the government’s policy had been consistent. Rubbish! Crude politics motivated the Minister for Foreign Affairs’ foolish claims some months ago that comments by the Leader of the Opposition indicated that the Labor Party position was the equivalent of appeasement. The foreign minister also said that the leader of the opposition was talking like Saddam Hussein. The Treasurer claimed that the opposition backed Iraq. This shameful attempt to use serious international developments to denigrate the Labor Party backfired. As the member for Lilley said, it was used to impugn our patriotism and it served no-one; it did not serve serious consideration of the problem of Iraq and it did not serve the Australian-American relationship. I totally disassociate myself from some of the embarrassing anti-Americanism that we have seen, particularly outside this House, in the last few months. Practically every commentator agrees that this rhetorical bridge too far by the government over the last few months in so over-stating the position against Iraq in order to try to embarrass the Labor Party with wedge politics turned the Australian people against this government’s policy.

Moreover, as the member for Brand noted, this country now appears to be in the position where we have retreated before the threats of an odious dictator like Saddam Hussein. Despite the previous overblown rhetoric, the government has adopted a less bellicose policy because of what the member for Brand wittily worried was a whiff of wheat. I bet you that the National Party ministers were turning some arms in cabinet very tightly.

As police states go, the Baathist regime rates highly on the Torquemada scale of torture. It has gassed its Kurdish minority and launched unprovoked missile attacks on Teheran and Tel-Aviv. Saddam undoubtedly still possesses some biological weapons, particularly—and most dangerously, in my view—a weaponised version of aflatoxin, and has some means of delivering it. It is indeed serious when defectors like Khidir Hamza, the former Iraqi atomic weapons head, says that Iraq is still pursuing its nuclear weapons program.

Those of us who read about this issue may have read the New Yorker of last weekend where Saddam Hussein talked about ways of delivering all of this. He talked about the 40th missile—a reference to the 39 missiles he shot off against Israel and Saudi Arabia during the Gulf War in the early 1990s. In my view this is all the more reason to mobilise the world against him. Labor made the judgment that, in order to do this, we had to go through the processes of the United Nations. These processes had to be gone through. As that most recent opinion poll shows, that is clearly backed by the Australian people. It is clearly backed by a great spectrum of nations and, in my view, has brought about this result that we have at this stage with Iraq. There is a view that already existing UN resolution 678 on Iraq’s weapons of mass destruction envisages all possible means being used by the members of the 1991 coalition against Iraq and does not need an extension of its mandate by the Security Council.

When it was in power Labor had a very proud international record—under the previous Leader of the Opposition, the previous defence minister sitting here—of opposing the proliferation of weapons of mass destruction. The Australian group was the leading forum for opposing chemical weapons proliferation. We were a leading country in opposing the extension of intercontinental ballistic missiles and tactical ballistic missiles. This issue is not over. The US is still pursuing a resolution through the Security Council. It may come one day to the issue of UN article 51, where anticipatory self-defence might be agreed as a reason for military action. Indeed this country and all political parties have sometimes supported military action outside the mandate of the UN in certain circumstances, such as when the Europeans were demanding that the United States bomb Kosovo and Serbia because of the atrocities that were taking place there.

It is surprising to me that there have not been more ministers—particularly the min-
ister representing the Minister for Defence—taking part in this debate, because there are very important issues, as the member for Jagajaga said, of war and peace involved here and of committing Australian troops and risking Australian lives. I think, given Australia’s punching above its status at the moment and its role in the world in East Timor, in Afghanistan and in Bougainville, we are owed great credit. I think most of the international community thinks that Australia is playing more of a role than other countries. I know that, in the United States, General Cosgrove and our military contribution in East Timor—particularly the way they came in and the way they have been able to keep the peace there—are viewed with great support and admiration. So they should be.

The Leader of the Opposition argued that we owe it to the Australian people to exhaust all diplomatic solutions. The member for Griffith said that we had a grave responsibility to the Australian people to see this matter through the United Nations and through every other method before anticipatory self-defence or other military solutions were sought to this problem. I think Tony Blair summed it up best in a speech he made very recently, which I would like to quote in conclusion. He said:

On Kosovo, on Afghanistan, we did not rush. We acted in a sensible, measured way, when all other avenues were exhausted and with the fullest possible debate.

We are only halfway through that, now that this UN process has begun. It is Labor’s policy which this government has adopted. It is a policy that Tony Blair supports. Mr Blair was recently asked by a journalist:

I don’t understand it Mr. Blair. You’re very Left on Africa and Kyoto. But you’re very Right on weapons of mass destruction and terrorism. It doesn’t make sense.

Tony Blair said:

But it does. The key characteristic of today’s world is interdependence. Your problem becomes my problem. They have to be tackled collectively. All these problems threaten the ability of the world to make progress in an orderly and stable way. Climate change threatens our environment. Africa, if left to decline, will become a breeding ground for extremism. Terrorism and weapons of mass destruction combine modern technology with political or religious fanaticism. If unchecked they will, as 11 September showed, explode into disorder and chaos.

Internationalism was always something that attracted me to the Labor Party. Mr Blair went on to say:

Internationalism is no longer a utopian cry of the Left; it is practical statesmanship.

The policies of the Labor Party, as far back as I can remember, have always opposed proliferation of weapons of mass destruction. We are going through the right process by mobilising world opinion through the United Nations. This is the policy that Labor has had since April; this is the policy that the government should have adopted without any of its denigratory, negative rhetoric impugning the patriotism of people on this side.

Mr NAIRN (Eden-Monaro) (7.25 p.m.)—I am pleased to make a contribution to this debate here this evening. At this stage of the debate, there is not a lot of new material that I can add in relation to the facts about Iraq, about the UN or about the position of numerous countries, but I think it is important that the constituents of Eden-Monaro understand what my thinking is on this issue. It is equally important for me to make some comments about the feedback that I get from my constituents around Eden-Monaro. I am no Robinson Crusoe in this House: I am sure all members have received a variety of letters, emails and various correspondence, et cetera, and have had personal conversations with their constituents about this issue. That demonstrates the concern that is out there in the community.

I would not say I have had a huge number of letters, emails and various correspondence from constituents. I can think of many other popular issues—if I can use that terminology—that I have received a lot more correspondence on. But what has hit home are the personal approaches that have been made to me as I have travelled around my electorate, particularly during the last couple of weeks, going to different functions. People have come up and said, ‘We’re watching what’s happening overseas. We certainly have concern.’ I think it is important that I record the fact that many of my constituents do have some hesitation about what might occur with
respect to Iraq. Having said that, they also look to the federal government for strong leadership in these sorts of times. Strong leadership is what we are seeing from the Prime Minister and the Minister for Foreign Affairs on this issue. Our international credibility has grown hugely over the last number of years. The involvement of Australia and of Australian defence forces in a number of international affairs has increased our credibility on the world scene—particularly, for instance, the Prime Minister’s role in Zimbabwe. This was a really delicate issue and one where, I think, he has achieved a huge amount on behalf of the rest of the world’s nations.

As I said, it is difficult to say something new about what has occurred and what is occurring in respect of Iraq. There is absolutely no question that Saddam Hussein, over the last decade and more, has been developing a variety of weapons of mass destruction. The facts are there, the evidence is there; there really is no dispute about it. It is quite interesting to look through the UNSCOM chronology of main events which the Minister for Foreign Affairs provided to members today to put into perspective what we are dealing with. This chronology of events goes back to 1991. In the period from 1991 until now, there have been no fewer than 13 Security Council resolutions taken with respect to Iraq.

I am concerned that, since the announcement earlier this morning that Iraq says it will abide by the UN resolution to allow UN weapons inspectors into Iraq, a number of people have been saying, ‘Now that the UN process has commenced, this can happen, that can happen and this is what we should do.’ The UN process has been going on ad infinitum; it did not commence today. Today’s announcement that Iraq will allow weapons inspectors in was just another step in what has been occurring over a long period. It would seem that Saddam Hussein has been very successful in stalling and manipulating the UN processes. At various times he has agreed with UN resolutions to do something; but, ultimately, did it ever really happen? No, because if it ever got to the stage of doing something concrete it was prevented or something else happened, and then the UN would pass another resolution.

To highlight his track record with respect to these things, I will give this example. On 18 April 1991 Iraq provided the initial declaration required under resolution 687, which was the original resolution of the Security Council. It declared some chemical weapons and materials and 53 Al Hussein and Scud type long-range ballistic missiles. Also, Iraq declared that it had no biological weapons program. In August 1991, only a few months later—after yet another Security Council resolution, resolution 699—Iraq declared to the first biological inspection team that it had conducted ‘biological research activities for defensive military purposes’. So in April 1991 it was saying, ‘No, we don’t have any biological weapons program,’ but by August, after being caught out, it admitted it had conducted ‘biological research activities for defensive military purposes’. That sort of history has gone on year after year over the last 10 years or so, through those 13 resolutions. So there is absolutely no question about the capability of Iraq and the sorts of weapons it has been developing. Those chemical and biological weapons are of huge concern. The potential of those is, in the words of a number of constituents, quite scary.

The question now is: how does the UN deal with this? While I also welcome the announcement today that Iraq says it will allow weapons inspectors unconditional access into Iraq, the question is: what happens if, a few days or weeks down the track, all of a sudden conditions apply and it says, ‘You can’t go there yet,’ or, ‘We’ll let you go there at a later time’? How will the UN handle that? I can understand some of the scepticism out there, given what has happened over the last 10 years or so. Every time some progress seems to be made in relation to this, there is a way in which it is stalled; there is a way in which we go back to more UN Security Council resolutions. That is the concern. How long do you go on putting up with that circumstance? I do not have the answer to that. I think it is an aspect that world leaders—and particularly the UN—have to make some decisions about. It cannot just go on ad
infinitum, month after month and year after year, through what is essentially a bureaucratic process without getting to the nub of the problem. We have to get to the nub of the problem very quickly. We have to access those weapons, they have to be taken from Iraq and destroyed, and it has to be done soon; otherwise, there will be continuing instability worldwide.

I want to applaud the leadership shown by John Howard as Prime Minister and by Alexander Downer as foreign minister. I think they are taking the right course. I note that the Labor Party are saying that more UN resolutions ought to be made. I think that all the UN resolutions are already in place. Let us deal with the Security Council resolutions that are there now and put the heat back on Iraq—not on Australia, the US or Great Britain. The heat has to be on Iraq to act on or abide by the resolutions already in place.

Mr MELHAM (Banks) (7.35 p.m.)—It is a solemn moment when our national parliament debates questions of war and peace. I was still a relatively newly elected member of parliament when this House debated the commitment of Australian forces to the 1991 Gulf War. With a heavy heart, I spoke in favour of Australia’s support for the use of force under the explicit mandate of the UN Security Council. This morning, we heard the UN Secretary-General’s announcement that Iraq has agreed to readmit weapons inspectors. This has been welcomed by many governments and by speakers in this House today. The United States reaction has been notably less than enthusiastic. A White House spokesman is quoted as saying that the Iraqi offer is merely a tactic aimed at giving false hope that Iraq intends to comply with the relevant Security Council resolutions.

The US is right to be sceptical about the Iraqi offer. Saddam Hussein’s track record does not inspire confidence. But observers are also right to be sceptical about American motives. Much has been said in recent days about the enforcement of UN Security Council resolutions, but what a pity it is that there is not a great deal more consistency on these matters. While we debate the enforcement of Security Council resolutions against Iraq, the Middle East peace process lies in a broken shambles. Key UN Security Council resolutions on the Israeli-Palestinian conflict have been ignored for decades. Over the past two years the United States has given Israel a free hand to coerce the Palestinians, and the Australian government scarcely bothers today to differentiate its approach to the Israeli-Palestinian conflict from that of the United States. At the same time, the United States declared that stopping the proliferation of weapons of mass destruction was absolutely vital, yet no mention was made of Israel’s persistent refusal to sign the Treaty on the Non-Proliferation of Nuclear Weapons.

For the record, it should be noted that the estimates of the undeclared Israeli nuclear arsenal range from 75 to more than 200 weapons, including thermonuclear warheads deliverable by aircraft and ballistic missiles. Israel is a major nuclear power with the capability of destroying all its neighbours. The threat of weapons proliferation in the Middle East will never be properly addressed until Israel’s nuclear forces are brought into the equation and, indeed, disarmed under international supervision. American policy makers never mention Israel’s nuclear capability and, notwithstanding Australia’s strong commitment to nonproliferation, the Australian government never does either. US policy in the Middle East is viewed in the Arab world as deeply hypocritical and biased in favour of Israel and its own geopolitical interests. It is little wonder that the Australian government’s approach is seen to be merely an echo of our great and powerful friend’s.

A key focus of today’s debate is on securing a resumption of UN weapons inspections in Iraq. In this regard, however, it should be noted that US Defense Secretary Rumsfeld has repeatedly said that inspections will not be effective in eliminating Iraq’s weapons of mass destruction. He says inspections will not work. Even more importantly, President Bush has repeatedly and unambiguously declared his goal to be ‘regime change’ in Iraq. He is committed to the forcible overthrow of the government of that sovereign country. There is no doubt about the deeply evil nature of Saddam Hussein’s regime, but it is an enormous step to con-
template the overthrow of a sovereign government. This is something that President Bush’s father rightly baulked at in 1991. It is something that could only be contemplated with the explicit mandate of the UN Security Council, under article 42 of the UN charter, and in circumstances of the gravest threat to international security. If the United States and its allies are to act to uphold the rule of international law, they must act within international law.

This brings me to an important point. Much has been made in this debate about the question of evidence that might link Saddam Hussein’s regime with the terrorist attacks of 11 September or indicate any significant change in Iraq’s weapons of mass destruction capabilities. Others have spoken at length about this. I make the point that it is not merely a question of what evidence is available; it is a question of what action, if any, the evidence justifies. Any action taken must be proportional to the evidence of a threat to international security.

In 1991 Iraq invaded and occupied another sovereign UN member state. With the authority of the Security Council, the US led a military response which removed Iraq’s forces from Kuwait but which left the government of Iraq in place. In 1998, when Iraq refused to comply with Security Council resolutions to allow weapons inspections, the US and the UK eventually conducted air strikes to destroy various Iraqi weapons facilities. Diplomacy and UN processes having run their course, the US and the UK engaged in a limited and targeted military response focused on Iraqi weapons of mass destruction facilities. They did not seek to invade Iraq. Four and a half years later, the question is whether the evidence that may be presented comes anywhere near justifying what the US is very obviously contemplating—that is, a massive air offensive followed by a full-scale invasion to overthrow the Iraqi government.

Iraq’s noncompliance with UN Security Council resolutions is undeniable. There are unresolved questions about Iraq’s weapons capabilities, and it is asserted that there is intelligence indicating continuing Iraqi interest in procuring weapons of mass destruction. In recent weeks, there have been reports that Iraq is only weeks or months away from acquiring nuclear weapons. However, the authoritative Bulletin of the Atomic Scientists and other respected observers have argued strongly that Iraq’s nuclear, chemical and biological weapons capabilities are most likely much less than they were a decade ago. It is also noteworthy that the Australian Army’s leading expert on the medical aspects of nuclear, chemical and biological warfare recently declared the threat of biological terrorism to be subject to ‘far too much media hype and far too little critical analysis’. We should subject all so-called evidence to very careful and critical scrutiny.

It remains to be seen whether Iraq’s latest offer to readmit weapons inspectors is just a delaying tactic. It also remains to be seen what further steps the UN Security Council will decide to take. It may be that, if Iraq fails to accept the verified dismantlement of its weapons of mass destruction capabilities, the UN will eventually authorise some form of military action. But the evidence presented to date comes nowhere near justifying President Bush’s declared objective: the forcible overthrow of the government of another sovereign state.

As for Australia’s position, we are duty bound to support the United Nations and the rule of international law. We should not support offensive military action outside the mandate of the UN Security Council. Moreover, even if the UN eventually endorses military action against Iraq, there is no compelling case for Australia to become directly involved. At present, RAN warships are deployed in the Persian Gulf to help enforce UN sanctions on Iraq, but that is not a basis for Australia to support air strikes on Iraq, let alone a full-scale invasion.

In this regard, the opposition’s policy is clear. Labor’s approach is set out in the joint statement issued on 22 April this year by the Leader of the Opposition and the shadow ministers for foreign affairs and defence. That statement indicates that, even in the event that evidence is presented of Iraqi complicity in the 11 September attacks or of renewed weapons of mass destruction programs, Australia’s limited military capability
is such that any involvement should be limited to our ongoing intelligence cooperation and broader logistical support. Labor’s policy, first stated on 22 April and reaffirmed on many occasions since then, does not support direct Australian military involvement in hostilities against Iraq.

Australia is a strong ally of the United States. We have already made a significant contribution to the campaign against the Al-Qaeda terrorists in Afghanistan. We are also heavily engaged in other military commitments in East Timor, Bougainville and the Solomon Islands. There is no compelling reason for Australia to commit any elements of the ADF to any future attack on Iraq. We do not have to automatically follow the United States. Whatever measures may or may not ultimately be authorised by the UN Security Council, we should determine our own position based on the rule of international law and a realistic assessment of our own limited military capabilities. It is not in our national interest to make an essentially token contribution to any military offensive against Iraq. We should not do so.

Mrs Gallus (Hindmarsh—Parliamentary Secretary to the Minister for Foreign Affairs) (7.44 p.m.)—Anyone who has followed the growing international concern over Iraq’s possible ownership of weapons of mass destruction will have breathed a sigh of relief today following Iraq’s announcement that it will allow UN inspectors back into the country. As most of today’s media suggested—until this morning’s announcement—a US-led offensive against Iraq seemed almost certain. But let us be in no doubt; this morning’s announcement was in direct response to the strong stand taken by the international community, most particularly the US President.

US President Bush, Australian Prime Minister Howard and foreign minister Alexander Downer have been criticised by some in Australia for the strength of their rhetoric against Iraq over the last weeks—misplaced criticism, as it turns out. It is the uncompromising stand of countries such as the US, the UK and Australia that has brought about today’s concessions by Iraq. Over the last few months, Australia has supported the US in its demands that Iraq comply with UN resolutions or face the consequences. We have stressed the need for Saddam Hussein to allow the re-entry of weapons inspectors into Iraq and to provide the facilities for inspectors to assess Iraqi officials, facilities, equipment and records. It appears that that may be what we have.

It is important that what we have is a diplomatic solution, not just diplomatic face saving. Unfortunately, the history of the last decade means that the statement of the Iraqi foreign minister to the UN cannot be regarded without some scepticism. Saddam Hussein has a long history of playing games. For years now he has flagrantly disregarded international law and the will of the world community. He has ignored legally binding obligations to disclose and eradicate his weapons of mass destruction. He has defied UN resolutions, inspections and sanctions, having expelled from Iraq the United Nations Monitoring, Verification and Inspection Commission in 1998. Similarly, he has refused to let the International Atomic Energy Agency check that Iraq is complying with its nuclear obligations under the UN. Just two months ago, the US Senate heard detailed expert testimony that Iraq had been working to increase its chemical and biological weapons capability.

Saddam Hussein invaded Iran in 1983 and Kuwait in 1990. One million people died in the resulting wars. During the war with Iran, Hussein used chemical weapons, with between 25,000 and 30,000 casualties. Between 1997 and 1999, he used chemical weapons against his own Kurdish population. Throughout the 1990s, United Nations inspectors found clear evidence of a large-scale chemical weapons program.

Before the Gulf War, Iraq conducted an extensive clandestine nuclear weapons program. Indeed, a report in today’s Australian quotes a dissident Iraqi nuclear scientist as saying:

Iraq could produce nuclear weapons within three months, using pirated German equipment and uranium smuggled from Brazil.

According to Dr Khidir Hamza, who helped to start and direct Iraq’s nuclear bomb program before he defected in 1994, the neces-
sary materials are already inside Iraq and being processed. Dr Hamza said:

Unless he’s stopped soon, Saddam will have set up a whole nuclear bomb industry, not just have made a couple of bombs.

UN Security Council resolution 687 prohibits Iraq from possessing any ballistic missiles with a range greater than 150 kilometres, yet Iraq retains Scud missiles, launchers and warheads with a range of up to 650 kilometres, which give Hussein the capacity to strike neighbouring countries such as Israel, Saudi Arabia and some Gulf states. Iraq also has a history of state-sponsored terrorism, in particular in relation to the Mujaheddin El-Khalq and the Abu Nidal Organisation.

If indeed Hussein is continuing to produce and stockpile weapons of mass destruction, the risk of terrorists gaining access to Iraq’s weapons is very real. The attack on the twin towers in New York on September 11, 2001 indicated that terrorism is no longer just an in-country phenomenon. If terrorists can reach out and kill over 3,000 civilians in the world’s most powerful country, then clearly everyone is at risk and the world community has to unite to stop terrorists and their supporters. The Bush administration yesterday made its strongest public connection between Iraq and Al-Qaeda. National Security Adviser, Condoleezza Rice, said that Al-Qaeda personnel had been seen in Baghdad and that US intelligence indicated that the Iraqi regime had ties to the network.

Today’s Herald Sun claims that British Prime Minister Tony Blair’s soon to be released dossier on Iraq shows Saddam Hussein trained some of Osama bin Laden’s lieutenants, adding a chilling dimension to allegations that Hussein is stockpiling weapons of mass destruction. In today’s Australian, Paul Dibb argues:

Either Hussein disarms himself or force must be used to change his policies and to destroy his regime. Otherwise we’ll slide into a world of anarchy, where the proliferation and threat of the use of weapons of mass destruction becomes more commonplace.

The international terrorist threat has given new urgency to our disarmament and non-proliferation goals and demands a renewed effort to stop the spread of weapons of mass destruction.

Australia must remain determined to uphold the authority of the Security Council and to ensure its resolutions on Iraq are implemented in full. As I have said, today’s offer from Iraq vindicates the strong stand taken by the international community. It merits the firm line adopted by the Prime Minister and the Minister for Foreign Affairs. It makes a mockery of the posturing of the Leader of the Opposition. Today’s news is positive but, with Iraq’s recent history, we would be foolish if we did not keep our scepticism until we are assured unequivocally that Iraq is not manufacturing or stockpiling weapons of mass destruction and that Saddam Hussein is not providing support—moral or actual—for terrorists.

Mr Sidebottom (Braddon) (7.53 p.m.)—Like all members in this House and the Australian public, I welcome the news today of Iraq’s professed compliance with requests by the United Nations to resume weapons inspections in Iraq. I do so with some hesitancy in the light of history, but I am hopeful that, at least in part, the processes of diplomacy will take place. However, until recently no attempt has been made to justify a war against Iraq in the national interest of the United States or, more importantly, in the national interest of Australia.

Iraq emerged as an alleged clear and present danger because the Bush administration decided it was—in the light of September 11, the war against terrorism in Afghanistan and, no doubt, its frustration with its inability to capture Osama bin Laden and many other Al-Qaeda terrorists. Why is Iraq being singled out by George W. Bush and some members of his administration now? What compelling evidence has arisen in the light of the terrible events of September 11 and beyond to justify targeting Iraq as a serious threat to world peace and to the national interests of the US, the UK and even Australia? What evidence emerged to compel President Bush and senior ministers of the Australian government to call for a regime change in this part of the Bush ‘axis of evil’? What compelling changes in Iraq led to the hawks in the US threatening a pre-emptive, unilateral
Tuesday, 17 September 2002 REPRESENTATIVES 6433

attack by the US on Iraq? Further, what compelling evidence has emerged about or from Iraq to lead the foreign minister of this country to accuse anyone who questioned unilateral action against Iraq of being an appeaser?

Australians have always taken seriously the deployment of our military forces in the name of just causes and to defend our national interests. For the foreign minister, Alexander Downer, to label as appeasers people who question and are hesitant about the prospect of sending Australian forces to fight overseas is a gross, irresponsible insult. It is also a distortion of history. If the foreign minister had cared to reflect on his Rambo talk, he would have noticed that not even the Washington hawks who call for a regime change and unilateral intervention use this type of language. I was saddened tonight to hear the member for Lindsay reiterate the claim that those who question the decision for unilateral action in Iraq by the US and its supporters are appeasers. The foreign minister’s comments and stance have not only embarrassed many of his colleagues and insulted fair-minded Australians but have also jeopardised significant wheat sales to Iraq. And we know the result of that exaggeration. Of course, it is history now that the Prime Minister was forced to step in to offer much needed and belated leadership in this serious matter in the light of Minister Downer’s Rambo actions, mounting evidence of the US’s failure to secure a coalition of support for unilateral action against Iraq, mounting evidence in the US that its people wanted United Nations action in getting Iraq to comply with UN resolutions on weapons of mass destruction and, most significantly, the fact that Australian people clearly do not support unilateral action against Iraq.

Disturbingly, some political commentators suggested that the Howard government was using Iraq as the next security issue wedge in domestic politics in the same way that it used border protection. This might explain the earlier Rambo actions of the government and the Prime Minister’s refusal to lead from the front by taking the Australian community into his trust and his tactic of sitting back and allowing others to whip up the hype while he calculated which way public opinion was going, coming in as if on horseback to play the steady statesman.

I found the comments of UN Secretary-General, Kofi Annan, interesting in relation to this type of suggestion. He strongly supports the UN taking the lead on Iraq and hinted in his UN address as to the domestic political pressures on Mr Bush. He stated:

On these matters, for any one state—large or small—choosing to follow or reject the multilateral path must not be a simple matter of political convenience …

Clearly, public opinion has demanded an explanation of the government’s stance, or lack of it. Clearly, public opinion has demanded evidence to justify action against Iraq. It has demanded United Nations involvement and leadership in any possible action against Iraq. The Newspoll in the Sunday Telegraph of 15 September 2002 clearly indicates that 75 per cent of Australians will not support an attack unless the Prime Minister presents a credible case against Saddam Hussein’s regime, 50 per cent of all Australians oppose a US-led military campaign under any circumstances and Australians fear that sending our troops to Iraq will increase the threat of a terrorist attack at home.

The debate we are now having in this place—long overdue and demanded by this side of the House and the population of this country—has not been led by the government but has occurred in spite of its intemperance, particularly the intemperance of the Minister for Foreign Affairs. It is a debate led by a sullied foreign minister rather than by the Prime Minister of this country. Why has the Prime Minister been reluctant to lead this national debate? Why the reluctance to bring this debate into the national parliament? Today’s four-point ministerial statement by the foreign minister did not advance an argument to support his earlier Rambo talk for unilateral military intervention in Iraq. Gerard Henderson, in today’s Sydney Morning Herald, is probably right when he contends:

Howard’s line on Iraq looks like policy on the run—but the electorate is standing firm.
The Prime Minister has prided himself in the past on reading the mood of the Australian people. In this case, he has failed to do this—until last Thursday’s media blitz when he could not get to the radio stations quickly enough and he repeatedly explained Australia’s change of tack for the UN to stand firm.

The public’s mood is no different from what it was in 1991 or from what it has been more recently with regard to East Timor and the war against terrorism. These interventions could be justified as just causes or just wars. Labor’s clearly set out principles for action, established as far back as 22 April, reflected and embraced this mood—and they have not changed. They are: that there is multilateral action under the auspices of the United Nations; that a proper diplomatic process is followed; that there is clear evidence to justify war; and, importantly for this country, that there is a proper and fully informed parliamentary debate. That is what Labor has called for and now we see some of it taking place. What Labor has called for is neither anti-American nor anti-ANZUS, despite the claims of others. It is statesmanship and the proper counsel of a close ally and friend of the US. When it comes to committing Australian forces to action of any kind, it is crucial that there is informed debate, bipartisan political support and national acceptance of its legitimacy and morality. The question of military action in Iraq is no different, and nor should it be.

Mr HUNT (Flinders) (8.03 p.m.)—Today’s decision by the Iraqi regime to indicate to the United Nations that it would accept unconditional and unfettered inspection of its weapons of mass destruction is a positive development. It is, however, one which we should consider cautiously and carefully. Throughout the 1990s, Iraq was engaged in consideration of its own weapons of mass destruction and it repeatedly breached UN regulations. It defeated UN resolutions through its actions and gave over five comprehensive statements of its holdings of weapons of mass destruction, all of which proved to be untrue. So whilst today is a positive step forward, it is one which I hope will lead to the avoidance of any military conflict. We have no grievance with the Iraqi people. We have a great respect for their history and culture, but we recognise that they are under the yoke of an oppressive regime and a leader who has attacked people not just outside their borders but within them, and who has completely failed over the years to live up to his and Iraq’s obligations under the UN Security Council resolutions.

In considering the situation of Iraq today, we need to address three key questions. Firstly, what is the evidence that Iraq possesses weapons of mass destruction? Secondly, what is the threat which comes from those weapons and, in particular, how does that threat apply in 2002? Thirdly, how should we deal with such a consistent breach of UN resolutions, and with such a threat?

In looking at the question of evidence, there is a long history of over two decades of Iraqi acquisition and development of a weapons of mass destruction program. In 1981, Israel destroyed Iraq’s nuclear reactor at Osiraq. Throughout the 1980s, Iraq embarked upon a war against Iran and used chemical and biological weapons in conflict not just with Iran but with its own people. On over 10 occasions, Iraq used chemical weapons, including mustard gas and sarin gas, in dealing with Iran and with its own people, the Iraqi Kurds, to the north of the country. That is what it has been willing to do—under the same regime that exists today—to its own people. In addition, we know that in the early 1990s Iraq was engaged in a war of territorial aggression against Kuwait. During that war, it used Scud missiles throughout the Gulf region and on Israel. We know that, as a consequence of that war, clear United Nations resolutions were put forward and that, throughout the 1990s, when Iraq was required to completely disarm and to remove all weapons of mass destruction, it failed to do so. It was in breach of nine United Nations resolutions and failed to comply with 23 standing requests for action.

How has it done this? The evidence that has been disclosed by the United Nations Special Commission on Iraq—UNSCOM—is unequivocal. It has disclosed strong, compelling and absolute evidence of a chemical
weapons program, a biological weapons program and a nuclear weapons acquisition program. We know that, in terms of chemical weapons, VX nerve gas—perhaps the most dangerous of all the agents—was discovered. In addition to VX nerve gas, mustard gas, sarin gas and a range of the most dangerous weapons of mass destruction were unearthed, despite repeated denials from the Iraqi regime.

The United Nations Special Commission on Iraq repeatedly uncovered evidence of a range of key biological weapons, including anthrax, botulinum and gas gangrene, all of which have an extraordinary impact when used on humans—an impact which has been proven. In addition, the weapons inspectors uncovered ballistic missiles tipped with these agents, again in breach of Iraqi statements. We also have clear evidence that Iraq was in the process of acquiring nuclear capability. That, again, occurred throughout the 1990s, in the period when Iraq was undergoing weapons inspections and was denying that it had such weapons.

In 1998, the Iraqi regime evicted UNSCOM weapons inspectors. For four years there have been no weapons inspections, yet prior to this time there was a clear upward trajectory in the acquisition of weapons of mass destruction. As a result of this, the onus of proof is not on the rest of the world; it is for Iraq to prove that it has discontinued its process of acquiring weapons of mass destruction. It is Iraq, not the rest of the world, which is consistently in breach of a range of United Nations Security Council resolutions, resolutions which came about because that regime invaded another country, used weapons of mass destruction and demonstrated that it was not a fit and proper state to be involved in the normal carriage of business. In addition to that, Iraq breached international conventions and it has repeatedly breached its obligations since then.

What are the threats now, in 2002, which make this so urgent? The first is that ever since international agents were kicked out in 1998 the threat has increased on a daily basis. Former UNSCOM chief weapons inspector Richard Butler made the point that, when he left in 1998, Iraq was within two years of acquiring weapons of mass destruction capability at a nuclear level. Four years have passed, and Iraq is quite capable of having developed weapons of mass destruction of significantly greater capability in that time. Firstly, there is a four-year gap. Secondly, last month the International Institute for Strategic Studies in the United Kingdom released key evidence that Iraq is, at worst, within two years of completing its nuclear weapons capability and, at best—from its perspective, and at worst from the perspective of the rest of the world—within six months of completion if it is able to acquire fissile material.

That is a genuine threat because it changes the very nature of conflict. It means that a regime which has a history of the most egregious violence is on the threshold of possessing the most egregious weapons. The most egregious regime will have the most egregious weapons. That is what is fundamentally different from any other time in human history. That is why each day that passes raises the risk not just to the Western world but to the Middle East and to people wherever they may be. Thirdly, Australian intelligence—shared, of course, with other like-minded countries—shows that Iraq is currently attempting to procure exactly that fissile material which the International Institute for Strategic Studies warned of. So there is not just a history of weapons of mass destruction acquisition; there is a clear and present danger. In this situation, and whilst Iraq remains in breach of international obligations, we should not reverse the onus of proof. The onus is on Iraq to immediately allow unconditional and unfettered access to inspectors.

In this situation, what are the steps which we should take? There are three steps, but the first thing to remember is that Iraq has the capability to put an end to this situation immediately by genuinely coming good on its pledge of today and allowing weapons inspectors absolute access on a continued basis in order to live up to the resolutions which have been put in place against it. But if Iraq fails to do that, there are very clear steps to be taken. Firstly, we have repeatedly said that we will push for Iraq to allow
weapons inspections until we have exhausted all avenues. Secondly, we will exhaust all attempts to use the Security Council. Those are the ground rules. The government have been pushing all along for Iraq to live up to the resolutions of the United Nations. We will accept nothing less than that. If we defer action, if we defer forcing Iraq to allow inspection, we defer the problem for another day. (Time expired)

Dr LAWRENCE (Fremantle) (8.13 p.m.)—Those who advocate Australia joining in the conduct of a war against Iraq are, I believe, inviting us to participate in revenge killings. There is an old Sicilian saying: sangue lavu sangue—blood washes blood; it is never-ending. There is a cycle of never-ending bloody revenge already drenching the soil of the Middle East. It is already a site of alarming and potentially deadly instability. We know it is capable of releasing a firestorm on the rest of the world, so we should tread with caution. While the September 11 attack is a despicable crime against humanity and cannot be justified under any circumstances, the bombing of the people of Iraq under the current circumstances on the evidence that we have would also be a crime which could not be justified. I have to point out too that, unlike some of the previous speakers, I am a little less sanguine—to use those bloody images—about George W. Bush. I agree with George Monbiot, who said in a recent article in the Guardian:

There is something almost comical about the prospect of George Bush waging war on another nation because that nation has defied international law. Since Bush came to office, the United States government has torn up more international treaties and disregarded more UN conventions than the rest of the world has in 20 years. It has scuppered the biological weapons convention while experimenting, illegally, with biological weapons of its own. This is all fact.

It has refused to grant chemical weapons inspectors full access to its laboratories, and has destroyed attempts to launch chemical inspections in Iraq. It has ripped up the anti-ballistic missile treaty, and appears to be ready to violate the nuclear test ban treaty. It has permitted CIA hit squads to recommence covert operations of the kind that included, in the past, the assassination of foreign heads of state.

This is all reported in the American media. It has sabotaged the small arms treaty, undermined the international criminal court, refused to sign the climate change protocol and, last month, sought to immobilise the UN convention against torture so that it could keep foreign observers out of its prison camp in Guantanamo Bay. Even its preparedness to go to war with Iraq without a mandate from the UN security council is a defiance of international law far graver—on the face of it—than Saddam Hussein’s non-compliance with UN weapons inspectors.

I quote that because we are now at risk of a perpetual war if the hawks in the Bush administration have their way. Bush has been leading the world, and Howard has been following, in exactly the wrong direction—away from international law and toward increasing reliance on military force. I certainly do welcome today’s announcement because it does appear to pull us back from that brink. I no more trust Saddam Hussein today than in the past, and I recognise that Saddam Hussein is a brutal dictator and has been for the last 20 years. It is almost certain that many of the citizens of Iraq would like to see him removed. He has been described by one commentator as one of the monsters of the modern era—and I put in brackets—with whom we trade.

The US is no longer seriously pretending that they have evidence of a link between the actions of their former ally—remember that the Iraqis were former allies—the brutal and sadistic Saddam Hussein, and the horror of the September 11 bombings. Nor have they been able to demonstrate that the possession of weapons of mass destruction by the Iraqi regime poses more of a threat to the US and its allies today than it did in 1998 when the weapons inspectors were expelled. After today—and I am pleased to say this—this claim can again be tested.

On the basis of the argument that an attack on Iraq is necessary because they possess weapons of mass destruction, many other countries, including Israel, India, Pakistan and the US itself, could be attacked. The regime change argument, too, smacks of rank
hypocrisy. The US and many of its allies were prepared to support Iraq during the Iran-Iraq war because it suited then their geopolitical interests. As the record shows, they showed almost no interest at the time—they do now, but not at the time—in his use of chemical weapons on Iranians and on the Kurdish people. In truth—and again this comes from a US Senate inquiry—the US supplied much of the material which Hussein used to build those weapons of mass destruction.

The US Senate Committee on Banking, Housing and Urban Affairs, which in 1994 investigated the US chemical and biological warfare related dual use exports—as they are called—to Iraq, found:

The U.S. provided the Government of Iraq with “dual use” licensed materials which assisted in the development of the Iraqi chemical, biological and missile system programs, including:

- Chemical warfare agent precursors;
- Chemical warfare agent production facility plans and technical drawings;
- Chemical warhead filling equipment;
- Biological warfare related materials;
- Missile fabrication equipment;
- Missile-system guidance equipment.

The report details in graphic detail the fact that the American type culture collection supplied—with Department of Commerce approval—disease producing and toxic and biological research materials from at least 1985, when records first became available, until the outbreak of the Gulf War. In this report they said that these materials ‘were not attenuated or weakened and were capable of reproduction’. The United States was selling these to the Iraqi regime. They were sent in large quantities to Iraqi government agencies such as the Iraqi Atomic Energy Commission, the Ministry of Trade and the State Company for Drug Industries. They were sent at a time when US intelligence suspected that Iraq was conducting biological warfare research in addition to its known chemical and nuclear research programs. The Department of Defense gave evidence that the program probably began in the 1970s. So the US knowingly exported this material.

The US also knew at the time that Iraq had engaged in chemical warfare against the Iranians, the Kurds and the Shiites since the early 1980s. Included in the approved sales were the following biological materials—a veritable witch’s brew—considered by various nations for use and subsequently used in war. I will briefly touch on them. There was bacillus anthracis, or anthrax; histoplasma capsulatum, which causes a disease that superficially resembles TB; brucella melitensis, which causes chronic fatigue, loss of appetite and profuse sweating; clostridium perfringens, a highly toxic bacteria which causes gas gangrene—and I could go on. A great number of these were shipped. There were shipments, too, of E. coli and genetic materials. Human and bacterial DNA were shipped directly to the Iraqi Atomic Energy Commission. That is all from the Senate report. It was later learned, the committee revealed, that these micro-organisms exported by the United States were identical to those the United Nations inspectors found and removed from the Iraq biological warfare program.

We might ask why the United States did this. It pays to remember their support for Iraq during the Iran-Iraq war. They were prepared then to turn a blind eye to Saddam Hussein’s oppressive regime in a war in which over one million people were killed and chemical weapons were used. We are now asked to see Iraq as a rogue state—and indeed it is a pariah state because it has ignored UN Security Council resolutions—and it is not alone, as many speakers have indicated. The US itself ignored a ruling of the UN’s World Court in 1984 to cease hostile military actions against Nicaragua. And I note the refusal by the United States to allow inspections of its own facilities under the relevant UN conventions on the same terms as they demand from Iraq. They passed into law in 1997 an act that stipulates that the President may deny a request to inspect any facility in the US in cases where he determines that the inspection may pose threat to the national security interests of the United States. That act also demands the right to object to individual inspectors and to allow FBI agents to accompany them. I note in passing that, until today, these conditions
were also insisted upon by Saddam Hussein. This is made worse by the US refusal to participate in UN attempts to finally get international agreement on a protocol for the monitoring of the ban on biological weapons. They blew that up earlier this year and withdrew their funds.

I agree with the position that has been put by Eliot Cohen in a recent edition of *Foreign Affairs* that ‘the most dangerous legacy of the Persian Gulf War’ is certainly these weapons, but also ‘the fantasy of the near-bloodless use of force’. What we are going to see if war breaks out is more death and devastation. The weapons of mass destruction will almost certainly remain, if not in Iraq then elsewhere, although some would be destroyed, releasing chemical and biological weapons into the air, as almost certainly happened during the Gulf War and which the US administration has tried to deny.

A war with Iraq would involve the daily killing of civilians. It would produce another stream of refugees, as men, women and children leave their homes to escape the bombings. That is the reality. It is estimated that in World War I five per cent of casualties were civilians; in World War II, 50 per cent; and in armed conflict today, between 80 and 90 per cent. War would multiply the ranks of those angry enough to become terrorists. A war against terrorism becomes a war against innocent men, women and children who are in no way responsible for the terrorist attacks on the United States. Terrorism and war do indeed have something in common: they both involve the killing of innocent people to achieve what the killers believe is a desirable end. It may be said that the terrorists deliberately kill innocent people, while those who wage war aim at military targets, and civilians are killed by accident. They are not the intended targets; they are ‘collateral damage’. This is an absurd proposition when the death toll from collateral damage reaches numbers far greater than those killed on the battlefield. It is only possible to hold these views by counting some people as being more worthy of compassion and consideration than others. I certainly do not. (Time expired)

Mr ANTHONY SMITH (Casey) (8.23 p.m.)—I rise to support the motion and, in doing so, I wish to associate myself with those speakers before me who, throughout this debate, have registered the view that Iraq be called to account and that it comply with the numerous United Nations resolutions which it has so wilfully and consistently ignored, obstructed and transgressed over more than a decade. It is worth looking back and reflecting on the last decade or so, and considering quite bluntly and clearly why we are here today debating this motion. The answer is that we are only here today, in this parliament, at this time, debating this motion because, in the 12 years since it invaded Kuwait, Iraq has shown a consistent and unrelenting disregard for the world community and for United Nations resolutions, matched with an equally strong and persistent desire to build weapons of mass destruction which it can use to threaten and harm the world community.

We are only debating this issue because Iraq continues to defy international law. We are debating this because, as a nation which values and cherishes democracy and freedom and the peace that that brings to our citizens, it is in our national interest that Iraq be made to comply with UN resolutions which have the purpose and the aim of removing weapons of mass destruction from the hands of a proven and habitual murderer, Saddam Hussein.

I concur with previous speakers that the news which has emerged today that Iraq has communicated to the United Nations that it will allow unconditional weapons inspections to recommence is a positive step. But as the foreign minister and the Prime Minister said earlier today, it is important to consider this latest announcement in a realistic light. To that end, a couple of important points need to be made. Firstly, the latest promise is just that—the latest in a long line of promises, all of which have been made before, all of which have been broken before. So after a decade of false dawns, evasion and dishonesty on the part of the Iraqi regime on the issue of weapons inspections, the world community is entitled to consider this cautiously. Secondly, we must recognise that this
has only come about because the world community and, in particular, the United States have rightly applied pressure on Iraq to comply with the numerous resolutions it has ignored for so long.

Those who so vigorously criticise the United States for its recent tough stand should at least concede that today’s announcement would not have happened at all had pressure not been applied. They should face the fact that the United States would have no need to take a stand at all if Iraq had complied with its international legal obligations. Iraq is only in the dock because, through its actions and its defiance, it has put itself there. To the extent that there has been an advance, of course we should welcome it; but, as I have indicated, we should welcome it with the high caution that Iraq’s track record warrants. It is not a breakthrough, as some people have said today; it is an opening. It is only an opening, and it will only become a breakthrough if those inspections are genuine, unfettered and unhindered in practice and if those inspections lead to the identification and total abolition of Iraq’s weapons of mass destruction. And it has to be said—as the member for Flinders indicated in the speech before mine—that this will require a great deal more than Iraq has ever been prepared to do in the past.

In this debate we must never lose sight of what we are all trying to achieve. We must not lose sight of why those resolutions have been passed and why it is so critical they be complied with. They were necessary in the first place because Iraq invaded another country and used weapons on innocent people, and they have been necessary since the Gulf War in order to disarm Iraq so that it cannot repeat its terror or, worse still, perpetuate greater terror with even more terrible weapons. That is why the threat that those weapons pose has been the focus of world concern for more than a decade. To illustrate why it is so necessary that those weapons be controlled we only need to consider a few important questions: what did Saddam Hussein do in the past, what is he doing at the moment and what would he do in the future if ever the world community turned a blind eye to his failure to comply with UN resolutions?

The foreign minister very thoroughly laid out Saddam’s atrocious record earlier today. Saddam Hussein used chemical and biological weapons against his own people in the north—the Kurdish population—and against the Iranian population during the Iran-Iraq war, killing more than 25,000 people. He was the first leader ever in a war to use nerve agents. He used scud missiles against Israel and surrounding Arab states during the Gulf War, landing more than 90 missiles, principally on Israeli, an innocent party in that war.

The list goes on, but the list is not totally the point. The point is the incontestable fact that what Saddam Hussein has developed or acquired in the past he has always used. He obtained missiles so he could fire them at nations and kill people, which he has done. He built a military arsenal so he could attack and invade nations like Kuwait, which he did. He developed and acquired biological and chemical weapons so he could use them, which he has consistently done. The world community needs to understand that Saddam Hussein is not in the business of acquiring weapons of mass destruction because he is some overexcited collector of military hardware. He is in the business of acquiring weapons of mass destruction not because he is a hobbyist but because he is a user of weapons of mass destruction. If he had had in the Gulf War a better weapon than the Scud missile he would have used it. That is why the world community wants to stop him from using weapons of mass destruction. The only way to stop him is to take them from him. Sitting, waiting and hoping or ignoring Saddam Hussein will not make the world a safer place, no matter how much people want it to be a safer place.

That leads to the second question: what is Saddam Hussein doing now? As the member for Flinders pointed out, the fact that it has been more than four years since UN weapons inspectors have been allowed into Iraq means that one can only imagine what he is doing. Given his track record of continual noncompliance with UN resolutions, combined with his use in the past of weapons of mass destruction, the operating assumption
must be that he continues to develop chemical and biological weapons and that he continues to seek to develop a nuclear capability—something he has been wanting to do for more than two decades. At present, we know he is also doing all he can to assist to spread terror and terrorism in the Middle East. He has stated on numerous occasions his desire to see the total destruction of Zionism and the state of Israel. He pays every suicide bomber’s family a bounty of $US25,000 to try to continue to spread terror and fear in the Middle East. What would he do in the future if he is not forced to comply? It is simple: he will continue to do what he has done in the past but, on top of that, if he ever gets the chance, he will do much more.

This parliament 1½ years ago held a special sitting to debate a motion at the beginning of the Gulf War. That debate was necessary because Saddam Hussein had invaded Kuwait and, during the debate, a number of members spoke. I have had cause to look back at the record of that debate to see what a lot of them said. A number made some very important contributions about why it was necessary for the world community to stand up to Saddam Hussein. The then Prime Minister, Bob Hawke—not of my political allegiance, but our Prime Minister at the time—I think put it very eloquently. He said:

Saddam Hussein’s special guilt lies in his defiance of the United Nations and his attempt to return to the era of unpunished aggression.

Those words are still true today. The fact that they were spoken more than a decade ago and that, in all the time since that debate, the United Nations has passed resolution after resolution and faced breach after breach by Iraq illustrates an important point for the UN Security Council. That point plainly is: resolutions must be not just be passed but enforced. They are of no use in just being written; they are of use only once they are complied with. Finally, none of us would want to be here in another decade talking about the failure of UN resolutions. (Time expired)

Mrs CROSIO (Prospect) (8.33 p.m.)—I would like to say to the previous speaker, the honourable member for Casey, that I was here in that debate in 1991 and that I spoke in support of the government’s motion because, at that time, there was a UN resolution that called for countries to assist an invaded nation. Kuwait at that time was invaded. That is quite different from what we arehandling in the debate before the House tonight. I wonder what brings us into this chamber. We are debating a statement provided to us today by the Minister for Foreign Affairs which I believe clearly shows that this government has handled the Iraqi issue very poorly indeed.

I know people are going to make reference—and have done earlier in the debate—to September 11. I too would like to make reference to a September 11: September 11, 1973, when military forces seized power in Chile, when these forces were headed by General Augustus Pinochet and when this military junta had the backing of the United States. The constitution was suspended, the congress was dissolved, censorship was imposed and all political parties were banned. That US backed campaign of terror saw thousands of Chilean people arrested, executed, tortured, exiled, imprisoned or just disappear. Was this sanctioned under the label of regime change or was it called liberty for the Chilean people? I make this reference in this debate to remind all of us in this House of how quickly things change.

President Bush has said that he is ready to go it alone on global issues and, being the leader of the world’s largest economy, he has the muscle to do so. But what about those who will not be consulted, the civilians who will die? Could liberty for the Iraqi people—as President Bush maintains it would gain—mean their deaths? That is a great way to be liberated. A diplomatic solution had to be found, and we had to continue to work to provide it. The decision made by Iraq today to allow UN weapons inspectors back into the country is a welcome development.

I truly believe we are debating this issue here tonight only because Prime Minister Blair in the United Kingdom decided to recall their parliament in order to hold a full debate. The question needs to be asked of our Prime Minister: why do we always follow? Prime Minister, why do we never lead? A ministerial statement delivered by the for-
The foreign minister is not a full and formal debate. It is Prime Minister Howard who was asked and who had the discussions with President Bush; it was not Minister Downer who had those discussions.

Over the last six months, the Iraqi debate has divided the Bush administration. Experts have said Saddam Hussein is a long way from acquiring sufficient fissile material, which is the essential ingredient—I am told—for a nuclear bomb. The US Secretary of State, Colin Powell, told BBC television that Iraq was intent on acquiring nuclear weapons but that it could be up to nine years or more before it would even have the capability. But Vice President Cheney said recently that Iraq would soon have such a weapon. What about President Bush’s statement that Iraq is only six months away from having a nuclear weapon?

And you wonder why we—who are given information only through the media and whatever other avenues that we have available to us—question why we are taking the actions that had been intended prior to the Iraqis today allowing UN weapons inspectors to come into the country. If, as reported, Iraq is a grave threat to international peace, where is the evidence? What long-range delivery systems do they have? How about starting with the Australian people and providing us with the information that we have asked for and that we require? Saddam Hussein is a dictator—make no mistake about that. But he is not the only one. His regime is appalling, and it has been for many years. It was appalling when America was supplying it with arms in the war against Iran. It was appalling when thousands of the Kurds were killed by biological weapons in the late 1980s. It was appalling when it invaded Kuwait. But what further evidence has now come to light to link Iraq with the Al-Qaeda? If we must now look at Iraq as a potential threat that must be addressed, what about all the other countries that are a potential threat? We have watched the Israeli-Palestinian conflict for the last two years. What about Colombia? Aceh, on our doorstep? Zimbabwe?

We must not—any of us—go to war to implement a regime change. Where is the evidence that after Saddam Hussein is removed—if that is the aim and the objective—the world would be a better place? How many innocent civilians would sacrifice their lives to see this come about with no likely change? Turning the Middle East into a bloodbath will achieve nothing. Conflict in the Middle East will have both global and regional implications for peace and security. We saw this with the Iran-Iraq war from 1980 to 1988. It is difficult to understand the multiplicity of political systems in the Middle East, but for our foreign affairs minister to use the term ‘last roll of the dice’ I believe truly shows how ill-equipped he is to represent our country in the role that he has.

UN resolution 687, passed in 1991, has not been complied with by Iraq, but this we have known since 1998. We have as a nation been repeatedly told by our Prime Minister that the action we are taking is in the national interest. National interest does not give you, Prime Minister, the political power to do whatever you want. We have come a long way just in the last four days. The Sydney Morning Herald on 14 September had our foreign affairs minister, backed by the Prime Minister, quoted as saying:

I don’t think we need to put a number of days on it, but obviously they don’t have much time.

This was just hours before his speech to the United Nations, a speech which turned out to be very similar in sentiment and design to that given a day earlier by President Bush.

There can on the evidence presented be no justification for igniting a war. Only four weeks ago, Prime Minister Howard refused the Labor opposition’s request for a full and formal prime ministerial statement. Today we have this statement from the foreign affairs minister. Most of the so-called information—and I have read it from cover to cover—has been on public record since 1998, and it can be accessed through any public library in Australia. If, as reported, Iraq is a grave threat to international peace, where—I ask again—is the evidence? We joined in the war on terror against Osama bin Laden and the Taliban, but what proof have we been provided with that Iraq was involved in any way with that September 11 massacre of 2001?
What we do know is that Saddam Hussein is not on the verge of a strike against the United States of America. The United Nations had failed to convince the Iraqi regime to allow weapons inspectors into Iraq, but over these last four years reports have informed us that Iraq has not grown stronger but is weaker. To even contemplate invasion or to talk, as President Bush has, about preemptive strikes to be launched against a country that has not attacked the United States of America or its allies will not increase America’s might. Why is the Bush administration being driven to prove a link between Iraq and international terrorism? Why in this debate do we not have further information provided to us as to what could be the consequences of the failure of Iraq to admit the weapons inspectors into its country?

I believe that the terms and processes were set out very adequately by the Labor Party on 22 April 2002, when we asked the government to provide to both the Leader of the Opposition and senior shadow cabinet ministers a full briefing on all relevant domestic agencies and to authorise the US government to provide similar briefings from agencies based in Australia. We asked the government then, in April, to recall the parliament as a matter of urgency, so that we could debate the matter. We told the Prime Minister that, if parliament were not recalled immediately, the national security committee of shadow cabinet would meet to look at appropriate courses and actions. This is not something that came up yesterday or four days ago; this is something that we have pursued since April. I say to the parliament and to the government: tread lightly and tread carefully. (Time expired)

Mrs BRONWYN BISHOP (Mackellar) (8.43 p.m.)—We are indeed taking note of the statement today by the Minister for Foreign Affairs concerning Iraq. The evidence that Saddam does possess weapons of mass destruction is on the table for us all to see. We are taking note in a climate where we are included in the threat that Saddam Hussein poses. We do so in a climate where I find some of the statements being made by the opposition to be quite curious. It is almost like a state of denial: that if you do not think about it, it might all go away; that somehow Australia is not involved; that if you put your head in the sand for long enough, perhaps it will be something that you do not have to consider. We are not a country like that. We as a nation have always played our part. Whenever there was a risk for individuals and nations we have played our part in taking action to see that justice is brought about for those people who are oppressed or at risk. Some people taking part in this debate say that there is no evidence, that we have to have a debate. The debate has been going on for some considerable time. As for the evidence, there is plenty of it; all you have to do is seek it.

For instance, on 31 July 2002 Richard Butler gave evidence to the United States Senate Committee on Foreign Relations in Washington. In that evidence he set out very clearly why we have to be concerned, why we have to pursue a policy of unfettered inspection in Iraq and why we need the United Nations to insist upon it. As we have seen, some of that has been successful; but be under no illusion: if there had not been a strong stance taken by the United States, by Australia, by Britain and by others, that would never have occurred. All of that has to be pursued, and pursued thoroughly, in the hope that those weapons can be not only identified but destroyed and so that the need for further action can be avoided. At the same time we have to be prepared for the possibility that the so-called agreement for unfettered inspections could turn out not to be reality.

We have to look at the evidence that is already there. We know several things about Saddam Hussein. We know that he has previously not only amassed weapons of mass destruction but that he has used them. We know that he has used them against a country next door, Iran, and that he has used them against his own people. He is the only person to have used nerve gas in a war. We know that he has stored VX gas, which is perhaps one of the most potent of all chemical weapons of mass destruction. We know that he has missile capability. We know that he has previously loaded both biological and chemical weapons into those missiles. We
know, as I said before, that he is prepared to use them.

Where there is a totalitarian dictatorship, as there is in Iraq, at the end of the day all dictators—including Hitler and Stalin—pursue war. At the end of the day, when the people are oppressed and you amass weaponry, that weaponry is used. There is every evidence that Saddam Hussein has previously come very close to having nuclear capacity and that that has been destroyed on two occasions. There is also the concern that the ability to develop that nuclear capacity could be aided by rogue physicists from the old Soviet Union who could possibly have fissile material. We also know that the statement was made two years ago—this again, was in Richard Butler’s evidence—that if Saddam Hussein chose to develop nuclear weaponry, he could do so within two years. So I think it is important that, when we have our consideration, we realise that here is a dictator who is amassing weapons of mass destruction. To think that he does not intend to use them would be naive in the extreme.

A defector closely involved in Iraq’s weaponry of mass destruction outlined the continuing development of its biological and chemical capability in mobile laboratories and hospitals. I stress the use of mobile laboratories. Under the previous UNSCOM inspections it was shown that Saddam Hussein was quite a master of camouflage. He was capable of moving materials and weapons so that they could not be properly detected. We know that this man, a dictator of a totalitarian regime, has already amassed some weapons of mass destruction and that he could be either in possession of or nearly in possession of nuclear capacity. We must ask: is he planning a pre-emptive strike or is he trying to push the situation so that another pre-emptive strike is made?

In the United States we have an ally who has taken a very firm stand. Australia has done so as an independent nation. There are some who say that if America calls the tune we simply dance to it. That is not true. We make our decisions on the evidence that comes before us. At this stage there has been no request for Australia to join any military action against Iraq. The government’s position is that, should there be a request made, we will decide our response based on our national interest. But Australia is not a nation which shirks her international responsibly. That is our track record; that is our pride as a nation.

We do not say that we can somehow hide away in a corner and think that we will be free from any threat or from any attack by Saddam Hussein. The track record is there for us to see and to evaluate. The people who have cried out for proof, for evidence, have only had to go in search of it; it is there. In making his statement today, the Minister for Foreign Affairs has done us a service in compiling that evidence and presenting it to the parliament, and people are able to have their say. As I said, this is a free and independent nation which will always make her own decisions, and the Prime Minister will be one who makes a decision which is in the national interest. There will always be the opportunity for the parliament to make its assessment of any decision that could be contemplated, as has been the way with Timor and as was the way previously under Hawke, when he was Prime Minister.

I am concerned when people say that we do not need to be involved and that we do not need to consider that we are at risk. If you want a definition of what is in the interests of national security, it is to be able to protect ourselves or to take part in an operation to protect ourselves from the threat of action by Saddam Hussein as a totalitarian ruler. I am glad that we are having this debate on the statement made today, because it does simply answer the call that has been made that there is no evidence: there is ample of it, as speaker after speaker has displayed. (Time expired)

Mr WILKIE (Swan) (8.53 p.m.)—Although not going to a substantive vote, today we are debating probably the most important of issues to come before this parliament in many years: the country’s position on the current situation involving Iraq and the possible involvement of Australian troops in any future action. I welcome the debate, but I must admit some disappointment in the way the government has handled this situation. Firstly, we have reached the position of
having this debate not by an initiative of the government but following pressure by the Australian Labor Party to release information regarding the current state of affairs and as a result of British Prime Minister Tony Blair agreeing to recall parliament next week to debate this situation. Secondly, it is not the Prime Minister who is here leading the debate; it is the Minister for Foreign Affairs. Whilst the United States, Great Britain and other parliaments have the heads of their governments out in front leading the argument, our Prime Minister is missing in action. It should also be noted that the man who would be king, the Treasurer, is not even listed to speak. This is despite his embarrassing himself with his comments some time ago in relation to this issue. Instead, we have our failed Minister for Foreign Affairs.

When I say ‘failed minister’, let us look at his record in relation to Iraq. This is the minister who caused embarrassment to the Australian people by yapping like a puppy, chasing what he thought was domestic Australian public sentiment while in the US, only to find he was barking up the wrong tree by supporting tough action even though the Americans had not even decided their position. This is a foreign minister who criticised the Leader of the Opposition only weeks ago by referring to Labor policy as appeasing Saddam Hussein—and who now is adopting our position. This is a foreign minister who is such a great diplomat that recently he called for a regime change in Iraq and then wondered why, when meeting the Iraqi foreign minister, he received so little support for his representations. This is a foreign minister who was to return from New York with some clear, new information regarding Iraq’s link with terror and provide the parliament, by way of a comprehensive statement, with clear, unequivocal evidence—yes, unequivocal evidence—that Australia should act. Sadly, what was provided today could have been read on last night’s fish and chip wrapper or obtained from any public library. Nothing that was stated in this place today was new. In fact, the document tabled was dated 1999.

What has occurred today has simply vindicated the Australian Labor Party’s position, which was articulated in April. It demonstrated the clear leadership qualities of the Leader of the Opposition, Simon Crean, and it has shown why the shadow foreign minister, Kevin Rudd, should be Australia’s next foreign minister. The reality is that Labor has supported firm action against Iraq. Let us look at the Labor Party’s policy in relation to this matter. On 16 April 2002, the shadow cabinet endorsed the recommendations contained in the joint submission by the shadow ministers for foreign affairs and defence setting out the federal opposition’s policy on Iraq. Those policy recommendations established a clear set of core principles and a process against which the federal opposition said it would consider any support for a US-led military action in Iraq. There were two key principles. The first was that the UN Monitoring, Verification and Inspection Commission, established under UN Security Council Resolution 1284 of 19 December 1999, should be given a reasonable but finite period in which to enforce its mandate. The second was that, in the event that diplomacy failed, the case for military action would need to be made on the basis of one or more of the following: firstly, evidence of Iraq’s complicity in the terrorist attacks of September 11 or, secondly, evidence of a significant increase in Iraq’s weapons of mass destruction capability and threat. There would be a need for a further Security Council resolution, for a test of that resolution, and then for any further action to be taken as appropriate. We talked about the evidence earlier; that evidence has not been forthcoming.

Today, as we know, Iraq has agreed to allow UN inspectors back into the country, and I welcome that move. Clearly, this follows the US President’s speech to the United Nations where he acknowledged the need for a UN Security Council resolution to deal with Iraq’s lack of compliance with previous resolutions of the Security Council and called upon that course of action in a clear manner, outlining what action the US may take if this does not occur. I share the sentiment expressed by many members that Saddam Hussein has a poor record of compliance with previous UN resolutions and that firm action needs to be taken if he does not fully participate with inspectors and UN
resolutions. However, the action that needs to be taken if he fails to comply must be endorsed by the UN Security Council and brought back before this parliament. In fact, at one stage—on 11 March—the Minister for Foreign Affairs actually agreed. He stated that:

The diplomatic processes would have to be exhausted before military actions could reasonably be mounted.

Even Richard Butler, the former United Nations weapons inspector, believes that, if military action were an option, the reasons should be made clear. In an article in the Illawarra Mercury dated Saturday, 24 August, in a quote from a speech to a Sydney corporate luncheon where he was talking about governments’ use of conflict for political gain, he made the following observations—which is interesting, because a number of members of the government have quoted from Richard Butler’s perspective in the past:

... the Federal Government would be “trashing our moral values” by giving unequivocal support to US President George W Bush’s desire for war with Iraq.

He went on to say:

... the government’s use of crises such as the Tampa refugee issue for political gain raised serious questions. “I think they raise very serious issues of the abuse of public life in this country,” he said. Mr Butler said “there were very good reasons why Saddam Hussein should not be president of Iraq”.

However, he said the reasons for attacking Iraq needed to be supported by evidence and the rest of the world had to be persuaded it was not just because America wanted it.

He is right. Let us look at some of the considerations if we went down the path of military action. People may not be aware of this, but the last conflict in the Gulf cost around $A120 billion. If action were to be undertaken again, the suggestion is that the cost of the campaign would be around $160 billion. The price of oil reached $80 a barrel during the Gulf War; it also affected the economies of non-oil-producing countries and eventually led to a worldwide recession. So action of that nature needs to be examined very carefully from the global perspective.

Even those involved in the US government are urging caution. This includes the US Secretary of State, Colin Powell, and—from the Bush Sr and Clinton administrations—Henry Kissinger, Brent Scowcroft, James Baker, Lawrence Eagleburger and others. In fact, Democrat senator Dianne Feinstein has warned that unilateral action by the US ‘without support from our allies or the United Nations would clearly identify the United States as an aggressor and may well prompt a series of potentially catastrophic actions’. Following these expressed concerns, George W. Bush announced that he will seek the approval of Congress before he acts.

It should also be noted that, if there was further military action in Iraq, it probably would not occur out in the desert—as in the Gulf War, when they were trying to repel a force of invaders. In the situation that would occur here, we would have to go into the cities to try to get the Iraqi military out of entrenched positions. The losses that normally occur in that sort of environment are high. The threat posed to Australian forces on the ground would be very high, and that is something that we should consider very carefully.

If it gets to the point of Australia deploying defence personnel, we owe it to them to ensure that all avenues are totally exhausted before that commitment is made—and then that it is made only for all the right reasons. Our defence personnel are not to be used in a political game played on an international stage by our government or our allies. Our Defence Force personnel are too important for that to occur. It may well be that diplomacy fails at the end of the day to bring about a return of weapons inspectors—although we are saying that that will happen at this stage because Iraq has agreed. If that happens, a clear case needs to be made and a proper process needs to be followed, and only then should we consider our options.

Mr RANDALL (Canning) (9.03 p.m.)—It is my pleasure to speak in this debate on Iraq this evening. I am going to take a different tack from that taken by other speakers in this House because I wish to outline why the Iraqis cannot be trusted in terms of their
biological weapons and weapons of mass destruction, and why this case—which is now well documented—is very alarming for the future of the world as we know it. In Iraq there is a woman called Dr Rihab Rashida Taha. She is loosely described by many people, including weapons inspectors, as ‘Dr Germ’. She heads Saddam Hussein’s biological warfare program. She is one of the most evil generators of death in terms of weapons of mass destruction in the world. Dr Taha is one of the main reasons weapons inspectors need to be in Iraq checking the stockpiles of biological weapons on behalf of the rest of the free world.

Dr Taha is a 47-year-old mother. Along with her husband, she is at the centre of the Iraqi crisis. In fact, to coin another phrase, she has been described as ‘the mother of all Third World biological weapons programs’. Saddam Hussein has given her the job of creating an extensive stockpile of what the Pentagon calls ‘bug bombs’. General Amer Rashid al-Ubaidi, her husband of the last three years, has been the man UN inspectors have had to deal with on the most sensitive superweapons issues—since he oversaw the construction of many of them. He is now also the Iraqi oil minister. There is no question that, along with Taha, he is the driving force behind the Iraqi biological weapons program. In fact, until Dr Taha came along, the program had neither leadership nor technical expertise.

Dr Taha was educated to undergraduate level in Iraq. In 1984 she left Iraq to enrol in England’s East Anglia University in Norwich, where she did her PhD in biology. That allowed her to develop her expertise in biological weapons and, in particular, germ warfare. She was not a very good student; she was described as having ‘just scraped through’. When she left Norwich and went back to Iraq she told the head of East Anglia University’s biology department, Dr John Turner, that she had been offered a job as lecturer at the University of Baghdad. In Baghdad, she joined Jafar Jafar, who is the head of the Iraqi nuclear weapons program. He was also British educated, so the West has a bit to answer for in terms of these people.

She did not go to the University of Baghdad; she went straight into the Iraqi chemical weapons operation, where she published a paper on the possibilities of biological weapons. After a few weeks, she presented this paper. Once she had presented the paper and it had been accepted by the ministry of industry, an Iraqi microbiologist recommended that the re-establishment of the biological weapons program proceed under Dr Taha. She began her first work at the Salman Pak site, where she was involved in creating these weapons, initially for the Iran-Iraq war.

The sorts of weapons she had the prowess to develop contained anthrax and botulimum, and she tested them firstly on rats, mice, rhesus monkeys and beagles, and eventually on donkeys. These tests were recorded on video. One of the most tragic things is that she went to Africa to get more rhesus monkeys to test these weapons on and could not get them, so it is recorded that she actually tested them on human guinea pigs: Iranian prisoners of war. By this time, she had built up a staff of 150.

She was also involved in the preparation of weapons for the invasion of Kuwait. Indeed, she told the UN inspectors that she was asked to make it a crash program as Saddam’s people wanted biological weapons that could injure or kill the enemy—that is, the coalition troops. When the inspectors came to check on this program, they called her ‘the consummate liar’ because she continually hid the biological weapons. As they described it, it became a game of cheat, retreat and cheat again. In fact, when the inspectors used to go to ordinary factories and houses, they were held up at the front door while the U2 planes employed by the United Nations watched people taking these materials out the back door by truck. So it was a game of cat and mouse. It is disturbing to think that, now that Saddam has agreed to allow people in with unfettered access, they will play these sorts of games when the inspectors are let in.

One dust speck of anthrax can kill you, yet they are producing hundreds of thousands of litres of it. In fact, they have even modified a MiG 21 jet and loaded it with tankers that can spray anthrax material over a
wide area. It is believed that this was the material that was used to spray the Kurds in northern Iraq, and we know that 3,000 Kurds were killed in that particular exercise. When this is put in context, 3,000 Kurds dying in that exercise is about as many as were killed in the twin towers. It is a startling revelation that this is the sort of thing that Saddam is inclined to do to his own people.

Taha married Rashid, as I said, and they currently run the biological and nuclear weapons program, as reported by UN inspectors. When he defected, General Hussein al Kamel, the son-in-law of Saddam Hussein, actually confirmed that this so-called professional and pleasant woman had worked on viruses that make the eyes bleed, cause children to die from diarrhoea and spread camel pox—previously unknown forms of germ warfare.

The sad part about this is that the Iraqis continue to deny that they have these sorts of weapons. You heard the Iraqi ambassador say to Alexander Downer just recently in a TV interview that they do not have these weapons, but the evidence is very strong that they have thousands of gallons of anthrax which they are modifying to put into artillery shells, missile warheads and bombs. I am raising this, as opposed to the matters a lot of other speakers have talked about, because this is a threat not just to the people who surround Iraq. We know that the Iraqis have the capability to put these toxins into Scud missiles, which can be fired 650 kilometres away, and that countries anywhere in the region are at risk from this sort of chemical and biological warfare. This is the reason it is of such concern that the world gets in there and checks that Saddam does not have the ability to spread these sorts of toxic weapons around the rest of the world. We do not want to find ourselves subject to the type of program that Saddam has developed against countries in his region of the world.

Mr GIBBONS (Bendigo) (9.13 p.m.)—I rise to respond to the ministerial statement by the Minister for Foreign Affairs regarding the potential for Australian Defence Force personnel to participate in a strike against Iraq. We welcome the significant developments that have occurred in the last few hours—namely, the UN Secretary-General, Kofi Annan, receiving a statement from Iraq that it had agreed to the unconditional return of UN weapons inspectors. I am sure, and we all hope, that this means the dangerous possibility of a war has now been averted. But at this stage we do not know for sure; we can only hope. All Australians have been concerned for some time about the danger of a war on Iraq.

Saddam Hussein is a military dictator, and an oppressive one, and he stays in control through military power. Nobody doubts that, if the Iraqis had free elections, he would be finished. However, there is no clear evidence to date that convinces the world that Saddam Hussein is a threat to world peace. There is evidence that he is developing weapons of mass destruction. We know that he has used them against his own people, including the Shiite population in the South and the Kurds in the north of Iraq. We know that he has consistently flouted and ignored UN resolutions. We also know that, up until now, he had been refusing consistently to let UN weapons inspectors back in to do their job. One of the questions which remain unanswered is: why?

It would be far easier to form a considered view about this important issue if the Howard government did not keep changing its position. The government of America has been talking up the likelihood of a unilateral invasion of Iraq. Only a few weeks ago, the Prime Minister and the foreign minister were talking up the likelihood of joining the Americans in such a strike against Iraq. The government of America has been talking up the likelihood of a unilateral invasion of Iraq. Only a few weeks ago, the Prime Minister and the foreign minister were talking up the likelihood of joining the Americans in such a strike against Iraq. The opposition has consistently stated that it would consider—and I emphasise the word ‘consider’—such a strike only if it were part of a worldwide coalition of forces, like that sponsored by the United Nations.

The Minister for Foreign Affairs accused Labor of appeasement and claimed that we were soft on Saddam Hussein. Last week, the President of the United States, in a spectacular backflip, took his case to the United Nations and asked for endorsement. This week the Prime Minister and the foreign minister, in an equally spectacular backflip, are now saying that the United Nations should ultimately determine whether a mili-
tary strike against Iraq is warranted. So, what was once called ‘appeasement’ and ‘a soft line on Saddam Hussein’ is now the official Howard government position, at least for this week. What hypocrisy! Any more backflips and they are likely to give themselves hernias. The Prime Minister and the Minister for Foreign Affairs today are neither hawks nor doves. They are a cross between hawks and doves. This means that they are dawks. Who knows what they will be tomorrow?

Labor has consistently stated its position. The government is all over the place in a sycophantic effort to fall in behind the more belligerent elements in the government of the United States. The Howard government has so far refused to make public any additional evidence that it claims to have regarding the proliferation of Iraq’s weapons of mass destruction or, indeed, if there is any connection between Iraq and the horrific terrorist attack on the World Trade towers on September 11 last year. The two issues are separate. America is correct in pursuing the war against terrorism and, as there were Australians killed in that attack and because of the monstrosity of the crime perpetrated by the terrorists, we are justifiably supporting that action by deploying our own forces to assist in Afghanistan, Kurdistan and other parts of the Middle East. Labor supports the war against terrorism.

This week, the President of the United States stated that American action against Iraq was unavoidable unless Saddam Hussein was disarmed and any weapons of mass destruction destroyed. President Bush made it clear that the US expected the United Nations and the international community to take decisive action over what he says is a threat to world peace. The president also stated that America would ‘go it alone’ if the UN refused to endorse his proposal.

It would be far easier to form a considered view about these vital matters if it were not for the megalomania—in which the US government is involved—of attempting to destroy regimes it dislikes. This is not only the history of the United States, but also the history of the United States in the Cold War. The United States is known for its policy of regime change, which has been used in places like Afghanistan, Kurdistan and other parts of the Middle East. Labor supports the war against terrorism.

We saw examples of American megalomania in El Salvador, under that former megalomaniac extraordinaire, the then president, Ronald Reagan. We can still remember the extreme language used by Reagan, who described Colonel Gaddafi of Libya as ‘the most evil monster, hell-bent on destroying the free world as we know it’. The Reagan regime has come and gone—thank goodness—but, as far as I am aware, Gaddafi is still the head of the government of Libya and today appears too busy administrating his government to worry about destroying the free world as we know it. It would be far easier to form a considered view about Iraq and its leader if it were not for this history of regime change via ultraconservative American regimes. Interestingly, the Soviet Union in its Cold War days readily applied ‘regime change’ in places like Hungary, Poland and Czechoslovakia to remove governments it disliked and to create more pliable replacements. These examples of regime change were rightly regarded as outrage.

I said earlier that one of the questions that remains unanswered is why Saddam Hussein appears to be adding to his arsenal of weapons of mass destruction. Let us not forget that this is a military dictatorship and, as such, it thrives on the fear of foreign enemies.
and military danger. But is it also because the present enemies that surround Iraq and its allies also have this capability? Is it because Israel also has powerful weapons and may not be afraid to use them? Is it because Saddam Hussein is just as paranoid as the more belligerent elements in the US government? Is he, too, just another megalomaniac? Until this parliament has the answer to these and other questions, and until this parliament is told the truth, we are not able to form a considered opinion. We know that in these preliminary instances, before conflict commences, the truth is often the first casualty. Likewise, we need peace in the world. The nations of the Middle East need to be helped to find a way to live together in peace. Big powers should encourage this and not thwart it for their own interests.

It is especially reassuring to see the United Nations taking the active role that it has taken over recent days. There is an international framework for keeping the peace and for maintaining security for all nations—it is the United Nations. There must be a long-term settlement of the issues that are dividing and inflaming the Middle East and helping to foster terrorism. In short, we need peace, a fairer and more just world. We do not need more war; we need peace. We need an energetic United Nations that is able to fulfil its historic charter of peace and justice.

Ms JULIE BISHOP (Curtin) (9.22 p.m.)—Today and this evening, the members of the House of Representatives have had the opportunity to take part in what could turn out to be one of the most important foreign policy debates in decades. I say ‘could’ because the tenor of this debate has been somewhat tempered by the announcement today that the government of Iraq will allow the return of the United Nations weapons inspectors to Iraq without conditions. The question of a pre-emptive strike has been postponed, but we must continue to debate the necessity, the desirability, the feasibility and the implications of military action against Iraq by reason of its continued defiance of mandatory United Nations resolutions. However, the announcement by Iraq today provides a postponement, or a reprieve, from debating the immediate options facing the United Nations, the Security Council and the United States of America if Hussein and his government had continued to defy United Nations resolutions obliging Iraq to allow inspectors full and unfettered access to ascertain whether it has disclosed or eradicated all of its weapons of mass destruction.

Only yesterday the question we had to ask was: what should the United Nations, the Security Council and the United States do in response to the continued defiance on the part of Iraq? Should the United States commit itself to a war in Iraq—in the face of Iraq’s continued defiance and the threat that defiance poses to the world—with or without United Nations sanction? Today the question we have to ask is: does Iraq’s announcement that it will allow weapons inspectors into Iraq avert the threat that it poses to the world? Will the inspectors be allowed unfettered access to suspected sites in Iraq? Will Hussein use this opportunity, once again, to frustrate scrutiny while buying time—and buying time to do what? Will Hussein comply with all requirements of the inspectors? We have reason to be sceptical. He is reported to have said previously of weapons inspectors, ‘We will fool them and we will bribe them.’ Given that it has been four years since the inspectors were in Iraq, what is the likelihood that future inspections will reveal the extent of any program of amassing weapons of mass destruction?

We must not be naive in our response to this recent announcement. Hussein has a history of violating international law and of developing illegal weapons—weapons of mass destruction—in defiance of agreed obligations. In February 1991, Hussein signed an agreement accepting all United Nations Security Council resolutions—passed after his invasion of Kuwait seven months earlier. He recognised resolution 687, which demanded that Iraq’s weapons of mass destruction be destroyed, removed or rendered harmless, and required that inspectors be allowed into Iraq. But then Hussein played cat and mouse with the inspectors by withholding information, and dissimulating and
hiding materiel. A United States government report in 1998 noted that Iraq released detailed records about how many ballpoint pens it ordered in the late 1980s but left out vital information about missile warheads capable of delivering biological and chemical agents. Nevertheless, over seven years, from 1991, the inspectors did destroy at least 27,000 chemical bombs, artillery shells and rockets; 500 tonnes of mustard and nerve agents; and thousands of tonnes of precursor chemicals. They disassembled much of Iraq’s nuclear program—which was far more advanced than anyone had thought and which had continued in violation of resolution 687. During the mid-1990s, Iraq admitted producing the chemical weapon VX in large quantities. This is the most toxic poison known to the world. One drop can kill a human being.

In 1998, Hussein closed the door to further inspections—in absolute defiance of the United Nations resolution. When the inspectors left, they believed that Iraq maintained 41 different sites capable of producing the chemical VX in a matter of weeks. They also believed that Iraq possessed enough precursor materials to produce over 200 tonnes of this poison—enough to kill hundreds of thousands of people. Could anyone seriously contend that Hussein threw out the inspectors as part of his effort towards world peace? Unquestionably, Hussein has used the past four years to continue to build his weapons of mass destruction. Evidence given before the US Senate Foreign Relations Committee by Iraqi defectors, and specifically that given by Khidhir Hamza, who was once at the head of Iraq’s nuclear weapons development, estimates that Iraq now has 12 tons of uranium and 1.3 tons of low-enriched uranium and that Hussein will have three to five nuclear weapons by 2005. Other defectors have indicated that Hussein has continued to build biological and chemical weapons in locations throughout Iraq.

Richard Butler, the former chief UN weapons inspector, says that it would be foolish in the extreme to believe that Hussein is not acquiring long-range missiles and nuclear, chemical and biological weaponry. But what is the likelihood of Iraq being caught red-handed by a new regime of weapons inspectors? We must wait and see. Much will depend on the outcome of Iraq’s negotiations with the Security Council regarding the proposed return of weapons inspectors—and what they do not find might be as telling as what they do find. As United States Vice-President Cheney noted recently, ‘We often learned more as a result of defections than from the inspection regime.’ The readmittance of weapons inspectors is unlikely to be the end of the matter, for Iraq has worked around such inspections before.

It is likely that this will be the first of many debates on Iraq. As a starting point for this debate, the foreign minister gave us an excellent summary this afternoon of the evidence that exists in support of taking action against Iraq. A privileged few at some high echelon at an international level may well have access to further classified information on Iraq and the present threat that it poses; but the rest of us are dealing with a more or less common set of public facts and an equally common set of uncertainties and imponderables in terms of the threat that Hussein poses to the world. But the known facts in themselves present a chilling case against Hussein.

Speakers in this debate have pointed to other brutal dictators or regimes and other leaders who have committed atrocities. So why this focus on Hussein? The fact is that he is the only leader in the world with weapons of mass destruction who has used them. He used them against Iranian troops and against Kurdish civilians. We do not need to speculate about what he might do if he were in possession of these weapons; he has already done it.

During the Cold War, defence analysts concentrated on capability, a constant, rather than on intentions, which can change. But with Hussein there is a difference. A man of such demonstrable brutal intentions cannot be allowed to acquire the capability to use weapons of mass destruction. The case against him rests not only on past attacks but on future attacks. As the former Iraqi chief scientist, Hamza, said to the US Senate committee when asked how imminent a threat Hussein’s weapons of mass destruction
posed to the United States, ‘Surely what we are talking about here is a pre-emptive strike for a possible future danger which is much larger than we have right now.’

So, while we can recount the atrocities committed by Hussein in the past—I think he would have been a prime candidate for an appearance before the International Criminal Court, had it been in existence at the time—no-one seriously disputes the nature of the threat that Iraq poses. We must fear the risk we run if Hussein remains in power and continues to build his arsenal of chemical and biological weapons. We must fear the threat that would follow his acquisition of nuclear weapons.

The strength of the case against Hussein has increased since September 11, for, while a terrorist network like Al-Qaeda is appalling enough and poses a horrible threat, a terrorist nation like Iraq can be far worse, for it has the economic, scientific and military assets of a state. Terrorist states can thrive without terrorist networks, but terrorist networks barely survive unless terrorist states harbour and support them. Post September 11 we are more aware that terrorism needs state sponsorship to thrive. We are all most certainly more aware of our vulnerabilities. There is no doubt that, post September 11, Iraq’s possession of weapons of mass destruction poses a kind of danger that had not been fully grasped before. We have been forced into a different scenario with unimaginable consequences. The prospect of Iraq supporting and harbouring terrorists like Al-Qaeda brings to the fore those new, more horrible, consequences.

Seen in that light, whether or not Hussein is deprived of his weapons of mass destruction or removed from power will shape the contours of the emerging world order for perhaps decades to come. Either it will be a world order conducive to liberal, democratic principles and safety or it will be one where brutal, well-armed tyrants hold democracy and international security hostage. If all else fails, if all United Nations Security Council and diplomatic efforts fail, not to take action against Hussein would ensure that regimes implicated in terror and developing weapons of mass destruction will be a constant and expanding feature of our world. We must continue to work with and support the Security Council and, in doing so, work with and support the United States in taking apart this threat that, left unchecked, grows exponentially. Today we have witnessed but the first small step in that effort.

Mr ANDREN (Calare) (9.31 p.m.)—Hopefully, today’s announcement from Kofi Annan that Iraq has agreed to a resumption of weapons inspections is a genuine offer from Saddam. Hopefully, it will lead to the destruction of Iraq’s weapons of mass destruction. Saddam has been devious and dishonest in the past, but he has no mortgage over lies, subterfuge and noncompliance. The US reaction—that regime change is still the goal—suggests that war is still a very real option. While the screen jockeys talk of the impact of any war on the equity markets and the price of oil, who is talking about the likely impact on the innocent adults and infants of Iraq or on our service men and women?

It is a constitutional anachronism that, under section 61, the power to declare war and peace in this country lies with the British monarch, vested here in the Australian Governor-General. To all intents and purposes, this power lies with the executive. In other words, historical convention still dictates that a representative democracy like ours does not make its most important decision—to commit Australians to war—within the representative context of the parliament. For this reason, and in the absence of a constitutional authority, I move:

That all words after “That” be omitted with a view to substituting the following words:

while the House commends the Government for its strong condemnation of terrorists and their activities and its encouragement of Iraq’s compliance with United Nations resolutions the House believes that Australian Defence Forces should not be involved in any action in Iraq that is not carried out under a United Nations’ Resolution

The danger posed by Saddam Hussein’s regime needs to be taken care of, but not through unilateral action by the United States. That would give carte blanche for any country to adopt the same tactics—for example, Russia in Chechnya or China against Taiwan. The defiance of UN resolutions
alone is not enough to justify a unilateral invasion of a country.

Let me remind the House of the resolutions that countries apart from Iraq have defied. In the case of Israel, UN resolution 242 requires the withdrawal of Israeli armed forces from occupied territories and the acknowledgment of the territorial integrity and political independence of every state in the area. Resolution 338 calls on all parties to cease all firing and terminate all military activity. In the case of Pakistan—also led by a military dictator—that country is in defiance of two UN resolutions. The first, 47, has existed since Britain left the Indian subcontinent. It calls on Pakistan to secure the withdrawal of tribesmen and Pakistani nationals who have entered Kashmir for the purposes of fighting. Resolution 91 calls on both India and Pakistan to cooperate in the demilitarisation of Kashmir, while resolution 47 also calls on India to hold a plebiscite on the future of Kashmir. But these nations, despite having the ultimate weapon of mass destruction—the nuclear option—are apparently less threatening to US interests than is Iraq.

Those interests are two: oil and Israel. Israel of course also has nuclear capability, but that is apparently okay, is it? It does not have any destabilising effect in the region, does it? From a purely Western perspective that may be the case, but I wonder what the Palestinians, the Lebanese, the Syrians, the Iranians and indeed the Iraqis might think of that Israeli capacity—as Iran worries about both Iraq’s and Israel’s capabilities. At last count, Israel was estimated to have anywhere between 100 and 200 nuclear weapons. On top of that, Israel also has a massive arsenal of weaponry that should fairly be described as weapons of mass destruction.

The US has adopted a three wise monkeys approach to Israel’s nuclear capability, at least since 1958, when U2 spy flights first established the construction of the Israeli Dimona nuclear plant. By 1965, the CIA had determined the Israeli nuclear weapons program was an established and irreversible fact. US inspectors visited Dimona seven times in the 1960s, but were unable to get a full picture of the activities carried out there. The Israelis installed false walls and control panels and bricked out stairways. There was no UN resolution then. After the 1967 Six-Day War, the US placed a ban on gathering intelligence on the Israeli nuclear program and, by 1973, Israel had the bomb—allegedly assembling thirteen 20-kiloton atomic bombs when fearing defeat in the 1973 Yom Kippur War. That is something of the Israeli nuclear capability. What about their other weapons of limited mass destruction? Middle East correspondent Robert Fisk, writing in the Independent, said:

In Lebanon ... 150,000 men, women and children were killed in 16 years; 17,500 of them—almost six times the total dead of September 11, and almost all of them civilians—were killed in just the summer of 1982, during Israel’s bloody invasion of their little country, an invasion to which the US had given a green light.

There is inconsistency after inconsistency in the US approach to this Iraq fixation—indeed, to its Middle East and foreign policies generally; policies which I firmly believe have led to the hatred and distrust of the US in many quarters and the festering of extremist individuals such as Osama bin Laden and groups like Al-Qaeda. Notwithstanding our horror at the events of September 11 last year, terror and horror of far greater proportions have been visited upon other countries with the direct or implicit support of the US and its allies—and indeed members of the UN Security Council who will now deliberate on Iraq’s fate. It is a rat’s nest of complicity and disingenuous behaviour stretching back over decades.

The slow breaking of Iraq-gate from the late eighties is yet another example of US complicity in creating its own international relations nightmares. In the same vein as Iran-Contra and its Central American meddling, Iraq-gate revealed the Reagan and George Bush Sr administrations had placed much importance on improving Iraq-US relations and that they had engaged in open and clandestine financial and trade deals designed to achieve this end right up to Iraq’s invasion of Kuwait. This support came despite US knowledge of Saddam’s crimes against his own people and his use of chemical weapons in the conflict with Iran and US awareness of Iraq’s complex procurement
networks of holding companies to obtain equipment and technology for its chemical, biological, nuclear and ballistic missiles. Whether in Iraq, Afghanistan, South America or Vietnam, the US has a sorry record of bungling and opportunism, and then expecting the rest of the Western world to help it clean up. We cannot and should not always march to Dixie and forever be repaying a debt from World War II. Where was the UN intervention to protect the Kurds from the brutal chemical assault by Saddam in the late eighties? Why wasn’t the US prosecuting that case? It did not suit the times and it was a long way from Manhattan.

The war on terrorism is a dangerously general catchcry for a US administration that now needs a tangible target post September 11, and Iraq is that target. But unless we target all weapons of mass destruction held by the US, China, Russia, Britain, Israel, India, Pakistan and France, how can they or any of us in the world community logically or credibly dictate that no more countries are to join the sinister club? Once, in the not too distant past, Australia had an opportunity to play a leading role in making a more peaceful world. We could well have played a role, perhaps with New Zealand and the Scandinavian countries, as an independent nation in helping to broker peace in the Middle East. That opportunity has gone out the window, along with any belief among many Middle Eastern countries that we are a fair and objective country, particularly after our treatment of Middle Eastern asylum seekers, of whom we will surely have more should war break out.

My bottom line and that of the vast majority of Australians is the same as that of Major General Alan Stretton, former Army chief of staff in Vietnam. He recently said:

If our reason for sending our Defence Force to Iraq is because Iraq has broken an agreement with the United Nations, then any involvement should not be undertaken without United Nations approval.

That is the tenor of the amendment I have moved to this motion. In the absence of any higher earthly authority than the UN Security Council, we supported action against US-nurtured Saddam in 1991. I supported that with the kinds of misgivings I have outlined. But in doing so again, I would ask: which members of the UN Security Council are not seriously compromised in agreeing to action against Iraq through oil, arms, religious or political considerations? The sad thing is that even a UN sanction or resolution is these days stained by self-interest—but it is the best we have.

The DEPUTY SPEAKER (Hon. I.R. Causley)—Is the motion seconded?

Mr Windsor—Mr Deputy Speaker, I second the motion.

Mrs MOYLAN (Pearce) (9.41 p.m.)—Recent events, not exclusively September 11 but trouble also in the Middle East and Kosovo and the reluctance of Iraq to submit to inspection of weapons of mass destruction by the United Nations, have combined to produce a climate of extreme unease, fear and vulnerability. None of us can escape this in a world that is, in some ways, shrinking. It is therefore not surprising to see this fear and vulnerability translated into talk of waging war on a regime that has little respect for the welfare of its own people, the rule of law and the principles of democracy and peaceful coexistence in the region.

Iraq is undoubtedly led by people lacking perspective. They rule by tyranny and fear. Their past record of ignoring the resolutions of the United Nations in relation to the accumulation of weapons of mass destruction is appalling. The regime have demonstrated that they cannot be trusted. However, whether you live in Australia, the United States, Europe, the Middle East or Iraq, the hope and ambitions of the majority of people remain the same; that is, we all wish for ourselves, for our children and for our grandchildren to be safe, to live without fear of war and conflict and to have sufficient food, medical treatment, education and shelter. It is for these reasons that I want every possible diplomatic channel explored in resolving a conflict that has the capacity to bring us to the brink of war. That being said, we must stand resolutely with the United States, Britain and other countries in our pursuit of compliance by Iraq with the resolutions of the United Nations Security Council with regard to the inspection and the destruction
of any arsenal of weapons of mass destruction amassed by Iraq. Iraq unfortunately has form. It has ignored for a decade the calls to cease the development of such devices that threaten the peace and harmony of the people of the world. It has used those devices at times within its own region.

History has provided a stark reminder of the cost of any inaction in these situations. Most people want peace and realise the gravity of what is being contemplated in terms of a US-led attack on Iraq. I cannot help but consider post First World War history. After that terrible event people longed for peace. Organisations devoted to the cause of peace proliferated and the call for disarmament was heard around the globe. There emerged, though, one leader intent on destroying that dream of peace and the dream to disarm the nations of the world and, as he amassed armies and arms, the call for disarmament continued and the warnings for the need to consider the threat by Germany, at that time under the leadership of Hitler, fell on deaf ears. It is a stark reminder that we cannot become complacent in the call for Iraq to comply with United Nations demands and for the need to be firm and resolute in the pursuit of Iraq’s compliance. We should use all diplomatic channels available before taking a decision that will surely plunge the Middle East into a maelstrom. If we contemplate and consider the effects of those last two world wars and the number of people who lost their lives, lost their families or were injured, it is nothing in comparison with what modern weaponry can do. That is something that I am sure everybody has given considerable thought to.

An invasion of Iraq would involve the death of many innocent men, women and children. We hear the use of the term ‘collateral damage’, which seems to have its origins in the United States. It is a convenient euphemism. But we are under no illusions: it simply means that those unlucky enough to be in the way, innocently in some cases, will not escape death and injury. Everything possible must be done to avoid such a conflict. The United Nations must be given every support and every opportunity to ensure compliance by Iraq to allow the inspections to take place unconditionally.

As I said at the outset, a climate of fear and apprehension about our future has the capacity sometimes to provoke untimely and inappropriate action. Only if and when Iraq demonstrates an unwillingness to comply fully with the United Nations Security Council resolutions concerning Iraq’s weapons of mass destruction should military action be contemplated. Given Iraq’s track record, I know that many are sceptical about Iraq’s capacity to keep its latest commitment to allow unconditional inspections to take place. Australia must use all its influence to achieve that outcome and assist in that process. The Prime Minister and the foreign minister, Alexander Downer, have together demonstrated a desire to ensure a diplomatic solution. That was demonstrated by the willingness of our foreign minister not only to engage with many of the leaders of the world on this issue but also, particularly, to meet with his Iraqi counterpart, Dr Sabri, to urge the Iraqi government to comply with the UN Security Council demands. While Australia and its allies have every right to be apprehensive about events in Iraq and Iraq’s form thus far in not complying with the resolutions, this is a time for cool heads and concerted diplomatic effort.

I note that when Kofi Annan, the Secretary-General of the UN, addressed the General Assembly recently he said that all states have a clear interest as well as a clear responsibility to uphold international law and maintain international order. I think we have got to a point where this goes to the very heart of the credibility of the United Nations. But I do not think we should lose sight of the fact that the United Nations is but a product of its member countries, so if the credibility of the United Nations is called into question it necessarily calls into question the credibility of the member states of the United Nations. I think this is the time for all peace loving, democratically led nations to be very resolute in the pursuit of a solution—a diplomatic solution, preferably—and for us to leave no stone unturned to prevent plunging the area into war with dire consequences for all those involved.
Ms PLIBERSEK (Sydney) (9.50 p.m.)—I do not support an attack on Iraq. I particularly do not support a pre-emptive first strike. Nor do I support any action that is initiated by the US alone rather than being sanctioned by the United Nations. I welcome Iraq’s agreement today to allow unconditional access to United Nations weapons inspectors. I believe that Iraq is a repressive regime which is probably developing weapons of mass destruction. However, this description does not apply to Iraq alone but applies to a number of countries, some of which the US would think of as allies. I believe an international solution must be found to the problem of Iraq’s abuse of human rights affecting its own citizens, as well as the threat it poses due to its weapons manufacturing program, but I do not believe bombing Iraq is a solution—just a different type of problem.

I am reminded of some Oxfam figures which show that during World War I five per cent of deaths were civilians, during World War II 50 per cent of deaths were civilians, and in every subsequent war 90 per cent of the casualties have been civilians. The civilians who have already suffered in Iraq do not deserve to suffer more because they live under a repressive regime. Iraq has suffered due to the tragic war with Iran when hundreds of thousands of lives were lost. There were those who died—and estimates vary—during the Gulf War, and then after the Gulf War there was a new type of suffering for many Iraqis with the introduction of sanctions.

UN figures from 2001 state that 60 per cent of the population have no regular access to clean water. Malnutrition was and is chronic. Before the war, the gross national product of Iraq was $US3,000 a year per capita; now it is $US500 a year per capita, making Iraq one of the poorest nations on earth. In 2000, Columbia University Professor Richard Garfield estimated that there were 300,000 excess deaths of children under the age of five since the Gulf War. In 1997, UNICEF reported that 4,500 children under the age of five were dying every month from hunger and disease. The food for oil deal to ease sanctions improved that situation slightly.

My concern for Iraqi civilians is the first reason I have for opposing armed conflict in the area. The second reason is I believe that, in this matter as in most others, the US response is governed by self-interest and not by universal principles. This leads to hypocrisy. I can think of a rogue state which consistently ignores UN resolutions, whose ruler is a war criminal responsible for the massacres of civilians in refugee camps outside its borders. The US supports and funds this country. This year it gave it a blank cheque to continue its repression of its enemies. It uses US military hardware to bulldoze homes and kill civilians. It is called Israel, and the war criminal is Ariel Sharon. Needless to say, the US does not mention the UN resolutions that Israel has ignored for 30 years; it just continues sending the money. The US is also hypocritical in its criticism of the lack of democracy in Iraq. None of the Arab allies which the US seeks to cultivate is a democracy. The US says that Saddam must be destroyed because he has abused the human rights of his own citizens, including those from ethnic minorities such as the Kurds. The US has conveniently forgotten that the regimes it has installed and supported—the Pinochet regime in Chile, to name but one—have abducted and murdered citizens of their own. The US has ignored the ethnic cleansing carried out by Turkey against the Kurds. In fact, Turkey is a valued member of NATO and a likely starter for the European Union. The US and most European countries were great supporters of the Suharto regime which was responsible for the deaths of hundreds of thousands of its own citizens. The US originally went to war with Iraq, a country it had previously supported as a bulwark against Iran and communism, because it invaded Kuwait. As Tariq Ali says in The Clash of Fundamentalism:

Iraq’s seizure of Kuwait was not in the West’s interests, since it posed the threat that two-fifths of the world’s oil reserves would be controlled by a modern Arab state with an independent foreign policy, unlike the feudal dependencies of the West in Kuwait and the Gulf of Saudi Arabia.

The whole world ignored Indonesia’s invasion and occupation of East Timor. Israel has still not withdrawn from the occupied territo-
ries, and has done so only recently from southern Lebanon. Turkey ignores the international calls for it to leave Cyprus. None of these has caused military action; they have barely raised an eyebrow. If the US says that it should be able to use force to enforce UN resolutions, we should ask the question: why against Iraq yet not against the countries I have just mentioned? If the US believes it can force regime change, I would have grave concerns about the type of regime the US would support to replace Saddam Hussein. Certainly it could hardly be worse, but would it be much better? The regimes the US has installed in the past have often been abusers of human rights, including the Pinochet regime, which I mentioned earlier. The US is saying that Iraq supports international terrorism. It is no secret that Pakistan and Saudi Arabia have both been sources of funding and venues for teaching terrorism. Why, then, are we not debating whether to take action against these states? Indeed, when General Musharrif first seized power in Pakistan, he was traduced by the US as a dictator who was beefing up Pakistan’s nuclear weapons program. It seems he has been rehabilitated.

As well as the civilian death toll and the hypocrisy and self-interest of US foreign policy, there are two additional reasons which make me oppose Australian involvement in any war on Iraq. One is that, during the Gulf War, Arab Australians suffered increased racism and vilification. If it is true, as the Prime Minister says, that it is not Arabs we have a problem with but terrorists, we should make an effort to restate our belief that Australian Arabs are a law-abiding community that deplores violence. It is no wonder Arab nations doubt this sentiment when they see us condemn Iraq as a rogue state which abuses the human rights of its citizens but then respond to those citizens who manage to escape the regime by calling them ‘queue jumpers’ and insisting they return home. It strikes me as obscene that we have had a long and detailed debate followed by a conscience vote on the issue of whether to use surplus IVF embryos for stem cell research and yet, without having the opportunity to vote, the executive may make a decision to send Australian troops to Iraq to fight there, perhaps to die; certainly to kill Iraqi people, perhaps civilians—most likely children.

I am very pleased that we have been able to have this debate today. Labor have been calling for it since April this year. It is vital that we have this debate in this place; the Australian public expects it of us. I would hope that, before any commitment was made to send Australian troops into the region to fight—perhaps to die—in Iraq, we would return to this place to further debate the issue and decide here what our course of action should be.

Dr STONE (Murray—Parliamentary Secretary to the Minister for the Environment and Heritage) (9.58 p.m.)—Today we have heard that the Foreign Minister of the Republic of Iraq has informed the United Nations Secretary-General, Mr Kofi Annan, that Iraq will allow the return of weapons inspectors immediately to their country in order to comply with Security Council resolution 687 of 1991. In his letter of 16 September 2002, Dr Naji Sabri stated that it was a desire of the Iraqi government to remove any doubts that Iraq still possesses weapons of mass destruction. This agreement to cooperate comes after more than 10 years of effort by the UN Security Council to enforce the negotiated conditions of the original ceasefire. We have the United States in particular to thank for today’s capitulation by Iraq, given that it was not until they took a most determined stand, insisting, as leader of the free world, that the flouting of the Security Council resolution should not and could not be tolerated if there were ever to be any possibility of global security. In his communication to the Secretary-General of the UN, the Iraqi foreign minister acknowledged that the appeal of the UN and the Secretary-General of the League of Arab States as well as those of Arab, Islamic and other friendly countries’ had hastened their resolve. We must be very grateful, as other parts of the free world are, that Iraq’s neighbours, together with the United States and other countries, have insisted that Iraq now comply.

The Australian government has long supported the use of a diplomatic solution to the problem of the persistent refusal of the Iraqi
government to allow weapons inspectors to carry out their work. But, given the experience of the weapons inspectors so far, we must ensure that this time there is unconditional and completely open access to that country to ensure any weapons or systems of mass destruction or biological or chemical warfare are located and dismantled. As our Minister for Foreign Affairs said, ‘The onus of proof must be on the Iraqi government; it must prove that it is no longer manufacturing or storing such weapons.’ The disarmament must be complete and permanent. No global community can possibly tolerate a rogue state that has already killed its own citizens using biological weapons and which has— we are told—mustard gas, over 19,000 litres of botulinus toxin, 2,000 litres of aflatoxin and 8,500 litres of anthrax. We know that Iraq has tested airborne spraying vehicles that could deliver biological or chemical weapons. There is also growing concern about the nuclear weapon capability of Iraq.

In April 1991, Iraq accepted Security Council resolution 687, which required that it unconditionally accept, under international supervision, the destruction, removal or rendering harmless of its weapons of mass destruction, ballistic missiles with a range of over 150 kilometres and related production facilities and equipment. The resolution also provided for the establishment of a system of ongoing monitoring and verification of Iraq’s compliance with the ban on the weapons. Within 15 days, Iraq was supposed to have declared the location, amounts and types of all banned items.

In June 1991, UNSCOM—the UN team—commenced its first chemical weapons inspection. Unfortunately, what followed reads like a game of blindman’s bluff. Fourteen days later, Iraqi personnel fired warning shots to prevent the inspectors from approaching vehicles. In September—a few months later—the UNSCOM inspection team, which intended to use helicopters, was blocked by the Iraqis. Iraq also confiscated some of the documents that had been collected by the inspectors. We can all recall the media at the time. We saw the heroic inspection team in a four-day stand-off in a car park while the President of the UN Security Council threatened Iraq with punitive action. In the following month—October 1991—Iraq stated that the ongoing monitoring and verification plans adopted by resolution 715 were unlawful. In July 1992—the following year—Iraq refused the inspection team access to the Iraqi Ministry of Agriculture. Again, the President of the Security Council had to intervene and threaten.

In January 1993, Iraq refused to allow UNSCOM the use of its own aircraft to fly into Iraq, and it started incursions into the demilitarised zone between Iraq and Kuwait. It was only after air raids on sites in southern Iraq conducted by France, the UK and the USA that Iraq allowed UNSCOM to resume its work. In June 1993, Iraq refused to allow UNSCOM to install monitoring cameras at missile engine test sites. Again, the President of the Security Council had to insist that there would be consequences if there were breaches of conditions. In September 1993, Iraq threatened to stop cooperation and it began to deploy troops in the direction of Kuwait. This time the USA also began to deploy its troops into the area, and Iraq rapidly withdrew.

In July 1995, Iraq threatened to end all cooperation if sanctions and the oil embargo were not lifted within one month. In November 1995, the government of Jordan intercepted a large shipment of high-grade missile components destined for Iraq. In March 1996, UNSCOM teams were denied immediate access to five sites designated for inspection in the country. In May 1996, UNSCOM supervised the destruction of Iraq’s main facility for the production of biological warfare agents. In June 1996, Iraq denied UNSCOM teams access to sites under investigation. In August, the President of the Security Council expressed its grave concern about Iraq’s failure to comply with inspections and its gross violation of obligations.

In September 1997, Iraq provided its so-called fifth, final, full and complete disclosure of its prohibited biological weapons program. An international panel of experts unanimously found Iraq’s declaration to be incomplete, inadequate and technically flawed. Shortly after, teams were again prevented from doing their inspection work. In
1998, another expert panel determined that Iraq’s declarations on its biological program were incomplete and inadequate. In October 1998, Iraq announced it would cease all forms of interaction with UNSCOM and would halt all the inspection team’s activities inside Iraq, including monitoring. This is a very terrible saga of bluffs and counter-bluffs, threats and back-offs, with Iraq never apparently serious about unconditional and unfettered compliance with the UN inspectors.

So why are we all so hopeful that this time it will be different? Why are we hopeful that this time Iraq will understand that it faces a United Nations Security Council that will brook no alternative but total compliance with the requirement that it destroy all arsenals of weapons, including the pathogens that have the capacity to destroy generations and entire ecosystems?

The point is that Saddam Hussein and his followers must understand that the free world is different since September 11. There has been a rededication to the pursuit of those who seek to destroy the peace of the world and who threaten the freedom and lives of another nation’s citizens. There is a renewed understanding of the imperative of not allowing weapons of mass destruction or biological or chemical weapons to proliferate. We cannot ignore a known threat to our collective or individual safety. A head-in-the-sand approach cannot deliver peace. We cannot allow carefully negotiated and agreed peace treaty obligations to be flouted if the United Nations is ever to offer any hope of global security in the future.

It is essential that we join with like-minded nations in condemning the actions of a country like Iraq. In electorates like mine—Murray—where we have 3,500 refugees, mostly from Iraq, it is essential that we understand that they were victims of that country’s inhuman regime. They join with the rest of their fellow Australians in hoping, praying and insisting that this time Iraq complies. It is essential that all of us join with like-minded nations in condemning the actions of a country like Iraq and in insisting, through the United Nations Security Council, that it meets its obligations.

Australia has never shirked in the defence of its country or of the citizens of other nations threatened by forces trying to take their freedom. I am proud that we will continue to stand with others determined to deliver all children a better future. This time, it is important that Iraq understands the world is different.

Mr GAVAN O’CONNOR (Corio) (10.08 p.m.)—The matter of Australia’s involvement in military action against Iraq is of deep concern to the electors of Corio. Let me put on public record my dismay at the 10-minute time constraint put on members’ contributions to this debate by the government. The fact that we are having any debate at all on Iraq is the result of pressure applied to the government by the Leader of the Opposition, Simon Crean, and members of this side of the House. On this extremely serious, complex and important issue to all Australians, let the Australian people know that Prime Minister Howard was forced by Labor and the community to have this parliamentary debate, but having consented to it failed to participate in it. Labor’s position on a potential Australian involvement in a unilateral military strike against Iraq has been consistent from the beginning; the Howard government’s has not.

When the issue is one of sending Australian sons and daughters to kill or be killed away from Australia’s shores, the onus is on parliamentarians, community leaders, foreign policy experts and media commentators to distil the rhetoric from the reasoning process and to ensure that hypocrisy does not cloud our duty to advance Australia’s national interest when considering a potential military involvement overseas. That process is important to maintaining our own credibility internationally and that of our friend and ally the United States of America.

Let me make these brief points in the time that is available to me. It is a matter of historical record that the dictator Saddam Hussein received military and other assistance from both the United States and Great Britain at the time in history of that country’s conflict with Iran when it was convenient for the Western powers to give it that assistance. It is also a fact that repressive, reactive and
undemocratic regimes exist in the Middle East and elsewhere in the world, and they have been recipients of military and economic aid from Western democracies when it has suited our political interests to provide it. Members have alluded in the debate to the fact that UN resolutions pertaining to Iraq, weapons of mass destruction and weapons inspectors have been on the United Nations books for over four years, without concerted military action to enforce those resolutions by the UN, the USA, the UK or other countries in the international community—even given the knowledge that the inevitable result would be Iraq continuing to build a capacity to produce weapons of mass destruction.

Members are also aware that Iraq is not the only country either possessing biological or chemical weapons of mass destruction or possessing or seeking to possess nuclear weapons in this region or elsewhere in the world. Let us be clinical and not hypocritical in the discharge of our international responsibilities, in defining our national interest and in being a voice of reason in this very serious matter. It is reasonable for Australians to ask: what is the objective of any military action Australia might take with the United States unilaterally or under the United Nations umbrella against Iraq? Is it to achieve a regime change in Baghdad or is it to enforce UN resolutions on the abolition of weapons of mass destruction in that country? It is disconcerting that, in the immediate aftermath of September 11, hawkish elements in the Bush administration openly aired their intentions to depose Iraq’s leadership by military means if necessary—and unilaterally. One year has elapsed, and in the wake of the remembrance events—at a time when emotions are again running high—the hunt is now on for the head of ‘Osama bin Hussein’.

Labor has consistently argued a course of action which seeks to define and defend our national interest within the multilateral UN framework. We have taken a responsible and well considered position in seeking a diplomatic solution within the processes of the United Nations. I am appalled at the naked attempt by the foreign minister to portray those pursuing this path as appeasers of Saddam Hussein or talking like Saddam Hussein. On matters that could mean life or death for our countrymen, the foreign minister has sought to politicise this issue for shallow political purposes, threatening the bipartisan foundations on which Australians have been sent to armed conflicts in the past. The foreign minister is a twit, and the Prime Minister ought to remove him from the day-to-day management of this serious matter before he does irrevocable damage to the social fabric of this country and our international reputation.

I remind the foreign minister and members opposite that many on this side of the House have long memories. We have not forgotten the lies and deceit of previous foreign ministers in coalition governments in relation to Vietnam. We know that the real terror of war will be suffered by innocent men, women and children when and if the dogs of war are unleashed in Iraq. We understand the synthetic Rambo courage of those who make the wars and never fight them, and we know that cynical political manipulation of these issues creates scars and divisions in our society that last for decades. Not enough international or domestic debate has taken place on the possible long-term consequences of unilateral action against Iraq without the sanction of the UN.

Severe economic and social dislocation in an already unstable part of the world, the destruction of the international coalition against terror, fundamental realignments in the Arab and Moslem world that may not be in Australia’s national interest and the spawning of a new generation of terrorists are all real possibilities should military action—even undertaken with the best intent—seriously go off the rails. Any failure to base our response on the precepts of international law and within the multilateral architecture of the United Nations will only reinforce the growing perception that Australia acts not as a rational, independent nation in these matters but at the simple behest of its great and powerful ally.

The Australian people have been cynically manipulated by the Howard government once too often. They know the lies and deceit surrounding the children overboard affair.
They now know of the cynical manipulation of the war on terror and its meshing with the refugee issue by the government to create a political advantage. They have witnessed the Prime Minister and the Minister for Foreign Affairs attempting to manipulate this issue for shallow political gain and they do not like it. The humiliating backflips of key government ministers merely reflect their own dawning realisation that they have seriously miscalculated the heart and the response of the Australian people on these matters. Let me put on the public record my strong opposition to unilateral military action against Iraq by Australia or our ally the USA—which seems to have been supported in the early months of this year by this government. That is my view, the view of the overwhelming body of the ALP’s membership in Corio and the overwhelming view of constituents who have taken the time to contact me and make their views known on this issue.

They seek a strong, measured, consistent and, above all, effective response to this situation. They do not want this issue manipulated cynically for political advantage. They want Australia to act within the confines of the multilateral framework which is provided by the United Nations, and they want Iraq to come to the table and to abide by those UN resolutions which have been passed in the wake of Iraq’s attack on Kuwait. This is an extremely serious matter that deserves the serious attention of this parliament. It took the government a long time to come to the position of allowing this debate. I regret very much that members have to rush their contributions. In the past on serious matters which have come before the parliament for debate we have seen members in this place rise to the occasion and articulate strong and considered views. It is to the government’s eternal shame that they have been dragged, kicking and screaming, into this House to debate this matter. The Australian people deserve better. (Time expired)

Debate (on motion by Mr Wakelin) adjourned.

**COMMITTEES**

**Selection Committee Report**

The DEPUTY SPEAKER (Hon. I.R. Causley) (10.18 p.m.)—I present the report of the Selection Committee relating to the consideration of committee and delegation reports and private members’ business on Monday, 23 September 2002.

The report read as follows—

Report relating to the consideration of committee and delegation reports and private Members’ business on Monday, 23 September 2002

Pursuant to standing order 331, the Selection Committee has determined the order of precedence and times to be allotted for consideration of committee and delegation reports and private Members’ business on Monday, 23 September 2002. The order of precedence and the allotments of time determined by the Committee are as follows:

**COMMITTEE AND DELEGATION REPORTS**

Presentation and statements

1 Foreign Affairs, Defence and Trade — Joint Standing Committee: Review of Foreign Affairs, Trade and Defence Annual Reports, 2000-01.

The Committee determined that statements on the report may be made—all statements to conclude by 12.40 p.m.

Speech time limits—

Each Member—5 minutes.

[Proposed Members speaking = 2 x 5 mins]


The Committee determined that statements on the report may be made—all statements to conclude by 1.00 p.m.

Speech time limits—

Each Member—5 minutes.

[Proposed Members speaking = 4 x 5 mins]
PRIVATE MEMBERS’ BUSINESS

Order of precedence

Notices

1 Mr CREAN to present a bill for an Act to amend the Corporations Act 2001 to improve corporate governance, and for related purposes. (Corporations Amendment (Improving Corporate Governance) Bill 2002 — Notice given 16 September 2002.)

Presenter may speak for a period not exceeding 5 minutes — pursuant to standing order 104A.

2 Mr MCMULLAN to present a bill for an Act to amend the Trade Practices Act 1974 to give the Australian Competition and Consumer Commission power to deal with any price exploitation arising from changes in the law in relation to public liability, and for related purposes. (Notice given 16 September 2002.)

Presenter may speak for a period not exceeding 5 minutes — pursuant to standing order 104A.

3 Mr GRIFFIN to present a bill for an Act to amend the Trade Practices Act 1974 to give the Australian Competition and Consumer Commission power to deal with any price exploitation arising from changes in the regulation of credit card fees, and for related purposes. (Notice given 16 September 2002.)

Presenter may speak for a period not exceeding 5 minutes — pursuant to standing order 104A.

4 Mr COBB to move:

That this House:

(1) notes the serious state of drought across the south eastern part of the Australian continent;

(2) recognises the variability of weather patterns across Australia;

(3) recognises the serious economic and social impact being felt by rural communities;

(4) acknowledges the need to maintain the long term viability of agriculture in the drought affected regions; and

(5) calls on State Governments to provide a more substantial financial contribution to drought relief. (Notice given 26 August 2002.)

Time allotted — remaining private Members’ business time prior to 1.45 p.m.

Speech time limits —

Each Member — 5 minutes.

[Proposed Members speaking = 6 x 5 mins]

The Committee determined that consideration of this matter should continue on a future day.

5 Mr L. D. T. FERGUSON to move:

That this House:

(1) pays tribute to the thousands of dedicated people across Australia who are involved every week in ethnic community broadcasting;

(2) recognises that the Australian Ethnic Radio Training Project (AERTP), auspiced by the National Ethnic and Multicultural Broadcasters Council, performs a vital role in providing nationally available, quality, accredited, value-for-money competency-based training for aspiring ethnic community broadcasters;

(3) acknowledges there is an ongoing demand for such training from new broadcasters, new programs, new language groups and from existing groups; and

(4) calls on the Government to provide further financial support to AERTP to ensure that it continues to operate beyond the 2002-2003 financial year. (Notice given 27 June 2002.)

Time allotted — 30 minutes.

Speech time limits —

Mover of motion — 10 minutes.

First Government Member speaking — 10 minutes.

Other Members — 5 minutes each.

[Proposed Members speaking = 2 x 10 mins, 2 x 5 mins]

The Committee determined that consideration of this matter should continue on a future day.

6 Mrs GASH to move:

That this House:

(1) recognises the positive contribution of this Government in encouraging the tourism industry in Australia;

(2) notes the impact of external factors on the local industry;
(3) recognises the contribution of local and regional tourism to the national economy;
(4) acknowledges the important role of local and regional tourism in providing employment opportunities for young people; and
(5) recognises the need for more equitable dismissal laws for small business to ensure greater employment opportunities are made available by employers in the tourism industry.

Time allotted—remaining private Members’ business time.

Speech time limit—
Mover of motion—10 minutes.
First Opposition Member speaking—10 minutes.
Other Members—5 minutes each.

[Proposed Members speaking = 2 x 10 mins, 2 x 5 mins]

The Committee determined that consideration of this matter should continue on a future day.

COMMITTEES
Public Works Committee

Report

Mrs MOYLAN (Pearce) (10.18 p.m.)—On behalf of the parliamentary Joint Standing Committee on Public Works, I present the committee’s second report for 2002, relating to RAAF Base Williamtown redevelopment stage 1 and facilities for the airborne early warning and control aircraft.

Ordered that the report be printed.

Mrs MOYLAN—by leave—The report deals with a range of new and redeveloped facilities and infrastructure needed to support the introduction into service of the airborne early warning and control capability which will based at RAAF Base Williamtown near Newcastle, New South Wales. The proposed works will also form the basis for future re-development of base facilities, many of which are inappropriately sited or nearing the end of their economic life. The estimated cost of the work is $149 million. The airborne early warning and control system is a new capability for the Australian Defence Force which will enable improved surveillance of Australia’s vast coastline. It is anticipated that the new system will bring some 350 additional personnel to RAAF Base Williamtown, which will necessitate extensive upgrading of base facilities and infrastructure.

The response to the proposed works was generally positive; however three main issues were highlighted during the course of the inquiry. The first issue related to local employment. The proposed works were welcomed by several witnesses as representing a significant economic investment by the federal government in the Hunter region. It was noted that the region currently has one of the highest youth unemployment rates in the country. In view of this, the committee recommended that Defence investigate the options for and costs of increasing opportunities for trainees and apprentices on the works proposed for RAAF Base Williamtown. The committee also queried the arrangements between the RAAF at Williamtown and the commercial operator, Newcastle Airport Limited, which leases some 23 hectares of the airfield from Defence. Specifically, the committee wished to know if the current lease was providing Defence with the optimum financial return. The committee recommended that Defence examine costing agreements between the department and civilian operators at shared airfields nationwide, and the impact of these on civilian operators, with a view to developing a nationally consistent policy to govern such arrangements.

Several witnesses raised stormwater drainage and the provision of essential services as matters of considerable significance to the broader Williamtown area. Local stakeholders requested that Defence take account of other developments proposed for the area when planning alterations to essential services infrastructure. In view of this evidence, the committee recommended the continuance of discussions between Defence, local service authorities, stakeholders and community groups to ensure a cost-effective and coordinated approach to the works. The committee has recommended that the works proposed for the RAAF Base Williamtown redevelopment stage 1 and facilities for the
Representation 6463

Tuesday, 17 September 2002

The airborne early warning and control capability is to proceed at a cost of $149 million, pending the fulfillment of the recommendations made in this report.

I wish to thank the many people who have assisted the committee in the course of the inspections and the public hearing held in Newcastle and also my colleagues on the committee for their support and contribution. In particular, I would like to take this opportunity to congratulate former long-serving public works committee member Senator Paul Calvert on his elevation to the presidency of the Senate. The public hearing at Newcastle was Senator Calvert’s last trip with the committee, and I must say that his humour, his energy and his interest in public works will be greatly missed by his colleagues. On behalf of the committee, I also thank the staff of the secretariat for their support throughout this inquiry. I commend the report to the House.

Mr BALDWIN (Paterson) (10.23 p.m.)—by leave—I welcome the tabling of the report of the Joint Standing Committee on Public Works. Without a doubt, one of the most important Air Force bases in Australia would be that of Williamtown. The investment of $149 million in stage 1 of the AEWAC program will bring enormous benefits not only to the people of Paterson but to those based at our Williamtown RAAF base. It represents a real commitment from and a substantial investment by the Howard government not only to Defence jobs in the Hunter region but also to the construction and support jobs in building these facilities.

This project provides new and upgraded facilities, including: new headquarters and operational facilities for No. 2 Squadron; a new airborne early warning and control aircraft maintenance facility, including support centres comprising simulators and associated facilities; importantly, new apron areas to accommodate these four large aircraft, as well as upgrading of the runways and taxiways; upgrading and new installations of aviation fuel storage facilities; replacement of aircraft lighting systems on the airfield; new ordnance loading complexes; new student accommodation; upgrading of base sewage disposal systems; upgrading of the base high voltage reticulation system, including the construction of a new central emergency power station; and the upgrading of associated engineering services, including water supply, stormwater disposal and communications infrastructure. All of these will value-add to an extremely important Williamtown RAAF base. In fact, it was the Williamtown RAAF base that sent the F18 squadrons to Diego Garcia to provide the Australian support in the war against terrorism.

As the local member, I see this investment in the Williamtown RAAF base as an investment in the future of the people that represent Australia in times of conflict. RAAF Base Williamtown provides an enormous boost to the local economy of Port Stephens in particular, and there are many Defence families in the area. Back in 1997, this government foreshadowed the development of an airborne early warning and control capability for the Australian Defence Force. This was confirmed in the 2000 Defence white paper. In December 2000, the Department of Defence entered into a contract with Boeing for the supply of and associated support for four Boeing 737-700 early warning and control aircraft under a $3.4 billion Defence acquisition program. The contract included the option for purchase of an additional three aircraft at a later date.

The project will also involve an increase in the number of people working at Williamtown RAAF base. Currently, there are about 2,300 service and civilian personnel working at Williamtown RAAF base. The AEWAC project will increase that number by around 350 people, comprising mainly No. 2 Squadron personnel who will command and operate the capability. The investigation and the report by the committee have been well done and are well founded. I am impressed that the cheaper option put forward of simply upgrading many of the old facilities has not been chosen. A runway which had last been sealed 15 years ago will be provided with a new surface for these high impact jets. Not only will this project allow the RAAF base to continue in high-grade operations with fast jet services but also it will be a plus for the domestic airport.
operations based in Newcastle. The seepage of fuel from old fuel farms into the Tomago sand beds can affect our local drinking water. The installation of new fuel farms will mean great news for our local environment, for our sand beds, and even better news for the RAAF base, because it will have cleaner fuel with which to operate its aircraft.

Another issue that has been raised is the importance of providing on-site accommodation and development. The establishment of simulators at Williamtown RAAF base to make sure that our pilots and operational personnel are trained at Williamtown and provided with ongoing career development is something that has merit. The Warfare Centre is located at the Williamtown RAAF base. People from all of the services come from all over Australia. The establishment of the AEWAC facility, with the current EASTROC facility—which we spent some $18 million upgrading and extending last year—value-adds and increases the opportunities and potential. As the local member, I acknowledge the Howard government’s investment in, and the importance it places on, supporting our Defence people based at Williamtown RAAF base. I commend this report to the House.

ADJOURNMENT

The SPEAKER—Order! It being all but 10.30 p.m., I propose the question:

That the House do now adjourn.

Veterans: Vietnam

Ms KING (Ballarat) (10.29 p.m.)—I rise this evening to echo the words of my colleague the member for Cowan, who on 16 August 2000 raised the same issue in this House as the one I am about to speak on. On that day the member for Cowan raised the issue of recognition and respect for veterans who fought at the Battle of Long Tan on 18 August 1966 and their families. It is unfortunate that this matter has to be raised in this House again because, since my colleague spoke on the matter over two years ago, this government has done nothing to rectify the gross injustice that has been perpetrated.

I draw the attention of the House to a constituent of mine, Mr Bill Akell. As an 18-year-old, Mr Akell enlisted in the Australian Army on 14 May 1964. When the call came from the United States to help protect the South Vietnamese government, Mr Akell answered. In 1966 he started his first 12-month tour of Vietnam, and in 1969 he completed his second tour. As part of Delta Company, 6th Battalion, Royal Australian Regiment, he participated in many actions against the North Vietnamese, but it was during his first tour of Vietnam that Mr Akell took part in the Battle of Long Tan. Of the 108 soldiers who took part in this battle, we lost 18 young Australians.

As a consequence of this battle, the South Vietnamese government wished to award those who took part with a unit citation and also singled out 20 individual soldiers who would receive various levels of the Vietnamese Cross of Gallantry. Mr Akell was one of those soldiers. Yet, due to the intervention of the Australian ambassador, the citation and medals were not awarded. The reason given for this was that Her Majesty the Queen had not yet agreed to the awards.

My constituent can still remember the day he stood out on the parade ground awaiting the presentation ceremony. Unfortunately, the plans of General Thieu, who was about to give the men that recognition, were vetoed at the last minute. Instead, the grateful nation had to hand out dolls and cigar boxes—what an insult. The then Liberal government gave an undertaking that they would award the medals retrospectively once consent from Her Majesty the Queen had been given. Yet, 36 years later, this recognition has not been granted. This is failure upon failure of successive governments to recognise these men and their families.

Because of this we are still no closer to the citation and the medals which should have been presented to our gallant soldiers. The Minister for Veterans’ Affairs needs to act on this issue now. The issue of recognition is not about awarding these men with a piece of metal, a piece of paper, a box of cigars or a small doll. These can be picked up at any military disposal store. It is about giving these men and their families the recognition they deserve. It is about giving these men the opportunity to stand there, on 18 August and on Anzac Day, and say to
Australia, ‘I am proud to have served so bravely for my nation.’ They want to stand there and show their families what they have achieved. The sons and daughters of those who have passed away want to stand up and show their children what they achieved. I raise this matter in the House, and call on the minister and the government to give men like Bill Akell the respect they deserve.

Environment: Water Management

Mrs HULL (Riverina) (10.33 p.m.)—I rise this evening to express my opinion on water reform and on the water reform agenda being undertaken by the New South Wales Carr government, wherein my producers are being forced to comply with environmental regulations that are designed to achieve a benefit for the entire community but are being paid for entirely by my producers. This enforcement amounts to a removal of my producers’ rights without compensation. Everyone knows that we need tough decisions on the distribution of water. Everyone knows that you cannot keep taking water out of a watertable at a greater rate than it is being recharged. Also, everyone knows that you can only use the amount of water in a river once, effectively, although I know that my growers and producers multiply it and use water for environmental purposes and other reasons. But you cannot use water at a rate beyond the rate of recharge.

Tough decisions will have to be made; that I concede. Some people will have to make compromises. But, where rights are infringed, there is a moral obligation to pay compensation. I am anxious for the New South Wales state government to go about achieving an appropriate regime to guarantee the producers I represent just and fair compensation on their water and property rights. You cannot expect land-holders to be cooperative with these sorts of reforms unless they are confident that their asset rights are going to be preserved. I think that is a key element in the underpinning and establishment of the level of confidence necessary to put in place the catchment management plans needed to guarantee the sustainability of our resource base for the future. Without secure property rights, water users will be limited in their ability to trade water and obtain credit from financial institutions. However, this is also a matter of equity: water users should not be expected to bear the financial costs of changes in community values.

Provided these issues can be satisfactorily and quickly resolved, there is still much to be undertaken. In its 2001 report card on Australian infrastructure, the Institution of Engineers, Australia gave its lowest ranking—a D minus—to the water distribution industry, predominantly because, in many irrigation schemes, the infrastructure is approaching the end of its service life. Much of the irrigation infrastructure was developed between 1920 and 1960, and the challenge now is to rehabilitate or renew these ageing assets, some of which have proved to be very inefficient distributors of water. The many open earthen channels, so popular in those days, lose unacceptably large amounts of water through seepage and evaporation. It is small wonder that there is so much enthusiasm for their replacement with pipes and concrete formed channels.

Fortunately, there has been a resurgence of interest from the private sector in water reticulation infrastructure. Most notable is that of Mr Richard Pratt, who has expended significant resources on the issue from both a commercial and a philanthropic viewpoint. Mr Pratt is reported to hold the view that there is a great need for a national water policy to help address the issue of how best to manage the water available to us in an environmentally responsible and sustainable manner. I am very proud to be part of the Pratt water group, which has undertaken significant research in order to deliver a report on how we might go about preserving and ensuring security of water in relation to GDP into the future. I remain hopeful that this type of interest might even spur further potential for major injections of capital to retain and develop such an important sector of our economy.

If a national water policy is a necessary precondition to such finance sector involvement, I would hope that communities and the three levels of government would work cooperatively towards that objective. We definitely have the technology to distribute and
utilise water much more efficiently than in the 1920s. I believe that the replacement of open irrigation channels with pipes could double the output from existing irrigation areas without using more water. That would add around another $8 billion per year to revenue at the farm gate. Such large-scale piping networks leading away from the mountains might also open up opportunities for environmentally friendly hydro-electricity generation to meet the emerging needs of the nation. (Time expired)

Taxation: Family Payments

Mr Rudd (Griffith) (10.38 p.m.)—I rise to speak tonight because up to 3,700 families in my electorate of Griffith will have an average of $850 stripped from their tax returns this year. This will come about without any warning under the Howard government’s plan to claw back family and child-care payments paid during the 2001-02 financial year. One estimate is that the government’s plan will mean that one in three families in our local area will miss out on a tax return this year or else have it drastically reduced. This is appalling for local families already under financial pressure.

Many families living on Brisbane’s southside have consequently approached my office for help. For example, Juleann of Mount Gravatt came to my office because although she had done the right thing and had informed Centrelink and the Child Support Agency of changes to her income, unfortunately this information was not processed. Not knowing this, Juleann lodged her tax return only to have it hit for the money coming from changes that she had already notified Centrelink about. Like many in similar situations, Juleann found her tax return stripped without any notice whatsoever and she was left without the $700 she had already budgeted for.

Prasad of Bulimba in my electorate approached my office with a similar problem. Prasad works as a salesman and at the beginning of last year he incorrectly made an estimate of his income for the following financial year. The problem here is that, working in sales, people like Prasad do not know how much they will earn in a week and how much they are likely to earn in following weeks, so they cannot provide an accurate forward estimate of their personal earnings and, as a result, their family’s earnings. Most people depend on their tax returns to cover big bills at this time of year, and the government is taking this money away without any warning at all. I have asked and am asking all families affected to contact my office so that I can put their message through to the government.

The secret tax grab stems from the Howard government’s flawed family payment system that was introduced with fanfare just two years ago. But it is now falling apart at the seams. The system is hopelessly out of step with the earning patterns of families, with families being hit with end-of-year debts if their income fluctuates during the year, despite advising Centrelink immediately of changed earnings. This system of correcting overpayments is problematic for families where one or both parents work part time or casually as seasonal workers, where unforeseen extra hours can tip them over the estimated income. The stripping of tax returns is clawing back the benefits parents were entitled to for the part of the year that they were at home full time. Additionally, it leaves families who earn extra overtime or receive an unexpected pay rise at risk. Robbing families of their tax cheques shows how out of touch the government has become in its dealings with average families. The cheques are an important part of the family budget. Year in, year out, families depend on their tax return to pay outstanding bills or school expenses, to make car repairs or to replace ageing household appliances.

Local businesses will also feel the pinch, with over $3.1 million being diverted from the local economy on the southside into the government’s coffers. This problem stems back to a decision the Howard government took in July to strip tax returns when overpayment occurred. The government did not inform families and did not inform the accounting profession either. What then happened was that thousands of Australians receiving benefits from Centrelink and who had prepared budgets went to their accountants, spent good money on their returns and then suddenly found out that what their ac-
countants told them was not true. If they had spent the return on the advice of their accountants, suddenly they found that they would not get the return that they had been advised of. As you would expect, this then threw the budgets of thousands of Australian families into complete chaos, providing yet another indication of how the government is prepared to plunder the budgets of average Australian families.

It is clear that this government does not walk in the same shopping aisles as Australian families. Australian families simply cannot afford this sort of measure from the government. Senator Vanstone said on television that Australian families would expect these bills, that they would know about them. The truth is that they did not. Centrelink call centres had not even been advised that the Australian government was going to strip these tax returns. When Labor asked questions in Senate estimates about what the government was doing, the government said that it had not made up its mind what it was going to do. The bottom line is that if you are overpaid by Centrelink then it is only appropriate that you pay it back—nobody would question this. But the Howard government’s system of simply stripping your tax return without any warning is plain wrong.

My purpose in rising tonight is to update the House on a series of important developments with respect to the Kurnell sandhills. The most important of these is that the New South Wales state government, with a great deal of hoopla, has finally announced a freeze on all development applications on the peninsula while a study is conducted of the surrounding area. Some weeks before this announcement, the Rocla sandmining company had publicly announced that it was lodging a development application to extend its existing mining operations to more than 20 metres below ground level—right down to the bedrock. These are the mining operations that have reduced the once towering Kurnell sandhills to one remaining dune and a sorry series of ponds and small mounds.

Naturally there was significant concern about this proposal amongst the community. There were a number of reasons for this. One was the long history of neglect in the area, which I referred to before. Second was a feeling that invasive mining activity did not befit Kurnell’s status as the birthplace of modern Australia. Third was the significance of the area to the local Indigenous community. A series of shell middens have been discovered amongst the dunes, including the largest midden found in the Sydney basin. Such middens can teach us more about the Indigenous inhabitants of the region, as well as provide us with an important link to that time. It is also thought that there are burial grounds in the mining area. Finally, there were environmental concerns arising from the site’s proximity to areas of international environmental significance, such as the Towra Point mangrove wetlands.

Obviously at all levels Rocla’s application was a major concern and showed a complete disregard for the local area, which is disappointing considering the amount of money the company has made out of it. It therefore goes without saying that Minister Refshauge’s announcement that he will not consider development applications on the Kurnell peninsula for the next 12 months is welcome, albeit limited and late.
I also welcome Rocla’s move to withdraw their application as a result of the announce-
ment, although I have to confess to being somewhat sceptical as to the timing of these
developments. The fact that we are six
months out from the state election and that
the freeze is only for the next 12 months
does seem to be a convenient way to give the
Labor Party more of a chance in the shire
come next March.

The minister’s bald-faced hypocrisy on
this issue is stunning. He has acted as if he
and the Carr government are saviours of the
area, when it is their continued dawdling on
the issue over many years that has caused so
much of the problem. Sutherland Shire
Council wrote to Bob Carr as far back as
October 1996—six years ago—asking him
for a total review of all policies relating to
Kurnell. Several months before that, they
had expressed concern about the sandmining
activities going on there and called for a
complete cessation of all such activities.

These concerns were stonewalled by the
government. The council was told that the
peninsula had ‘long been a major source of
construction sand for the Sydney region’. They were told, ‘It appears at present that
there is no readily available alternative
source of sand for the region. Determining
an appropriate source would take several
years.’ Surely those several years are now
up, and surely the company has had time to
locate new sources of sand.

Council was also told that the government
would take their concerns into account, but
trucks have continued to ferry Kurnell away,
load by load, in the intervening six years. All
this time, the Carr government has sat on its
hands, until six months out from the election.

Now we are told they are going to throw al-
most half a million dollars into a vaguely
focused study into the Botany Bay catch-
ment. What an expensive stunt that is! You
do not need another study to tell you that
Kurnell has been pillaged long enough and
that it should be restored to a place that re-
reflects its significance to all of us.

Kurnell needs action, Dr Refshauge, not
your expensive studies or temporary freezes,
which give no guarantees. Why not use your
powers as planning minister to zone these
degraded areas for regeneration so that the
birthplace of modern Australia can be re-
turned to the people? (Time expired)

**Scullin Electorate: Legal Services**

Mr **JENKINS** (Scullin) (10.48 p.m.)—
Tonight I wish to highlight the inadequacies
of the community legal services that operate
in the electorate of Scullin in general and, in
particular, in the city of Whittlesea. Mr
Speaker, in a society like ours, I think you
would understand the need to have access to
the law and to justice. Since the opening of
the Fitzroy Community Legal Service some
30 years ago, the community legal service
movement has provided access to law and
legal processes for many of the people in our
community.

There are a number of services that oper-
ate from outside the electorate of Scullin but
provide services within the electorate. In the
northern suburbs of Melbourne, there is the
Brunswick/Coburg Community Legal Centre
and the Fitzroy Community Legal Centre.

Darebin Community Legal Centre is further
down High Street. There is also the Broad-
meadows Community Legal Service and the
West Heidelberg Community Legal Centre. I
was pleased to attend the opening of an out-
reach service that the West Heidelberg
Community Legal Centre now provides at
the community health centre in Greensbor-
ough. This is an important service, with one
full-time legal practitioner who deals pre-
ominantly with marital cases and provides
legal services to young people.

The city of Whittlesea has a population of
some 115,000. By the year 2016, the popula-
tion will grow to an estimated 150,000, but
very little community legal service has been
provided. Community Information Whittle-
sea—the old Citizens Advice Bureau up until
earlier this year—provided a pro bono serv-
ice for nearly 20 years that was dependent
upon the volunteer efforts of local solicitors.
Fortunately, when that service was going
under, Preston Legal Aid stepped in to pro-
vide a service one morning a week, which
gives some access to that initial free legal
advice. An outreach service operates one day
a week from the Broadmeadows Community
Legal Service, which operates from Kildo-
nan and provided 302 clients with services in the last financial year.

The number of services provided by other community legal services to people from Whittlesea in the period from 1 July to 31 May are as follows: Broadmeadows Community Legal Service, 290; Darebin, 141; West Heidelberg, 25; Fitzroy, 42; and Preston Legal Aid, 301. From those figures you can see there is a growing need. It is my concern that, in the city of Whittlesea—a developing municipality on the outer urban fringe—we have not been able to get proper recognition for the need for a community legal centre.

It disappoints me that the Commonwealth government has abrogated any responsibility for this. I put this alongside other kinds of infrastructure, whether physical or social, where the Commonwealth government has wiped its hands of the provision of services in the outer fringes of our major cities. If you look at things like local hospitals and local schools, we have now established a network of community health centres, and we can see how important they are in helping people in local communities to reach solutions for themselves.

We need to address the developing problem of people being shut out of our legal system, perhaps because they have not got the resources or perhaps because they have not got the knowledge. They are disadvantaged. In the type of democracy that we have, it is important to give people access to that legal system. One of the best ways to put that in place is through a community legal centre. Many of the people who use the services that provide legal advice are from non-English-speaking backgrounds. The services are able to cater for people’s cultural differences and help them understand our body of law. These are very important things.

I urge the Commonwealth government to review its policy of not getting involved in the further provision of community legal centres. This is very important. I hope that it looks at the city of Whittlesea, a typical outer urban municipality, and provides such a service there. (Time expired)

Wentworth Electorate: Woollahra

Mr KING (Wentworth) (10.53 p.m.)—Many members are no doubt familiar with the suburb of Woollahra in Sydney, whose residents I have the privilege of representing in this parliament. Its rich heritage and village atmosphere make it a unique and well-known part of Sydney.

When you visit Woollahra today and admire its elegant residences, tree-lined streets and thriving small businesses, it is hard to believe that not too long ago many of those features that are now taken for granted were under threat from plans for major road expansions and development proposals out of step with its character. The fact that Woollahra has survived, and flourished, is a result of the dedication of its residents, who have fought to improve and protect the area.

Tonight I want to pay tribute to two organisations that have celebrated their 30th anniversaries recently and have been, in different but complementary ways, at the forefront of community efforts to make Woollahra a better place for those who live and work in the neighbourhood. The Queen Street and West Woollahra Association was formed in 1972 following attempts to convert Jersey Road to a freeway—a proposal that would have, as the campaign said at the time, destroyed Paddington. The association was successful in that campaign; I suspect not least of all because it had as its inaugural president one Leo Schofield. Since then the society has been a guardian for the local community and the wonderful heritage values of the area which, as a former chair of the Australian Heritage Commission, I have long admired. Its achievements are many: planning controls to prevent inappropriate developments; the saving of Waima House from demolition; action to stop a sports development that would have encroached on Centennial Park—one of the nation’s greatest parklands; the beautification of the streets; the Queen Street Fair, which ran for over two decades; and the installation of the fountain, on the corner of Queen and Oxford Streets, that motorists continue to admire on their way to work. That was installed during my time as a local councillor.
Just a few weeks ago, one of the society’s longest serving members, Robin Brampton, enlisted my support to save a grand residence at 115 Queen Street. It was the childhood home of Dame Joan Sutherland and is, sadly, now decaying rapidly. I hope that the state government will seriously consider our suggestion to purchase the house and convert it to a museum in honour of one of our finest opera singers, and I hope that Woollahra Council acts more determinedly to investigate what it might be able to do. I would like to particularly acknowledge the work of the current committee of the Queen Street and West Woollahra Association, including the president, Heather Smith, and Philip Johns, the vice-president, secretary and treasurer.

I also want to congratulate the Holdsworth Street Community Centre on its achievements over the 30 years since its establishment. The centre was established in response to the concerns of the parents of Woollahra Public School, who were worried that students were becoming latchkey kids. With the support of Woollahra Council, the centre began providing services for local young people, such as holiday programs and after school care. In the 1970s it expanded to become a neighbourhood community centre, and the range of services it provides has grown in every decade since. Its services now assist its original constituency of young people along with older Australians, people with disabilities, families, carers and those who need transport assistance. The chair of the centre, Ariel Marguin, and the director, Pam Goodwin, now ably lead the centre.

These two organisations work together well, and I was delighted to be able to attend a community party at the Holdsworth Street Community Centre recently to celebrate their achievements. Most importantly, the Queen Street and West Woollahra Association and the Holdsworth Street Community Centre have reinforced a sense of community in the area. Their activities have brought neighbours together, and that sense of community in our highly urbanised areas is something that is as difficult to protect as are our fine buildings.

Question agreed to.

House adjourned at 10.58 p.m.

NOTICES

The following notice was given:

Mr Abbott to present a bill for an act to amend the Workplace Relations Act 1996, and for related purposes.
The DEPUTY SPEAKER (Hon. I.R. Causley) took the chair at 7.30 p.m.

NEW PROCEDURES IN MAIN COMMITTEE

The DEPUTY SPEAKER (Hon. I.R. Causley) (7.30 p.m.)—I would like to make a short statement at the beginning of proceedings. As this is the first meeting of the Main Committee since the new procedures were adopted, I wish to tell members how we expect them to apply.

The changes free up the arrangements for the adjournment debates in the committee. In future, the adjournment debate will not be started automatically at 12.30 p.m. on Thursdays. Instead, it will be up to a member to move that the committee adjourn, and the adjournment debate will then take place on that motion. I expect that the timing would be agreed between the whips. We will assume that the usual arrangement will be that an adjournment debate will still take place on Thursdays and that it will last for 30 minutes. After 30 minutes, unless advised that an agreement to extend the debate has been reached between the whips, the chair will feel entitled not to recognise any member who rises and will so put the question for the adjournment. This is consistent with the Procedure Committee’s report. If there is to be an adjournment debate on any other day, the chair would need to be advised that this had been agreed between the whips.

The House has adopted sessional order 84A for the remainder of this year. The intention is to allow what the Procedure Committee called ‘greater spontaneity in debate’. The procedure being tried will allow a member to seek to ask a question concerning another member’s speech. If the member ‘gives way’, the other member will be able to ask a short question relevant to the member’s speech. The clock will not be stopped during interventions. The chair will remain in control at all times, as for all other proceedings. The chair will not allow the question to be posed if he or she is of the view that it is an abuse of the orders or forms of the House. That could be clear if there were persistent and repetitive or mischievous interventions or if the intervention were too long.

Because the aim of this change is to encourage spontaneity I do not wish to set a strict form of words for these processes, but we will need to have a shared understanding if the trial is to proceed satisfactorily. If a member rises during another member’s speech, the chair should say, ‘Order! Is the member seeking to ask a question?’ If the member confirms that he or she is seeking to ask a question, the chair will need to ascertain whether the member speaking will allow a question and could say, ‘Will you allow a question?’ If the member declines then there can be no dispute; that is the end of the matter. If the member allows the question the chair will ensure that only a brief and immediately relevant question is put. It would not be appropriate to allow interventions during the time allocated for statements by members. Because of the significance of ministers’ or parliamentary secretaries’ second reading speeches in terms of statutory interpretation, interventions would not be appropriate in those cases, but a question could be appropriate during a minister or parliamentary secretary’s summing-up speech.

I remind members that the Procedure Committee has reinforced the point that members can sit anywhere in the Main Committee. The government has supported this, but noted the need for a place in the usual area to be available for a minister or parliamentary secretary. I am sure members will recognise the sense of this request. Again, this recommendation was intended to increase spontaneity and genuine debate.
STATES GRANTS (PRIMARY AND SECONDARY EDUCATION ASSISTANCE)  
AMENDMENT BILL (No. 2) 2002  

Second Reading

Debate resumed from 21 August, on motion by Dr Nelson:

That this bill be now read a second time.

Ms MACKLIN (Jagajaga) (7.38 p.m.)—The States Grants (Primary and Secondary Education Assistance) Amendment Bill (No. 2) 2002 provides capital funding for government and non-government schools for the years 2005-07. The bill builds on the funding for capital works in schools that successive Commonwealth governments have provided since the 1970s. The substance of this bill reminds us of the original rationale for Commonwealth capital support for schools. The rationale was expressed in the report of the Interim Committee for the Australian Schools Commission, chaired by Peter Karmel. The report, Schools in Australia, said:

... in both the government and the non-government sectors there are schools where the quality of personnel, buildings and equipment reflects an attitude towards children which, whether it arises from public indifference or ignorance, is incompatible with the manifest values of our society.

The Karmel report went on to say, in relation to the physical condition of many schools, especially older schools attended by children of the poor:

... these schools ... are a national disgrace and a sign of indifference towards the children who attend them.

I continue to find the words ‘a sign of indifference’ to be a chilling reminder of how easy it is for governments and the community to accept or to rationalise the effects of neglect, in this case of school buildings and facilities. The Commonwealth’s capital grants program has supported many fine buildings in both the government and non-government sectors over many years, but I am worried that there are signs of indifference by the current government to the needs of many children and their families.

The driving rationale of the government’s funding programs is the extension of some families’ choices, not addressing the unequal and inequitable distribution of resources and educational outcomes across all schools. The only real increases in the last budget, apart from indexation to cover increases in the costs of schooling and enrolment growth, were for the phasing in of the new funding scheme for the benefit of some non-government schools. The budget and this bill provide no real increases in Commonwealth capital funding. There are no attempts to evaluate the way in which the program can support students with special needs or in areas with concentrations of poverty.

This bill will permit advance approval of capital grants for projects to enable authorities to plan for school building projects. The opposition supports the principle of advance approval of capital funding of schools, and I would like to take some time to outline these concerns. Before doing so, I move:

That all words after “That” be omitted with a view to substituting the following words:

“whilst not declining to give the bill a second reading, the House:

(1) condemns the Government for:

(a) failing to provide real increases in Commonwealth capital funding for schools since 1996;

(b) failing to address adequately the capital needs of schools in disadvantaged and isolated areas;
(c) displaying a lack of understanding of the implications of demographic trends on the ageing capital stock of many schools in Australia, especially in the public sector;

(d) inadequate accountability and evaluation processes for reporting on the achievements of the Commonwealth’s capital grants program against stated objectives;

(e) threatening to make capital funding for schools conditional on agreement with the Government’s industrial relations agenda; and

(f) a lack of vision on how to position Commonwealth capital support for schools in the future, including:

(i) Information and Communications Technologies infrastructure;

(ii) professional teaching support and learning centres;

(iii) integration with Commonwealth priorities for schools through its targeted programs; and

(2) requests the Government to:

(a) develop clear and effective accountability and evaluation procedures and incorporate these in administrative guidelines; and

(b) report to the Parliament within twelve months on the achievements of the Commonwealth capital program and its future development, including in relation to the issues raised in this amendment”.

Since its inception in 1974, the Commonwealth’s capital grant program has provided around $10 billion, in current prices, to support capital works in schools. This is a significant investment which has touched on the quality and quantity of the capital stock of government and non-government schools across the nation. This bill provides $222 million in capital grants for government schools in the states and territories for each year over the period 2005-07, a contribution that on average amounts to around one-third of total capital funding in that sector. It also provides around $77 million annually in capital grants for schools in the non-government sector. The Commonwealth is virtually the sole source of public grants for capital works in non-government schools, although states and territories provide interest subsidies on loans for these purposes. This level of Commonwealth funding, however, has not increased in real terms since the government came to office in 1996. In fact, there will be a reduction of almost $10 million in funding for non-government schools in 2003, reflecting the government’s decision to terminate additional funding arising from election commitments.

Capital funding provided through this legislation is subject to annual indexation for movements in building costs as measured by the buildings price index. This index reflects changes in building costs as measured by the Australian Bureau of Statistics. Unfortunately, the government is content to provide the same amount in real terms to government and non-government schools each year. It is turning a blind eye to the real needs of schools across Australia for capital development and refurbishment. It certainly brings no joy to the many students and families, especially in disadvantaged and isolated areas.

Pat Thomson’s recent book *Schooling the Rust Belt Kids* paints a troubling picture of the plight of students in disadvantaged areas and the importance of quality school facilities for successful learning outcomes. She points out:

Yesterday’s populous manufacturing labour-force suburbs have become today’s rust belt. Forty and fifty years on in these localities, there are now a number of schools ageing less than gracefully and in desperate need of repair.

Schools in these areas are generally unable to obtain community funds to pay for renovations and even minor refurbishment. There is a limit to which parents of students in disadvantaged schools can raise funds. They are dependent upon governments—Commonwealth, state or
-for their capital support. Schools in these areas are also confronted with more than their share of fires, thefts and vandalism. They are also faced with the capital cost of providing vocational courses for the large number of students enrolling for vocational education and training programs in those schools, as well as for other curriculum changes. For example, there are pressures for the provision of infrastructure for computers and computing courses in many schools. Thomson’s book describes the case of one school where she says ‘it was slated for closure in a few years time’. The school ‘could not operate its small bank of computers at the same time as airconditioning for fear of complete power failure’. Her book also explains the significance of high-quality school facilities to improving student learning in disadvantaged schools.

The Commonwealth’s guidelines for the capital grants program include objectives to provide and improve school capital infrastructure, particularly for the most educationally disadvantaged students, and to ensure attention to refurbishment and upgrading of capital infrastructure for existing students, while making provision for needs arising from new demographic and enrolment trends. But how do we know whether the government has administered the capital grants program effectively? To what extent has the program achieved its objectives? Where is the evidence from the accountability reports from government and nongovernment school authorities? And where is the vision of how the program should operate in the future? The answer to these questions is, we just do not know. Certainly, the minister’s second reading speech is completely devoid of any substantial information. He just talks about numbers of projects and amounts of money, ignoring the fact that it is the same bucket of money as before; nothing on what has been achieved, nothing on what should be done. We need accountability and evaluation processes that give us real information on the extent to which the objectives for the capital grants program are being achieved. Then we can guide some policy decisions for the future.

Some of these deficiencies were identified in the report of the then research and evaluation branch of the previous minister’s department. That report, which was called Capital matters: an evaluation of the Commonwealth’s capital grants program for schools, was released in December 1999. It noted the urgent need for national level data on school infrastructure to ‘inform a proper assessment of the impact of the Commonwealth program and to provide a sound basis for future funding decisions’. The department’s report went on to say that current data collections give only ‘a very incomplete and indirect picture’ of the impact of the capital program and called for a national assessment of school infrastructure. To my knowledge, nothing has happened about this report, other than to commission another report and $1 million consultancy to undertake an assessment of capital conditions in the nongovernment sector. I am not aware of any outcomes of this survey or of any plans to undertake a similar study of capital needs in government schools.

There has also been a darker side to the government’s approach to the capital grants program. The previous minister, for example, was determined to punish some states for disagreements over program arrangements. These included arguments between ministers over arrangements as to who should attend, who should have prominence at official school openings and the design of school plaques and signs. Withdrawing funding or threatening to withdraw funding for these kinds of petty disputes can only hurt the schools and students that the program is designed to benefit. Even worse than these actions was the threat from the Minister for Employment and Workplace Relations to withdraw special purpose funding from the states and territories—
Mr Bartlett—Mr Deputy Speaker, in a bid to test the new procedure, may I ask the member opposite to take a question?

The DEPUTY SPEAKER (Hon. I.R. Causley)—Is the member opposite prepared to give way?

Ms MACKLIN—I will give it a go.

Mr Bartlett—The member has mentioned threats to withdraw funding. I am wondering if the member could give any account of where funding was actually withdrawn.

Ms MACKLIN—As far as I am aware, it was not. Unfortunately, one instance I do recall was over a toilet building, which I think demonstrates the pettiness of some of the disputes that occur between the states and the Commonwealth.

Mr Bartlett—Just to clarify that: there was no case of funding being withdrawn?

Ms MACKLIN—The answer is: I am not sure. I do think that silly fights about such things is a complete waste of time and such threats should not be made. Even worse than these actions are the threats that we have heard from the Minister for Employment and Workplace Relations—and I certainly hope that the member for Macquarie will pass on our desire that these threats not be implemented either—to withdraw special purpose funding from the states and territories if they do not implement the government’s industrial relations agenda. This is an agenda that all Australians have come to learn revolves around an attack on their wages, conditions and job security. Commonwealth funding for capital works would be conditional on building sites becoming a playground for the Office of the Employment Advocate, according to the minister. These statements provide another example of the Howard government being prepared to hold our schools and students to ransom.

The government’s record in the administration of the capital grants program is one of emphasis on process rather than an understanding about where we want to get to. As I said earlier, the capital grants program has been operating in much the same way since its inception in 1974. Most of the pressures over that time have required a capital response to demographic increases and understandable enrolment shifts, including increases in secondary school retention. The relatively stable demographic trends over the next decade, however, provide an opportunity for a more strategic approach. While catering for the renovation and refurbishment needs for existing schools, especially in disadvantaged and isolated areas, the Commonwealth capital grants program needs to look to the future. For example, the capital program should be positioned more strategically around developing and changing infrastructure for information and communications technologies. That infrastructure should be developed to provide ICT support for school curriculum and for more creative and exciting approaches to teaching.

School buildings in the future will also need to reach out to the wider community. Schools should become focal points for lifelong learning more generally, including in partnership with TAFE colleges, universities, local businesses and community organisations. Most importantly, the Commonwealth’s capital program should be focused more strategically and imaginatively to support professional teaching and professional learning. This is particularly the case for teachers in disadvantaged schools who are faced with significant professional challenges. Some of the support for these teachers will require capital investment such as for developing professional learning centres, classroom refurbishment for new curriculum areas and teaching strategies.

The minister’s second reading speech on the bill unfortunately did not go to any of these areas where we could look to the future. It took for granted the operation of the capital grants
program. The minister’s statement failed to report to the parliament on the changing nature of capital needs of schools in Australia and certainly lacked any sense of where the program should be going in the future. Unfortunately, this is what we have come to expect from the government.

There are, as we know, an enormous number of children—almost three million students in over 9,000 schools in our country—who deserve a much better approach than the ‘steady as you go’ that we are getting in this bill. Let us hope that we can get the passage of the opposition amendments. If the government will not agree to the amendments that we have put forward, we would ask them to at least look at the spirit of those amendments. If the government would take the spirit of those amendments and implement them, we would in fact see some exciting improvements in our schools across our country.

The DEPUTY SPEAKER—Is the amendment seconded?

Mr Quick—I second the amendment and reserve my right to speak.

The DEPUTY SPEAKER—The original question was that this bill be now read a second time. To this the Deputy Leader of the Opposition has moved as an amendment that all words after ‘that’ be omitted with a view to substituting other words. The question now is that the words proposed to be omitted stand part of the question.

Mr PEARCE (Aston) (7.50 p.m.)—In introducing my comments on the States Grants (Primary and Secondary Education Assistance) Amendment Bill (No. 2) 2002 this evening, I would like to say from the start that I believe firmly that governments have an important responsibility to contribute to the education of future generations. But the point I really want to make is that the responsibility is in fact shared—shared not just by governments but by a larger and very important team effort, a team effort that involves schools, the community, the parents and friends of schoolchildren, together with governments.

A fundamental part of this effort in providing educational opportunities for our children is the provision of appropriate and timely funding. Funding for schools comes from a range of sources. It comes from alumni and the wider school community, from the parents of the students and from governments. An important part of the Commonwealth’s investment is providing infrastructure for our students through capital works project funding. While the resource requirements of our schools may be changing in the face of modern technologies, the bricks and mortar still play an important role in educating our future leaders.

So in having a look at this particular bill, this amendment amends the principal funding act to include capital grant funding for government and non-government schools for the years 2005 to 2007 and the bill provides the necessary certainty to help our schools better plan for the future. The bill does this by permitting the approval of capital funding amounts which provide authority from the minister to improve capital projects in government and non-government schools. This is important because planning is in fact already taking place in both government and non-government sectors, particularly for capital projects in schools in the year 2005.

All individual project assessments and funding recommendations for government schools are made by state education departments and, in the case of non-government schools, by non-government block grant authorities according to criteria set by the federal government. These recommendations must subsequently be approved by the minister. When approved by the minister, this provides for Commonwealth funding up to two years in advance of the current program year. As the planning and approval process for capital projects and capital grants requires long lead times and payment for individual projects can run over a number of years,
it is necessary to provide authority this year for approval of projects into the 2005 calendar year. Next year, it will be necessary to approve projects in the 2006 calendar year and likewise to provide authority for 2007 projects the year after. This process would not be possible without the funding amounts that this bill seeks to add to the current act.

A number of capital projects which involve 2005 funding are due to commence during the end of year school break when the students are off campus. This bill needs to be passed in a timely manner to enable this construction to start so that schools can better manage the projects to minimise the disruption to students and studies. Each year, over 250 major capital works projects are funded in each sector, together with more than 1,000 other minor projects. This bill appropriates over $897 million over three years from 2005 to 2007. Of this total of $897 million, over $666 million will go to government schools and over $230 million will go to non-government schools.

This additional funding builds on the Commonwealth’s commitment to overall capital school funding. During the current four-year period, from 2001 to 2004, Australian schools will receive almost $1.3 billion in federal funding under the capital grants program. Of this funding, $936 million will go to government schools—that is, to government schools like Heathmont College in my electorate, which was granted $450,000 to upgrade its existing classrooms, staff work space and student centre. Non-government schools—that is, schools like the Waverley Christian College, also in my electorate, which was granted $245,000 to help establish a new art and materials technology facility—will receive $357 million. But the capital funding program is only one component of the Commonwealth’s investment in our children’s education. This year the Commonwealth will provide Australian schools with total funding of $897 million, over $666 million will go to government schools and over $230 million will go to non-government schools.

Of course, the Commonwealth is not the only contributor to school funding. The states and territories have the primary responsibility for government schools. In May this year, the Commonwealth increased funding for government schools by, on average, 5.7 per cent. In contrast, each Labor state and territory government failed to match the Commonwealth’s increases. Obviously, this failure to keep pace with the Commonwealth has had serious effects on schools and, of course, on students. For example, in my home state of Victoria, if the state Labor government matched the Commonwealth’s increase of 5.3 per cent, Victorian children would have an additional $95 million for their schools. If we look nationally, we will see that this trend becomes more alarming and, indeed, more apparent. In the Northern Territory, if the territory Labor government matched the Commonwealth’s increase of 6.9 per cent, Northern Territory children would have an additional $4 million for their schools. In Western Australia, if the state Labor government matched the Commonwealth’s increase of 5.9 per cent, Western Australian children would have an additional $8 million for their schools. In Tasmania, if the state Labor government matched the Commonwealth’s increase of 5.7 per cent, Tasmanian children would have an additional $4.5 million for their schools. In Queensland, if the state Labor government matched the Commonwealth’s increase of 5.8 per cent, Queensland children would have an additional $102 million for their schools. In South Australia, if the state Labor government matched the Commonwealth’s increase of 5.6 per cent, South Australian
children would have an additional $50 million for their schools. And in the ACT, if the territory Labor government matched the Commonwealth’s increase of 5.3 per cent—

Mr Quick—Mr Deputy Speaker, I would like to ask the honourable member a question with good intent.

The DEPUTY SPEAKER (Hon. I.R. Causley)—Will the honourable member give way?

Mr PEARCE—Yes.

Mr Quick—I ask the honourable member for Aston if we should consider a sanction if state governments of either political persuasion fail to match the Commonwealth. Surely, as education is one of the keys and as the Commonwealth is putting money in, if states do not match it we should have some sort of sanction. Perhaps we should give additional moneys to states that do match it and say to states that do not, ‘If you can’t put your money where your mouth is, you miss out.’

Mr PEARCE—I thank the honourable member for his question. I think he raises a very good point and it is essentially the essence of the topic I am raising right now: the need for the state governments—and I do refer to it later in my speech—to accept what is their primary responsibility. State schools are state schools. State government schools are run by the states and they must embrace and understand their full responsibility. It is their primary responsibility to fund the government schools and the Commonwealth’s role is a role of providing incremental or supplemental resources, if you like. So, to answer your question, I would support anything that seeks to ensure that state governments fully undertake their responsibility and accountability to government schools in the state.

As I was saying, in the ACT children would have an additional $13 million for their schools. Finally in New South Wales, if the state Labor government matched the Commonwealth’s increase of 5.7 per cent, New South Wales children would have an additional $202 million for their schools. This all adds up, and in fact it adds up to $478 million that the states and territories are not supplying their schools with in terms of keeping pace or keeping up with the Commonwealth’s increases.

It is also increasingly important, I feel, that we do consider our schools in terms of international benchmarks and it is important to consider how our schools might be comparing on an international basis. In fact, the OECD analysis released last year showed that Australia’s total spending on schools was above the average of OECD countries—above average in terms of total expenditure as a proportion of GDP and above average in terms of average expenditure per student. But as much as the Howard government is proud of its investment in education, we understand, as I guess do all educationalists and those people interested in education, that increased funding alone will not provide improved educational outcomes.

We need to make that investment and, indeed, all investments work harder for our children. One of the most important ways for us to achieve that is to clarify the educational responsibilities of stakeholders and particularly leading to the point of the question we just had—the division of responsibility between the Commonwealth and the states and territories. Too often the state and territory governments use this greyness, if you like, of current funding responsibilities for political convenience. What Australian students and their families need is for the states and territories to join the Commonwealth government in taking a long-term view of education policy in Australia. The states and territories should accept and embrace their full funding responsibilities for government schools, as I indicated earlier. This would have a real impact on our education spending and enable much more effective spending overall.
Another important and necessary reform which the Howard government has already begun is the requirement for greater accountability of our schools to both parents and governments. It is imperative that the community can hold schools accountable for delivering real outcomes to students. That is why the coalition fought for greater reporting based on national standards testing. Unfortunately in trying to deliver this reform the coalition was frustrated by continual opposition from Labor. As I mentioned earlier, the education of our children is a team effort, and parents of course have a large role to play in this. I believe that we need to empower and encourage even more parents to take an active interest and involvement in their children’s education. One of the best ways to do that is to provide parents with greater choice. That is something I am proud to say that the coalition is doing. The coalition has fought hard to support choice for parents in their children’s education by introducing a newer, fairer funding policy for non-government schools. When faced with the question of supporting this, unfortunately Labor also chose not to support parents in this effort of choice. This is an important area and an important area that affects the whole debate regarding education and funding for government and non-government schools. Members may be interested to know that of families with school children earning less than $26,800 per year, one in five choose to send their children to non-government schools. Another interesting fact is that with families with school children earning over $104,000 per year, around 45 per cent of these people choose to send their children to government schools. What this clearly indicates is that educational choice is not just about money. It is about values and it is about opportunities, and of course it is about outcomes—and outcomes are really what is at the end of the day the most important thing in this debate.

Another way to empower and encourage parents is to provide them with greater information about the options available for their children. To achieve this, the coalition is fighting for parents by pushing for greater reporting on the comparative performance of Australian schools on key national education standards. There are many educational challenges and opportunities facing Australia. The Howard government is committed to putting Australian children and their parents first in this debate, and this bill is very important for Australian schools. The bill ensures that approval of Commonwealth capital funding assistance for both government and non-government schools can proceed in an orderly manner, which is anticipated in the act and by the state education departments and block grant authorities. The bill maintains the Commonwealth’s commitment to assisting government and non-government schools with very important infrastructure projects, which will support those improved educational outcomes to which I have referred. Commonwealth capital funding is directed to assisting those schools serving educationally disadvantaged students in communities. That is why it is very important that this bill be passed without delay. It will help to deliver better and improved educational resources for our children. I am sure that all members would join with me in saying that that is a positive and good thing.

For the sake of those children, I hope that the bill can proceed through the parliament in a very timely and quick manner because any other approach will of course create significant disruptions to the building plans of both government and non-government schools across the whole country. That is something that I do not want to see and I am sure that all members in this place do not want to see. I commend the bill to the House.

Ms GEORGE (Throsby) (8.07 p.m.)—Perhaps I could begin by saying that this government has a sorry history when it comes to the funding of education at all levels of the system. We have seen $3 billion worth of cuts to university funding since 1996 and a freeze for several years in the funds allocated to the very important TAFE sector. As I have commented in
the House on other bills, we have also seen an increase of funds to the elite level 1 private schools ahead of and at the expense of the public education system. So far as primary and secondary education in government schools is concerned, the recent findings of the Vinson inquiry into public education in New South Wales substantiates these assertions. The Vinson inquiry found that public schools are less well maintained, less well equipped, and staffed at lower levels than most private schools, with the exception of some systemic Catholic schools. Further and most importantly in the context of this current debate, the inquiry reported substantial substandard school infrastructure and other substandard physical conditions at public schools in my state of New South Wales. This comes as no surprise. Since this government came to power in 1996, there has been no increase in capital funding for schools in real terms. Labor’s amendment rightly condemns the government’s failure in this regard. We are now faced with a public education system, in particular, where parents are increasingly bearing the burden of meeting basic educational needs, including the cost of new buildings, sports grounds, covered shelters, equipment and computers. What is more, parents are being put into a position where they are donating thousands of hours of voluntary labour to carry out simple yet vital school maintenance such as cleaning toilets, maintaining gardens and repairing playground equipment.

The Commonwealth capital grants program is designed to provide funds for approved capital upgrading to infrastructure in both government and non-government schools. But the funding has done little to ease the pressure on infrastructure for schools like those in my electorate of Throsby. The capital grants are required to upgrade or construct buildings, for water and electricity services, and for general equipment, library services, furniture and residential accommodation. However, a lack of increases in real funding has hindered the upgrading of school facilities in both government and non-government schools in my electorate and has also impacted on schools across the nation.

Interestingly enough, the Commonwealth government’s own program guidelines state that its priority is the allocation of capital grants to serve students from lower socioeconomic backgrounds like those in my electorate of Throsby. Yet it is clear that this objective is not being achieved. The government is not making serious attempts to address the capital needs of schools for students from low socioeconomic backgrounds in electorates like mine. Again I think Labor’s amendment effectively draws attention to the government’s failure to address the capital needs of schools both in disadvantaged and isolated areas.

The government has failed in its responsibility to assist the states in upgrading school facilities and, very importantly, it has shown that it has little understanding of the demographic trends in electorates like Throsby where a massive influx of young families into local housing estates has put increasing demands on local schools—demands that they have not experienced hitherto. Overcrowding of schools and substandard conditions of school facilities is a scenario that is being mirrored across the Illawarra region impacting on all schools—primary and secondary—in the public system and in Catholic systemic schools.

Take the example of St Josephs Catholic High School, the only Catholic high school in my electorate. The school currently has more than 1,000 students enrolled and expects that the demand for places in year 7 next year will far exceed the number of places available locally. Whereas in the past students who began their education in Catholic primary schools could anticipate a place at a Catholic high school close by, this is no longer the case. A family who chooses to send their child to a Catholic primary school in my electorate can no longer predict with any degree of certainty that they will be attending the local Catholic high school. In Throsby many prospective St Joseph’s students are forced to travel to Wollongong, some 15
to 20 kilometres away, in order to effect their choice to remain within the Catholic system. This means additional burdens and costs for families, particularly working class families struggling to keep their children in the system of their choice. But it is not only time and money that are lost due to poor school infrastructure. A strong connection exists between a comfortable and creative school environment and increased learning potential for the students.

A major study undertaken by PricewaterhouseCoopers for the Department of Education and Employment in the United Kingdom found that capital investment or lack thereof had a significant impact on three areas central to educational progress. It had an impact firstly on teacher motivation, on pupil motivation and the amount of learning that can be conducted. Interestingly enough, Professor Vinson in his recent report stated:

In so many instances the fabric of the public schools is simply unworthy of what is being attempted within them and fails to honour our society’s obligations to its children.

This does not bode well for Australian school children currently being educated in substandard demountable buildings. Demountable classrooms are inappropriate for student learning. Of course, there are exigencies and emergency situations where demountables are provided. But really they should be nothing more than a stopgap temporary measure. Regrettably all too often they became permanent accommodation for students involved at the school. Shellharbour Public School in my electorate is one example that I want to draw attention to. Its student numbers have almost doubled since 1997. At present, and although they have voiced the need for additional rooms, there are only 13 permanent classrooms for the 26 classes at the school. So fifty per cent of the classes today are being educated in demountables. The situation is one that has been ongoing since about 1997 and will only be relieved when the new school opens at Flinders with 14 permanent classrooms.

I commend the New South Wales government and the efforts of the local state member for Kiama for the campaign that has been conducted so that governments, at least on this occasion the state government, understand the pressures that confront the community and are now allocating the necessary funds. I only single this out as an example in my electorate—

**Mrs Gash**—Mr Deputy Speaker, is the member prepared to take a question?

**The DEPUTY SPEAKER (Hon. I.R. Causley)**—Would the member for Throsby accept a question?

**Ms George**—Certainly.

**Mrs Gash**—Is the member for Throsby aware that the federal government is also funding, with the state government, some of those particular schools that she has mentioned?

**Ms GEORGE**—Yes, but I understand the Commonwealth government provides only about a third of the capital funding that goes into the government school system. What I am arguing is that that allocation is inadequate; it has not kept pace with growth in enrolments and is adversely affecting students both in the public and the non-government school system.

**The SPEAKER**—Is there a further question from the member for Gilmore?

**Mrs Gash**—May I ask a further question?

**The SPEAKER**—Does the member for Throsby accept a further question?

**Ms GEORGE**—Sure.

**Mrs Gash**—Is the member aware that it is basically a state—well, it is not basically—government responsibility to fund state schools, and the federal government has taken it upon itself to also make a contribution towards those state schools?
Ms GEORGE—Yes, I understand the Commonwealth makes a contribution. What I am pointing out is that the Commonwealth government in my judgment is breaching its own guidelines, which point to the necessity of additional impetus being given to schools in disadvantaged socioeconomic areas and in isolated areas. I am pointing to the fact that the Commonwealth government is totally out of touch with changing demographics and that the allocations ought to be skewed to ensuring that students who spend years of their learning environment in demountable accommodation do not have to put up with that and, furthermore, that parents in poor areas are not constantly being called on to foot the bill for the shortcomings of both Commonwealth and state governments as far as capital funding is concerned.

Mrs Gash—Thank you.

Ms GEORGE—As I was saying in relation to one of the schools in my electorate, they and the P&C and the students are enormously relieved that the commitment has finally been made to provide a new school that will obviate the pressures that 50 per cent of the classes have faced in demountable accommodation. To be fair to the New South Wales government, I want to say that the percentage of all buildings of a demountable nature in a school are much lower than this example at Shellharbour. But it does point to the fact that governments, both federal and state, need to take account of the issues and put additional resources into areas of significant population growth.

The situation experienced by schools such as Shellharbour indicate that overcrowding and lack of capital grants is placing excessive burdens on school communities, resulting in their having to raise their own funds for infrastructure projects. Parents often increase their contributions to education when they can little afford it. I think it is high time the government did the same by increasing funding and removing some of the burdens faced by families, particularly those in disadvantaged and isolated areas.

A recent article by Julia Baird and Brigid Delaney in the *Sydney Morning Herald* in fact found that parents and citizens associations are being increasingly used to pay for new infrastructure projects. They came to the conclusion that funds raised by individual parents and citizens groups range from $500 to more than $100,000 a school with an average of about $20,000 per school. I know that at one school in my electorate one single event conducted by the P&C association assisted in raising $10,000 for the school. These funds, I am told by the principal, will be put towards creating more covered spaces outdoors and will also be used to purchase computer equipment, sports equipment and library resources—projects that should be properly accommodated by the capital grants funding scheme.

The experiences of the two schools in my electorate that I have drawn attention to indicate that the federal government has become complacent about its capital support for schools. The outcome sees parents continually reaching into their own pockets while the government fails to increase funding in real terms. In the *Sydney Morning Herald* last year, the then president of the New South Wales Parents and Citizens Association said that parents were ‘very cranky’ that they were having to pay for essentials, ‘but they all do it because they don’t want their kids to miss out’. In another article in the same newspaper, the president of the New South Wales Primary Principals Association, Mr John McMillan, stated the principals had seen a steady erosion of funding for public primary schools over the past few years. In relation to the contribution of parents to school funding he said:

They—

meaning governments—
are just not providing the resources that we need. Governments are getting away with the amounts they
are spending because parents are making up the deficit.

So it is not only the students and their parents who are suffering due to poor maintenance
and lack of capital facilities in schools. School staff and particularly teachers are experiencing
increased stress as they are forced to deal not only with the overcrowding in their classrooms
but also with the general devaluing of the role and position of educators in our society. It is
little wonder that a lack of new graduates and teacher shortages particularly in highly sought
areas like science and information technology are becoming increasingly common across
Australia. As a former educator, I would be very reluctant to take on the burden of teachers
today if I were 18 years old and about to enter tertiary education. I think there is one teacher
who puts the feeling of frustration very well, and it is recorded again in the Vinson inquiry.
This teacher said:
The physical conditions teachers are expected to work in are demeaning and downright insulting ... why
would young, up-and-coming professionals choose to work where they don’t have their own computer
and where their personal work space to organise the learning of 150 to 180 students is little bigger than
a small broom cupboard?
The funds that this bill provides are vital, of course, to Australian schools across both sectors.
It is for this reason that Labor supports the proposal that the bill be given consideration in the
context we hope of the government’s serious reflection on the amendments that have been
outlined by our shadow minister for education, employment and training. I think any fair
minded citizen would say that the current situation is a long way short of what we should be
expecting. Schools do need more funding for capital works and for infrastructure projects.
They need that funding both from federal and state sources. I urge the federal government to
address the problem, to look at the argument to increase the next round of capital grants to
Australian schools and, very importantly, to seriously address the deficiencies outlined in La-
bor’s amendments to the bill. Those deficiencies in particular, as far as I am concerned as the
representative for the electorate of Throsby, go to the very heart of the inadequate planning
for regions of substantial population growth and the inadequacy of attention to the capital
needs of schools in disadvantaged and isolated areas. I think it is not a fair expectation for
parents in low socioeconomic areas to constantly put their hands in their pockets to fund the
very basic maintenance requirements of schools—to provide outdoor covered shelter, to make
sure the gardens are maintained and to ensure that toilets are working efficiently. So, with
that, I urge the minister for education to give serious consideration to the proposals outlined in
the series of amendments presented by our shadow minister.

Debate (on motion by Mrs Gash) adjourned.

WORKPLACE RELATIONS (REGISTRATION AND ACCOUNTABILITY OF
ORGANISATIONS) BILL 2002

Cognate bill:

WORKPLACE RELATIONS (REGISTRATION AND ACCOUNTABILITY OF
ORGANISATIONS) (CONSEQUENTIAL PROVISIONS) BILL 2002

Second Reading

Debate resumed from 16 September, on motion by Mr Abbott:

That this bill be now read a second time.

Mr SNOWDON (Lingiari) (8.25 p.m.)—Comrade Chair—and we are comrades—
The DEPUTY SPEAKER (Hon. I.R. Causley)—I have not been insulted.
Mr SNOWDON—See! We have just enjoyed each other’s company for the last few days and I must say that it was a very pleasant experience. Those of you on my side of the chamber might think that odd, but I have to say that my comrade and I, along with Mark Latham, had some very pleasant times together and discussed matters of mutual interest. But that is not the purpose of tonight’s discussion. Tonight I want to talk about the Workplace Relations (Registration and Accountability of Organisations) Bill 2002. It is good to talk in the House on a workplace relations bill in the knowledge that there has been some negotiation and even some agreement between the government and the opposition on the bill being discussed. Within this portfolio, that is a very rare occasion.

Increasingly over the last six years this government has turned to the conservative language of the 19th century to express its workplace relations agenda—divisive language that was once employed by the spoilt landed class who so venomously attacked the right of ordinary people to aspire to better things. This is a language that is fuelled—as it was over 100 years ago and even 150 years ago—by a complete failure to empathise with the less fortunate and by the aristocratic notion that some are born to wealth and to hell with the rest. In essence, it is fuelled by hate and by greed. Driven by this archaic approach to the workplace, this government has gone to the most extraordinary, concerted ideological attack on unions in decades. The language of the member for Warringah, the member for Higgins and the member for Goldstein shows in particular just how proud this government is to be coordinating this assault on working Australians. One can only assume, then, that they are also proud of the results.

Research by Ian Campbell at RMIT shows that, firstly, Australia has the second longest working hours in the developed world. Only South Koreans work longer average full-time hours and, in that country, unlike Australia, hours are decreasing. Second, Australia has the fastest growing working hours in the OECD, with average weekly hours jumping by 48 minutes between 1998 and the year 2000. Thirdly, Australia has the highest rate of unpaid overtime in the developed world, with one quarter of full-time employees not paid for overtime, averaging 2.7 hours a week.

Dr Barbara Pocock has written that family life and wider social relationships are suffering in this country because of the long hours culture in our workplaces. Suicide attempts, stress, depression and mood disorders are all symptomatic of overly long working hours. Despite the desire of most employees to work less, job insecurity and short staffing is driving them further.

Professor Drew Dawson suggests that the overall cost of fatigue related workplace incidents is estimated at $3 billion a year. Many organisations have directly benefited from short-term productivity gains associated with extended hours of work while passing the indirect costs on to the community and the taxpayer. That is today’s workplace—the workplace we are being guided to by the stunted vision of this government’s workplace relations agenda. It is a vision that the union movement has been fighting since 1996, despite a range of legislative manoeuvring that has made it increasingly difficult for them to access workplaces and assist workers. It is a failed vision that is hurting Australians. Yet incredibly the government would have us believe that all fault lies at the feet of the Labor government, that the very movement that has been fighting for job sharing, reduced hours, safe workplaces, a fair wage, maternity leave, child-care facilities and more is what is somehow holding back workers and employers from prosperity.

This government’s ideological malice can even be seen in parts of this legislation. The bill focuses on building accounting and auditing standards in registered organisations and aims to
enhance transparency and accountability so that it is broadly consistent with the Corporations Law. This is a positive end and that is why I am supporting the bill. Labor upholds the values of transparency and accountability whether that is within unions, community organisations, government or the private sector. Nonetheless it is worth pointing out that registered organisations are already very heavily regulated. Almost half the current act, at least in terms of its thickness, is taken up with this regulation. Yet the government wants more.

It is interesting to note, however, that while this government is prepared to regulate registered organisations to the hilt it lacks the same enthusiasm when it comes to applying similar regulations to corporations. In the wake of the HIH collapse in Australia and, internationally, WorldCom and Enron, this government has been totally unprepared to regulate corporations and to regulate to protect workers entitlements. In March last year, Labor put forward a comprehensive policy to improve corporate governance practice in Australia. This policy emphasised that we should be making it compulsory for each listed company to have an audit committee, requiring options to be expensed in company accounts and ensuring greater independence of business auditing analysis processes. Australian investors deserve action now. It is essential if Australia is not to suffer the same loss of consumer and investor confidence being experienced in America.

Another point of interest with this legislation is its aim to modernise the auditing standards required of registered organisations. While this government is happy to apply these standards to the trade union movement and not-for-profit organisations, it again seems unwilling to adopt a similar approach when it comes to the big end of town. This government has a history of refusing to act in this area. After OneTel collapsed, the Prime Minister promised to amend the law so that it would allow directors’ bonuses to be repaid when the company subsequently collapsed. We are still awaiting this legislation. After the collapse of Ansett, Mr Howard promised to raise the priority of employee entitlements above secured creditors. We are still waiting for this legislation. The Prime Minister and the Treasurer will talk the talk, but when it comes to actually protecting investors, employees and the many small creditors affected by corporate collapses they seek every available excuse not to act.

There are many areas of hypocrisy in this bill, as the member for Barton has already pointed out. I want to concentrate on a couple of issues. One of the issues that confronts us on the opposition benches is the constant vilification by government members—particularly the member for Warringah—of people with a trade union background. He carries on about the peerage of the Labor side in terms of the union movement. He carries on about the peerage of the Labor side in terms of the union movement. I want to say to the government members that we are proud of our union heritage. Not only are we proud of our union heritage but also we are proud of the stock that has bred many of our parliamentarians.

Today, one of the great union movement heroes, Jack Ferguson, died. In this place we will hear the member for Warringah and other members of the government vilify the member for Batman and his brother Laurie for their association with the trade union movement and the fact that their father was a Labor member of parliament. We hear it every now and then as they seek to demonise the union movement and the members of families whose parents have been involved in the union movement or the labour movement generally. They do not bother to think carefully about the role of these individuals and the organisations from which they come in forcing change on the Australian community. Those people do not want to accept that change.

I started off by talking about the language of the 19th century: do you know what comes out of the mouths of the members of the government, particularly the minister responsible for workplace relations? That language of which I spoke is his concern. He does not understand,
nor does he contemplate, that the language he uses has an effect on working Australians. The organisation that has been the catalyst for greater social change in the last 150 years has been the labour movement. Let us talk about Chifley, Curtin, Hawke and Keating and what we have from the government—Bob Menzies. They tie themselves to Bob Menzies or John Howard. This is an archaic view of the world. John Howard is another person who vilifies those people with a trade union background and a heritage of the trade union movement or people who have parents who have been members of the labour movement or the Labor Party in parliament.

Today the people of New South Wales are mourning the passing of Jack Ferguson and the people of the labour movement around Australia will mourn the passing of Jack Ferguson. Yet it will not stop the pretenders on the other side of the chamber, in the government, from attacking him, attacking his family, attacking the trade union from which he has come, as it befits them and as they feel they need.

Jack Ferguson—let us be clear about it—was a member of the BWIU all his working life and while he was in parliament. He was a proud member of the BWIU. He was an organiser for the BWIU. He was on the state executive of the BWIU. But what else was he? He was Deputy Leader of the New South Wales Parliamentary Labor Party from 3 December 1973 to 10 February 1984. He was Deputy Premier, Minister for Public Works and Minister for Ports from 14 May 1976 to 10 February 1984. He was Minister for Housing from 14 May 1976 to 10 February 1977. Bob Carr said this today:

But Jack Ferguson was no ordinary MP. He was Leader of the Labor Left at a crucial time. Jack brought a sceptical Left behind Wran, who won on a split vote. Without Ferguson, Wran would never have become ALP leader in 1973. There would have been no Wranslides. No twelve years of Labor Government in the 70s and 80s.

That says what a key person Jack Ferguson was in the New South Wales Labor movement and on the New South Wales political scene. Yet he will be demonised, his roots will be demonised and his children will be demonised because they come from a trade union background.

Mr Hawker—This is getting to be nonsense.

Mr Snowdon—As a matter of fact, we on our side of the chamber hold a bit of a book. I do not know whether you know this. Every time the Minister for Employment and Workplace Relations gets up on his pins, we count how many times he vilifies the union movement. We hand out lollies to those people who win the bet. We know it will happen every question time—every question time—just as we know that when Dr Kemp gets up he will parade the same litany of abuse.

You cannot hide from it. You get these poker-faced people on the other side of the chamber protesting that somehow or another they are not scared of the trade union movement and they are not vilifying members of the parliament when in fact they are. What they do not understand is the historical importance of the labour movement to Australian history. Nor do they understand the importance of the labour movement to the great social changes that have taken place in the last 150 years. Do they accept the importance of the labour movement in advancing the issue of land rights around Australia? I bet they do not. I know they were blackguarding the trade union movement, the Waterside Workers Federation, the Northern Territory Workers Union and the Australian Council of Trade Unions for their support for these movements.
Which organisation has been fighting for the rights of women in the workplace? Has it been the Liberal Party? Was it Bob Menzies? Is it John Howard? It was the trade union movement. Which organisation has been advancing the interests of workers in the area of child care? Has it been Bob Menzies? Was it John Howard? It was the trade union movement.

I am a proud member of the Labor Party. I am proud to say that I am someone who served with my friend Jennie George as part of the Australian Teachers’ Federation. I am pleased that I had membership of a trade union. I am pleased that I was active in the trade union movement. I am pleased because I know that what I was doing was helping people in the community and helping my workmates. I know that the issues we were interested in, like youth wages—I very much recall that debate in the late 1970s—were issues in which the conservative governments around Australia objected to our participation. Where we had campaigns on class sizes, who were the most vociferous opponents of advancing the interests of the teachers and the students in Australian schools? Conservative state governments.

I make no apology whatsoever for my relationship with the trade union movement. I do not know any member on the Labor side of the parliament who makes any apology for their role in or their relationship with the trade union movement. I am sick to the back teeth of being confronted by the idiocy of the member for Warringah when he gets up and tries to vilify, attack and undermine individual characters of the trade union movement and of the Labor Party because they have the temerity to be involved in fighting for change in the workplace or fighting for social and political change in our community. Those opposite are against change.

Let me just go back to what I said at the beginning, just for your information as you were not here. As for the ‘great changes’ you have brought to this community, Australia now has the second-longest working hours in the developed world; only South Koreans work longer average working full-time hours. Did you know that? In that country, unlike Australia, hours are decreasing. Australia has the fastest-growing working hours in the OECD, with the average weekly working hours jumping by 48 minutes between 1998 and 2000. We have the highest rate of unpaid overtime. Are you proud of that? Do you think that is terrific? When the trade union movement stands up and says, ‘We want better working conditions for our work- ers,’ do you say, ‘I am on your side’? What you want to do is screw them down. Your only interest is ripping them off. There is no evidence in any piece of legislation passed by you or your government in the six years you have been in power which exhibits anything but malice towards the trade union movement.

Mr Hawker—That’s nonsense.

Mr SNOWDON—The record speaks for itself. Few other nations have found it necessary to turn the clock back as this government has. John Buchanan wrote in his essay Promoting choice or undermining unions?:

In most OECD countries (perhaps with the exception of New Zealand) unions enjoy special support and encouragement under the law. The rationale for this situation arises from the long recognised inequality of bargaining power between individual workers and the firms that hire them.

Is that the case with this government? That is a rationale that was formed by observations made as early as 1776. What in? The workbook of the Liberal Party: Adam Smith’s The Wealth of Nations, in which he said:

A landlord, a farmer, a master manufacturer, or merchant, though they did not employ a single workman, could generally live a year or two upon the stocks which they have already acquired. Many workmen could not subsist a week, few could subsist a month, and scarce any a year without employment. In the long run the workman may be necessary to his master as his master is to him, but the necessity is not so immediate.
Because of this, it is unusual for governments to maintain minimum standards to promote autonomous organisations of employees—trade unions. Sadly and increasingly under this government, the importance of this principle of autonomous organisations is being overlooked. There are plenty of other examples of the labour movement fighting at the forefront of progressive social change. Unions came under strident attack for the support of the anti-conscription movement during the First World War, when they supported the efforts of the anti-conscription campaign of Daniel Mannix, the Catholic Archbishop of Melbourne.

Unionists were attacked and vilified for their protests against both conscription during the Vietnam War and their opposition to the war itself. Do you remember those days? I certainly do. The rhetoric has not changed. Today one-third of Australian workers now work in conditions that would be deemed illegal in Europe. This is what the poisoned policy behind six years of conservative vitriol has yielded. The government, blinded by ideology, is taking us even further back in time. Given the results of its workplace relations agenda, it is hard to understand why this government acts in this way. Bobby Oliver from the Research Institute for Cultural Heritage at Curtin University made the following observation in 1999, which may be relevant:

Does a poor sense of history contribute to a lack of vision?

Stuart Macintyre reflected upon the Liberals’ lack of historic figures when delivering the 1994 Manning Clark Labor History Memorial Lecture at Hobart. Recalling Keating’s victory speech, in which he stated ‘This was a victory for the true believers!’ Macintyre wondered whom—if anyone—Liberals would invoke on such an occasion.

The answer, of course, is Menzies. The Liberal Party’s web page, and the continued prominence given to Menzies in the Party’s emblems and at its functions suggests yet again that he remains the party’s one true statesman in most Liberal eyes.

Those of us on this side of the House are proud of our involvement with the labour movement. I must say that I will not stop speaking out against those people on the government benches who seek to use the parliament to attack individuals on the opposition side of the House because of their involvement with the trade union movement, their membership of a trade union, their heritage within the trade union movement, the fact that their family might have belonged to a trade union or the fact that their family members may have been members of the federal parliament or a state parliament. I will not stop opposing them. I will never stop opposing the stupidity of the member for Warringah and others on his side of the chamber who continually attack and attempt to undermine the trade union movement in Australia and individuals in it. (Time expired)

Mr BAIRD (Cook) (8.45 p.m.)—I follow the member for Lingiari and his most extraordinary contribution. I had the decency to listen to him and I hope he will listen to my making a few points in rejoinder because it is the ability to throw it out without listening to the other side of the debate that can be a problem.

There are a few things that need to be said. First and foremost, it needs to be said in relation to the member’s comments that the trade union movement has had a very significant role to play in the development of Australia and I for one was, for a period, a member of a trade union, so I am not about to criticise someone who now is. The point that has been made in the parliament is the degree to which the trade union movement dominates and whether that gives a myopic view on life. I think that is a legitimate comment because it actually comes from the Leader of the Opposition himself, who is trying to reduce the influence of trade unions within the Labor Party—reduce from 60 per cent down to 50 per cent representation on their own council.
If the member for Lingiari wishes to have his own invective towards his leader as to what he is doing, please keep it within the caucus not within the parliament, because that is where it rightly belongs. We are the ones who are pointing out that there is a heavy domination of the union movement—some 50 per cent of the frontbenchers have a trade union background, and more than 50 per cent of those in the lower house have a trade union movement background and have had some kind of official position. Of course if you go to the Senate, then the numbers there overwhelmingly consist of those who have had this trade union movement background. The figures are there to be seen. Look to Tony Blair in terms of his leadership of the Labour Party where he simply moved away from the trade union movement to establish a new kind of Labour Party. If the member wants to look at a successful model then he can do no worse than look at Tony Blair. Of course the Australian workplace itself has become tired of union activity.

If you look at the figures, the work force in Australia is increasingly less unionised. In the 1950s, around 60 per cent of Australian workers belonged to unions. These days the figure is under 25 per cent. So it is not as though we are doing anything. The people of Australia have voted with their feet. They have decided that the benefits that they have from joining unions are no longer there. They want to go out and do their own deals in terms of their own employers. So here is the last desperate plea of an ineffectual trade union movement who have lost their power base, want it back, want more members in the parliament and are angry with their leader for effecting this state of affairs.

The fact is that the Australian population had a gutful of the trade union movement when they saw the closed shops. We had no ticket, no start. You saw in terms of trade union activity closure of ports and closure of railways, airlines and factories—just closed down, where the economy suffered very significantly. Secondary boycotts were in place. By contrast, this government has provided one million new jobs, low unemployment, the lowest interest rates we have seen in 30 years and, in terms of the unemployment rate, in my electorate it is 2½ per cent. When you compare that in terms of job creation and looking after those in employment, then people know what it is about. If you have a strong economy that creates jobs. If you have a strong economy, you can have a wages increase. That is why wages under this government have increased far more than they did under your government. So when you look at where the workers’ friends are, it is in this government. That is why you lost so many voters at the last election—because the blue-collar right-wing voters saw that you had failed them. You failed them in terms of your management of the economy, and they looked back and they saw the 17 per cent interest rates, they saw the high unemployment level and they saw how well the economy was being managed under this government, where the trade union movement no longer had the types of controls over the economy that they used to have. When you had a Labor government in power, the level of debt that they reached was $84 billion.

The member for Lingiari can come in here and throw around the great pride he has in the trade union movement—and rightly so. There are some outstanding trade union movement leaders and he should be proud of them. A Prime Minister like Ben Chifley rightly deserves the due recognition of the Australian community but that does not take away from the rampant excesses of the trade union movement that have occurred in this country to the detriment of the Australian economy. That is why we have seen union membership drop from 60 per cent down to the order of 25 per cent today. The member for Lingiari might have his great halcyon calls to the great days of yore, but the facts are that it is his side of the parliament that has failed the average worker in this country and it is this government that is showing the leadership that people look to.
Having responded—provoked as I was by the member for Lingiari to respond—let me refer to the particular bill in hand, the Workplace Relations (Registration and Accountability of Organisations) Bill 2002. The changes made by the bill and its consequential bill are largely technical but they represent an important step forward. In many cases changes are being made to rules that have not been changed for many years. These are the rules that govern the internal machinations of organisations registered under the Workplace Relations Act. These organisations include those that represent employees and those that represent employers. The changes being made by this legislation will greatly improve the reporting disclosure and general accountability of these organisations to bring them more into line with corporate organisations. There are many clear advantages associated with this in terms of the organisations and the members and the wider community will benefit from a more accountable system of workplace relations in this country.

The first key aspect is to have disclosure to members. Under the existing Workplace Relations Act there is no requirement for an organisation or a branch of an organisation to hold general members’ meetings to discuss audited accounts. The recording process that is in place is complex, confusing and dated. This bill will require registered organisations to present reports to members or, in certain instances, to a committee of management. Reporting must take place within five months of the end of the financial year. The bill also requires the Industrial Registrar to publish reporting guidelines for the information of registered organisations. Entities with an annual income of less than $100,000 will be able to comply with reduced reporting requirements if given permission by the registrar.

Secondly, there is the enforcement of auditing and reporting obligations. Under the existing Workplace Relations Act, if an organisation breaches accounting regulations, it is punishable by small fines of less than $1,000. Anecdotally, little enforcement actually occurs. This legislation will convert most breaches of reporting obligations into civil penalties, bringing them into line with other Commonwealth offences. The registrar will be able to bring court proceedings in order to enforce any penalty levied.

There are three other minor changes. The first one regulates ballots for positions within registered organisations, expressly requiring that these be by secret postal ballot. It also specifies that organisations must comply with Electoral Commission orders about a ballot. Secondly, the bill also expands the provisions governing the rules of registered organisations, ensuring that they are not able to discriminate with regard to their membership on grounds of gender, race, religion or disability. Thirdly, the bill requires that members who have not paid membership fees for 24 continuous months be removed from the organisation’s register of members. The existing Workplace Relations Act has no such requirement. If a person wishes to rejoin an organisation within six months of having been removed, they will be able to do so without having to pay an extra rejoining fee. This change is important in order to ensure that organisations’ records are not stacked full of phantom members that could unduly influence any ballot.

I believe it is important that all employees and employers can have confidence in the integrity of their representative organisations, and this bill does provide a framework to allow this integrity and for it to be publicly demonstrated. The provisions in the bill are a response to findings of past royal commissions and other investigations that registered organisations were not accountable enough. Workers in Australia are increasingly independent and educated and understand the need for flexible work solutions that meet their individual requirements. This bill improves the regulation of registered institutions to ensure the workplace relations system is better able to provide this. The work force in Australia, as I have mentioned, is becoming
increasingly less unionised but the role that unions have is respected, and appropriate regulation is important both for the organisations themselves and the members. The bill will be yet another improvement to the industrial relations system under this government. This program of reform is one of the reasons why we have seen one million jobs created since this government came into office in 1996. The reforms contained in this legislation are sensible and in the interests of all. I commend the bill to the House.

Mr GAVAN O’CONNOR (Corio) (8.55 p.m.)—I take issue with the member for Cook, because I thought the member for Lingiari’s contribution was a substantial and passionate one. I was a bit disappointed when the member for Cook got up and trotted out the hoary old conservative myths about trade unions and their role in the economic marketplace. I will have a little more to say about that because I see the honourable member from the Western District is sitting there, the honourable member for Wannon. Of course, we know the squattocracy in the Western District has a great interest in industrial relations. I will speak a little more about that too as the debate progresses.

The Workplace Relations (Registration and Accountability of Organisations) Bill 2002 is legislation that we on this side of the House will, in the main, support. Broadly speaking, the provisions of the bill seek to improve the internal accountability, efficient management and the democratic participation and control of registered organisations. A cursory examination of the major sections of this bill provides a thumbnail sketch of the breadth of the legislation as it seeks to address the objectives mentioned above. The bill deals with the method of registration of an industrial organisation, amalgamations, model rules governing these organisations, rules governing memberships, democratic control, records and accounts, conduct of officers and employees and, of course, penalties that will apply for breaches of the provisions of the act.

The opposition supports genuine measures to improve the accountability of and democratic processes within registered industrial organisations. But as the shadow minister, the member for Barton, has pointed out in his address to the House on this bill, Australian unions are the most regulated in the world. Essentially they are democratic organisations and they are modern organisations, run extremely well by committed professionals dedicated to advancing the material wellbeing of their members.

Unions exist basically to empower their members in a commercial workplace environment where on many occasions their rights as employees are severely compromised by owners and managers in the pursuit of profit. Regrettably, many workplaces are autocratic environments operating quite contrary to the objectives being sought for union structures and processes in this sort of legislation. Many employers operate their businesses in fickle and difficult marketplaces over which they can exert little control. In the face of this uncertainty and lack of control they often, unfortunately, seek to exercise unreasonable control in their businesses. In that process and in the pursuit of greater profits, the delicate balance that is the employer/employee relationship is disturbed, often with appalling consequences for the business overall and the people who work in it.

We have expressed support for this legislation and many of the sentiments that are expressed in it. But that support ought not to be construed by the government or anybody else as meaning that the opposition supports for one minute the extremes of the Howard government’s industrial relations agenda. The opposition has always sought in matters of this type of legislation to play a constructive role and, indeed, we intend to do this on this occasion.

But of course we all know—and the member for Lingiari reflected on this—the historical performance of the Howard government in the field of industrial relations. Nothing has really
changed since the old Fightback days. The Prime Minister really has a very limited political agenda. His political agenda basically had three elements. The first was to destroy Medicare, and he has not been able to do that. The second was to introduce the GST, which he has done. The third was basically to implement his own personal industrial relations agenda, and he has failed to do that. We can understand the frustration of members opposite with the democratic process. They come into the parliament articulating the benefits of it for trade unions. But, when the Australian parliament with its two chambers considers their representative and regressive legislation, we throw it out. The parliament of Australia throws it out and constricts the excesses in this area that the minister at the table and other representatives of the government want to impose on the Australian work force.

It is really interesting that the government in debate on this particular bill articulates that one of the objectives of the legislation is to introduce democratic practice and accountability to the area of industrial relations. Well, we have a few long memories on this side of the House—and, indeed, we have some short ones. We remember the MUA dispute and the naked attempts by the government to crush a legitimate union in Australia.

Mr Hawker interjecting—

Mr GAVAN O’CONNOR—Is the honourable member claiming that the MUA isn’t a legitimate industrial organisation under your own legislation that you are articulating today? That is nonsense. Let me tell you about the democratic practice of the coalition, the great democratic practice where you unload the dogs and set them on workers—that is really democratic! It is really accountable when you hide what you do and you lie through your teeth like the previous industrial relations minister in this area did about what he was doing in that particular dispute. That is a matter for the public record now. We know the former minister lied to his back teeth on the MUA dispute, and we know that there was nothing democratic about soothing the dogs onto workers on the Australian waterfront. That is a really Australian activity! But that is the pride of the practice of the Howard government in industrial relations.

The reality is the Australian parliament will have none of your excesses. Keep bringing the bills back, keep dressing them up in whatever guise you want to implement your outdated industrial relations agenda in—the good people of Australia and people of goodwill in this parliament and outside of it will keep knocking your bills off. We do admire, in one way, the minister who happens to be in the chamber here tonight, gracing the Main Committee with his illustrious presence. We do not mind him. He keeps coming back time after time, like that old rubber dummy that keeps bouncing up and down. Give it a bit of a knock and it falls over and bang! Up it comes. You would have to be a dummy to keep coming back with the old Tory industrial legislation from the 19th century and keep trying to ram it through a 21st century parliament. That really is progressive! That has foresight! That has insight! We will just keep knocking it off. The parliament will keep knocking it off. Perhaps we might not have the majority in the House of Representatives, but the parliament of Australia will not have a bar of the sort of legislation that is continually being put to it and being foisted on the Australian work force by this very conservative government.

The honourable member for Cook made some gratuitous comments about the government being the worker’s friend and how these ugly trade unions with these insidious practices are really undermining the very fabric of Australian society. Well, you can engage in all the rhetoric you like.

Mr Hawker—You’ve got a hearing problem.
Mr GAVAN O’CONNOR—The honourable member for Wannon wants to tempt fate in this particular debate, so let us have a look at the corporate world that is defended by ministers of the government: the spivs and the crooks in the HIHs of this world. We do not hear a bo-peep from ministers in the government about that. The Howard government believes—and it is really an archaic perception of the Australian work force—that everybody else ought to be working from nine to five while coalition ministers and the few corporate spivs and a few corporate crooks are out on the golf course swinging the golf clubs all day—working half a week out there on the golf course, slip in for a few beers and some chardonnay, talk about how evil the unions are and dream up some harebrained scheme like we had on the Australian waterfront to crush one of Australia’s great trade unions.

We know about legislation before the parliament that seeks to enforce accountability for unions. Let us have a look at some corporate accountability. Let us have a look at National Textiles, a very interesting case when we examine this issue of accountability and of course it bears particular relevance because the Prime Minister’s brother was a director of the company. We all know about the corporate responsibility of National Textiles: they ratted on their workers and their entitlements—that is what happened. What did the Prime Minister do? The Howard government and the Prime Minister made payments to National Textiles in the face of some rather dubious activity that took place in that company.

What about corporate responsibility and accountability? Do we see that in legislation that is being brought before the parliament by this government? What about the HIH collapse? What about the spivs at the top of that organisation who rorted the wealth of that particular company and caused havoc in the insurance industry in this country? All we can get is this mealy mouthed: ‘Well, it’s the fault of all the states now for the public liability morass that confronts community organisations and professional organisations in this country.’ It is always somebody else’s fault when it comes to this government.

Let me go to the car industry, because I think it is fairly important that we examine how the Howard government attempts to engineer disputes in Australia’s great industries. The car industry happens to be very important to the Geelong economy. We have over 3,000 workers directly employed and several thousand others that are indirectly employed in this very important industry. Now we have coalition ministers saying that the legitimate assistance that should be provided to this important industry will be contingent on the implementation at the factory level of their repressive industrial relations agenda. I remind members of the Howard government about what has gone on in the car industry over the last 10 to 15 years.

Mr Hawker—They lost a heap of jobs under Labor—that’s right.

Mr GAVAN O’CONNOR—Have we? Is that so? The honourable member for Wannon makes the extraordinary statement that a whole heap of jobs have been lost under Labor government and that, ipso facto, if the coalition had been there all of those jobs would have been retained. You idiot! If the honourable member for Wannon takes that view, he is engaging in idiocy of the highest order.

Mr Hawker—They lost their jobs under Labor. Labor took their jobs.

Mr GAVAN O’CONNOR—There is absolutely no logic to that argument that you are interjecting on and seeking to advance. The simple fact of the matter is that the workers in the car industry have borne the brunt of the restructuring that has occurred in the Australian car industry. What is more, they have not only borne the brunt of that restructuring: they, along with their managements and along with the investment that has taken place through those companies, have created future wealth and the prosperity. It is largely the labours of the work force that on a day-to-day basis creates that wealth. The workers are the ones that have put the
car industry in the most advantageous position that it is in today, yet we have senior ministers in this government running around trying to stir up trouble in the car industry. When they are confronted with the inevitable result of their industrial relations system—that is, direct bargaining between workers and management on wages for the work force and conditions—they run away from it.

It is no good promoting division and then coming into this particular chamber and arguing that you really want accountability in trade unions and that you want greater democratic participation and control of the membership of these organisations. We on this side are very proud to be unionists, and I suspect that the honourable member for Wannon is proud to be a unionist too. In the past he would have been a member of the Victorian farmers and graziers association—the farmers union. He has been a unionist in his day. Every day in the House we get lectured by the honourable minister for higher education on ethics, morals and all of those sorts of things. He was a leader of a union: he was the leader of the doctors union, the AMA. That is one of the most restrictive of organisations. We never hear members of the government coming here to take on the doctors union over various issues. You always roll over and go to water at the first sign of trouble when the doctors go on strike, when they want to withdraw their labour or they want to make changes. We have many union leaders in the ranks opposite. The honourable industry minister was a member of a farmers union in Queensland.

We are all unionists here—do not pretend that we are anything else. Do not just get down on trade unions. You have been a member of the farmers union. Honourable ministers have been members of the doctors union. Liberal Party members and other members have been in farmers unions in other states. What is your hang-up? Why do you have a hang-up about trade unions? The Australian people really see through you lot: they really understand that, when push comes to shove, you really line up behind the spivs and the crooks in the corporate world, and I must say that the Prime Minister has form on this.

We all remember the bottom-of-the-harbour scheme. We all remember how, when he was Treasurer, the Prime Minister ran away from his responsibility to the Australian people and to the Australian parliament, ducked for cover and had no leadership. He basically failed in his duty to the Australian people to prosecute the spivs and the crooks who were behind the bottom-of-the-harbour scheme. We all know that, so I think you have a bit of form coming into this parliament day after day lecturing the union movement about accountability, efficient management and democratic participation and control. We will support this legislation because there are important improvements that can always be made to registered organisations, but we are not going to stomach the hypocrisy of government members who seek to run down the trade union movement at every opportunity, when they have been members of unions themselves and have betrayed, one could say, their origins as they have climbed the social tree and rubbed shoulders with those golf course buddies. All I can say to the honourable member for Wannon is that we are going to support those elements of this legislation which are in the interests of good governance. I think I will leave it at that. (Time expired)

Mr PRICE (Chifley) (9.15 p.m.)—I note that the minister is in the Main Committee, and I thank him for that courtesy. As the member for Corio has indicated, we are indeed supporting the Workplace Relations (Registration and Accountability of Organisations) Bill 2002 and the Workplace Relations (Registration and Accountability of Organisations) (Consequential Provisions) Bill 2002.

I am sure, Mr Deputy Speaker, that you will not mind me pointing out to the minister that quite frequently in the House he points out that most members on the opposition side belong to a trade union—and, indeed, that some have worked for trade unions—as though he is re-
vealing some deep, dark secret about our pasts. I welcome the opportunity to put on the record that yes, I have been a member of a trade union and continue to be so to this day. I believe that it is fundamentally part of workers’ human rights to have the freedom to freely associate and organise themselves for the betterment of each other and for their collective betterment. I have never been a full-time, paid official of a union, although I might say that I did seek it at one stage. I am happy to say that I have been an honorary official of a union. Indeed, I can go further and say that it was a resolution of mine that ended up with my union finally affiliating with the labour council.

I say to the minister: it is no dark secret. We are very proud of the fact that, in the main, we have trade union backgrounds. We think trade unions are legitimate and important organisations in our society. If I have advice for young people in my electorate—I have seen so many of them exploited in one way or another—it is to join a trade union. I further encourage them not only to join a trade union but indeed to participate in a trade union.

It is my belief that trade unions are far more democratic organisations than proprietary limited or limited companies. The board of directors of a company may have fiduciary responsibility to the shareholders, but the responsibility of a board of management is far greater and is monitored to a much greater extent than the equivalent in a company. And don’t we need trade unions today? My colleague the member for Corio has pointed out the collapse of HIH, a huge insurance company. As much as this federal government and, indeed, state governments have tried, we are still operating in the consequences of that failure. It was not the responsibility of the workers, the people employed by HIH, that HIH collapsed. It was not the fault of any trade union that it collapsed.

As for OneTel: who would have believed that OneTel would collapse and have a board of directors who would hold the shareholders and workers of that company to ransom by rewarding themselves with multimillion dollar bonuses as a function of their collapse? ‘We have been so good, we deserve this; we get a bonus.’ Mr Deputy Speaker Mossfield, you more than anyone would understand how a Labor government would have been pilloried if we had allowed an airline like Ansett to collapse. You can say, ‘It was partly management’s responsibility,’ and certainly it was. There is no doubt about that: management has a lot to answer for. But civil aviation is heavily regulated. It is not as though you can go out tomorrow and say, ‘I’m setting up an airline,’ and away you go. You have a whole department that monitors civil aviation, domestic and international.

The government bears some responsibility. But who in the end has paid the worst price? Who in the end has paid the highest price? It has been the workers of Ansett, who are still owed something like $400 million. These are not things that were on the never-never—it was not that some day they hoped to accrue an entitlement for this amount of money. Rather, Ansett employees worked dedicatedly for the company in the best interests of the company, and that is what they are owed.

There is no shame in this government, absolutely no shame. We do not hear ministers getting up in question time and berating executives who have ridden companies into the ground. Have you, Mr Deputy Speaker, or my colleague heard of one company executive who has been berated for failing not only the workers of that company but the shareholders and the nation? Of course not. We are told, ‘Oh well, that’s just the marketplace.’ But question time after question time, the minister gets up and says that the big evil in our society is trade unions, whose wish it is to represent those very same workers. It is a fact of life that a lot of workers today do not belong to a trade union—and I say, more’s the pity. But as companies collapse and workers see their entitlements disappear along with the idea that, somehow, be-
ing paid high wages and high salaries is some insurance for them for the future in their employment, increasingly they are starting to become concerned and to look at trade unions, notwithstanding the hostile rhetoric that is emanating from the Howard government.

My colleague the member for Corio mentioned the car industry, and there was a degree of derision from my friend the honourable member for Wannon. But let me tell you a few things that we did when we were in government. I think they were important changes to industrial relations. In the car industry there were a lot more separate awards—I think it was 309 separate awards. No-one is standing here justifying it, but equally, Mr Deputy Speaker, with your experience, you will understand the task it was to get those 300-odd awards down to about nine. It took a lot of cooperation—cooperation from company management, cooperation from a Labor federal government and, certainly, the cooperation and involvement of the trade union movement. In that era, we worked hard to get rid of demarcation disputes and to get rid of so many awards in one industry. We worked hard to break down what had been a traditional gulf between management and worker. We all remember the era when a worker did not say anything until he or she was spoken to, and when workers really did not have the role of inputting.

We tried to change that culture, and we spent a bit of money trying to change that culture. We said that, to have successful commerce and successful industry, we needed workers and companies working together. Mr Deputy Speaker, let me give you an example of a commitment of a Labor government to this philosophy. If you look around at our universities today, you will see that there are literally hundreds of millions of dollars being spent on management education—training of management and managers, particularly at universities but also in other tertiary institutions. From a Labor perspective we do not say that that is a bad thing; we say it is a good thing, a very good thing. Indeed, it is true to say a Labor government set up the Clyde Cameron College—and for what purpose? To better educate trade unionists. I have no shame in saying that I spent a month there in the very early days of the establishment of the Clyde Cameron College. Although I went to other management training subsequently, I have to say that that was some of the best training that I ever had. We had such socialist revolutionaries as Rod Carnegie and Ian Macphee, the then director of the Victorian Employees Federation, come and talk to us. I asked questions of them. Where is the investment in worker management education today—that is, training trade union officials? Where is the fairness, where is the equivalency? I hope that if we get back in we might be doing something about that rather than setting it up as a separate institution such as Clyde Cameron College. Maybe we will be doing it with universities.

But nothing in my experience demonstrated the nature of the change we were about to bring about as much as when I was on a parliamentary committee and we were tramping through Tasmania looking at the paper mills. There, one of the job delegates illustrated exactly I think in a nutshell what we were trying to accomplish. He said ‘Before these changes, when I clocked on, I was expected to leave my brains behind; but these days when I clock on I’m expected to bring my brains to work.’ That is, workers have something to contribute, they have knowledge, and management at that time expected them to be able to contribute, involved them in decision making and involved them in procedures. It was not class warfare; it was not vitriol as we get today.

I try to speak to as many businessmen as I can because I think it is important that I should understand industry, commerce and business. I have never heard one say, ‘Look, I really look forward to industrial confrontation; this is the major objective of my company—to actually have confrontation with my workers.’ Again, Mr Deputy Speaker, if you listen to question
time that would be the impression you would get from the honourable minister opposite. Again, I think that there are a lot of changes occurring out there that may catch the minister and the government on the hoof. Clearly there is a greater mobility amongst workers. They are not prepared like other workers to try to settle down for a lifetime career in one organisation. If anything typifies a worker today, it is that there is great mobility between organisations; they do not last a long time, and they are quite demanding about what sort of environment they work in.

I will finish on a couple of other notes. I will never understand how you will get the best out of a workforce if its workers are constantly in fear that they are going to be the next to lose their job, they are going to be the next to be downsized, so that they have absolutely no job security. I am sure that fear will drive some productivity gains—whether that is on a factory floor or in a white-collar environment—but they will be short-run gains. In the long run it is the environment—the sense of security, the sense of wellbeing, the sense of value and worth and, most particularly, the involvement of people in the organisation—that will determine the degree to which workers are able to contribute to the maximum.

The honourable member for Corio mentioned bottom-of-the-harbour schemes. He failed to say that it was the Fraser government that launched a royal commission into the painters and dockers. They thought it would be absolutely electoral heaven for them but it turned into the infamous bottom-of-the-harbour episode. As the honourable member for Corio said, an outcome of that royal commission was the failure of the current Prime Minister to respond to the memos of the Australian Taxation Commissioner to close all the loopholes. We have similar loopholes today. We have executives prepared to give themselves multimillion dollar increases to an extent that they seem to ordinary people—such as I am pleased to represent in my electorate and indeed such as live in your electorate, Mr Deputy Speaker—to be absolutely obscene amounts of money for a lifetime, let alone an annual remuneration. Then there are the options: time and time again that remuneration exists whether companies fail or succeed. It is almost as though the executives are on a golden wave to heaven. But, as I said, we are supporting the legislation.

In conclusion, I am happy to say that I have been a worker. I have had the most modest of jobs: shovelling excrement in poultry hatcheries and working at low-level sewage pumping stations—indeed even on the North Shore. I have made some observations about the similarity of the material I was dealing with in Western Sydney compared to that on the North Shore—no distinctions whatsoever. I have worked as a labourer, a builder’s labourer and a fencer. It is also true that I have worked for a bank and worked in the public service. I have worked as well for the water board as a labourer. I make no apology for the fact that I am a trade unionist. I make no apology for the very existence of trade unionists and their desire to associate for the betterment of their members. I find it distressing that so many people are not members of trade unions; I encourage them to become members and to fully participate in trade unions. Like any organisation, trade unions need to evolve and grow whilst hanging on to their core values. For as long as I can foresee into the future, there will always be a Labor Party and there will also be trade unions. We will always seek to have an organic connection with them as we seek betterment for the common people that we seek to serve.

Mr ABBOTT (Warringah—Minister for Employment and Workplace Relations and Minister Assisting the Prime Minister for the Public Service) (9.33 a.m.)—I would like to thank all the members who have spoken in this workplace relations debate, even those who have spoken with what I might regard as slightly excessive passion, given that we are in furious agreement on this legislation. I suppose I have to accept that on a subject as dear to the hearts
of members opposite as the union movement there would have to be a certain amount of auto
speak. I guess it is important to keep the faith no matter how feebly the candle may be burn-
ing. But I should say to the member for Chifley, whose contribution I did enjoy because it was
largely good humoured, that he may well find that he and I have more in common than he
thinks. I have myself worked in some jobs that have involved doing things that are not exactly
grand and high and mighty. I have myself worked in a job that involved putting on the over-
alls and digging out slurry pits in concrete batching plants; I have myself been a unionist and I
was perfectly happy to be a unionist at that time. I was a unionist by choice and that is the
way it ought to be if one is a unionist. But one of the differences between the government and
the opposition is that, while we in the government certainly respect the unions, while we in
the government certainly accept their right to exist and accept the right of workers to join
them, we do not necessarily equate workers’ interests with the institutional interests of the
union movement. We are a party for the workers; a party for the Australian workers. Unfortu-
nately, the Labor Party tends to be a party for the union movement, whether or not those un-
ions truly represent the workers of Australia. This is one important respect in which the Labor
Party has not changed, notwithstanding the fact the percentage of the work force that is un-
ionised has dropped from over 60 per cent in the 1950s to under 25 per cent today and, in fact,
to under 20 per cent in the private sector.

I suppose it is part of the current political weakness of the federal opposition that the Labor
Party has ignored or missed so many of the changes which have taken place in modern Aus-
tralia. One of the most profound changes is the fact that the workers of Australia today are no
longer the ignorant, downtrodden, submissive people that a number of members opposite have
suggested. I suppose I should also accept that at least the member for Lingiari may have been
a little bit affected by something which happened today and which I probably should note—
namely the passing of Jack Ferguson, the father of the member for Reid and the member for
Batman. Obviously Jack Ferguson was a political opponent of the Liberal Party. He was no
friend of liberalism but, in his own way, he was a fine Australian and his passing should be
mourned and regretted and this loss should be noted by the parliament—and I note it and I
extend my sympathy to all those who knew Jack Ferguson, particularly his sons but also to his
friends in this parliament.

This legislation is perhaps somewhat unusual in that it is a sign that, notwithstanding the
differences between the parties, some of which I have just noted, we do have many things in
common. I guess two of those great values that we have in common are our commitment to
democracy and our commitment to accountability in the great institutions of Australian soci-
ety. This bill is designed to enshrine those great values of democracy and accountability in the
registered organisations which comprise our workplace relations system. There is quite a long
history to these particular bills. They originated well back in the life of the previous parlia-
ment as a discussion paper put out by my distinguished predecessor, Peter Reith. They then
became an exposure draft bill. As a result of a constant process of consultation and dialogue
between employer organisations, union organisations and members opposite some of the more
controversial parts were taken out of the exposure draft of the bill. Eventually a bill did go
through the lower house of the parliament just prior to the last election with consent of the
opposition, and the bill would have gone through the Senate I am sure but the election inter-
vened and so now we are doing the same thing again. I have to say that there have been fur-
ther amendments to the bill post-election in part to take account of constructive suggestions
made by the shadow minister for workplace relations, the member for Barton, and in part to
restore some of the earlier constructive suggestions of the former shadow minister, the mem-
ber for Brisbane.
This is a genuine exercise in finding common ground. This is a genuine exercise in trying to find those things which unite us rather than dwelling on the things that divide us, which is perhaps an inevitable part of the political process—but we should not be allowed to obscure those fundamental things that we have in common. Given all the changes which have taken place over the last few years in workplace relations, it is appropriate that the technical rules governing registered organisations should be updated. The last significant amendments to those rules took place under the Hawke government in 1988 and, indeed, some of the regulatory provisions have been unchanged for many decades.

Essentially this bill proposes to modernise the financial and reporting requirements and improve the disclosure of financial information to the members of registered organisations and to improve the democratic control of those organisations through ensuring the better integrity of industrial elections. Generally speaking, what the government has sought to do with these bills is to ensure that the same standards of conduct and behaviour which the law imposes on company directors and on corporations should be imposed and expected of registered organisations and the officers of those organisations.

I should specifically thank the member for Barton for his intelligent and considered contribution in the second reading debate. As the member for Barton noted, this bill requires officers to act with due care and diligence in the financial management of organisations. In assessing an officer’s conduct, the standard to be applied is that of a reasonable person in the officer’s position. I should point out that this does not mean that the standard of reasonableness will be lower than that applicable to company directors; simply that like is to be compared with like in making an assessment of an officer’s conduct.

I probably should take slight issue with the member for Barton. He made the observation that companies were less democratic than trade unions. I suppose there is a sense in which that could be conceded. But I think it is also important to remember that companies are not purporting to be democracies in the same way that unions are. In addition, companies are accountable to the marketplace as well as to their own shareholders in a way that unions are not really, particularly given the fact that it is much harder than it has been in the past to set up new unions and to disamalgamate old unions. So there is rather less market, as it were, accountability for unions than there might be in what I would regard as a perfect world but which world I have not tried to advance in every respect in this bill.

A number of members opposite in the course of this debate have waxed understandably eloquent about the various outrages and abuses which we have seen by company officers and company directors in recent times. Yes, they are right: we have seen a cavalcade of quasi fraudulent, embarrassingly bad, ludicrously extravagant company directors and officers paraded before us during the HIH royal commission. Frankly we have seen the unacceptable face of capitalism. We have seen a whole lot of standards of behaviour which make everyone committed to a market economy blush. I would concede that. But I would also point out that it was this government which established the HIH royal commission. It is this government which is determined to improve the standards of corporate accountability and the behaviour of people in positions of responsibility in corporate life. Similarly, I should point out to members opposite that there is another royal commission operating at the moment which has revealed equally bad behaviour by other kinds of corporations and, indeed, by officers in other kinds of organisations—and this government is just as determined to stamp out bad behaviour there as it is to stamp out the kind of bad behaviour which we have seen in the HIH royal commission.

In conclusion, I would say that I note and in many respects admire the passionate commitment, as the member for Barton put it, that members opposite have to the trade union move-
ment. The trade union movement gave birth to the Labor Party. It has nourished it; it has sustained it over a hundred years. The separation which is now beginning to take place between the Labor Party and the trade union movement is an extremely difficult time, and I suspect that it will preoccupy and haunt the lives of many members opposite for at least one or two parliaments to come. But I do make this point: those organisations to which members opposite are so passionately committed will be more worthy of that support, thanks to the reforms embodied in this bill.

Question agreed to.

Bill read a second time.

Consideration in Detail

Bill—by leave—taken as a whole.

Mr ABBOTT (Warringah—Minister for Employment and Workplace Relations and Minister Assisting the Prime Minister for the Public Service) (9.46 a.m.)—It might assist the Main Committee if I indicate that there are a number of amendments circulated by the government that I do not intend to proceed with. These are amendments (101), (125) to (131), (159) to (162) and (172). I do seek leave of the Committee to move government amendments (1) to (100), (102) to (124), (132) to (158), (163) to (171) and (173) to (195) together, and I present a supplementary explanatory memorandum to the bill.

Leave granted.

Mr ABBOTT—by leave—I move:

(1) Title, page 1 (line 1), after “Act”, insert “to amend the Workplace Relations Act 1996”.

(2) Heading to Chapter 1, page 2 (line 1), omit the heading.

(3) Heading to Part 1, page 2 (line 2), omit the heading.

(4) Clause 1, page 2 (line 5), after “Relations”, insert “Amendment”.

(5) Clause 2, page 2 (table and note), omit the table and note, substitute:

<table>
<thead>
<tr>
<th>Commencement information</th>
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<tbody>
<tr>
<td>Column 1</td>
</tr>
<tr>
<td>Provision(s)</td>
</tr>
<tr>
<td>1. Sections 1 to 3 and anything in this Act not elsewhere covered by this table</td>
</tr>
<tr>
<td>2. Schedule 1</td>
</tr>
</tbody>
</table>

Note: This table relates only to the provisions of this Act as originally passed by the Parliament and assented to. It will not be expanded to deal with provisions inserted in this Act after assent.

(6) Clause 3, page 3 (lines 3 to 6), omit the clause, substitute:

3 Schedule(s)
Each Act that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

Schedule 1—Amendment of the Workplace Relations Act 1996

1 After section 4

Insert:

4A Schedule 1B

Schedule 1B has effect.

(7) Schedule 1, page 3, after proposed item 1, insert:

2 After Schedule 1A

Insert:

SCHEDULE 1B—REGISTRATION AND ACCOUNTABILITY OF ORGANISATIONS

Note: See section 4A

CHAPTER 1—OBJECTS OF SCHEDULE AND GENERAL PROVISIONS

This Chapter sets out the objects of the Schedule and contains other provisions that are relevant to the Schedule as a whole.

It includes definitions of terms that are used throughout the Schedule. However, not all definitions are in this Chapter. Definitions of terms that are used only in a particular area of the Schedule, or only in one section of the Schedule, are generally defined in that area or section.

1 Simplified outline of Chapter

(8) Heading to Part 2, page 4 (line 2), omit the heading.

(9) Clause 4, page 4 (lines 4 to 10), omit the clause.

(10) Clause 5, page 4 (lines 11 to 28), omit the clause, substitute:

5 Objects of Schedule

The principal objects of this Schedule are to:

(a) ensure that employee and employer organisations registered under this Schedule are representative of and accountable to their members, and are able to operate effectively; and

(b) encourage members to participate in the affairs of organisations to which they belong; and

(c) encourage the efficient management of organisations and high standards of accountability of organisations to their members; and

(d) provide for the democratic functioning and control of organisations.

Note: The Workplace Relations Act contains many provisions that affect the operation of this Schedule. For example, provisions of the Workplace Relations Act deal with the powers and functions of the Commission and of Registrars. Decisions made under this Schedule may be subject to procedures and rules (for example about appeals) that are set out in the Workplace Relations Act.

(11) Page 4 (after line 28), after clause 5, insert:

5A Schedule binds Crown

(1) This Schedule binds the Crown in each of its capacities.

(2) However, this Schedule does not make the Crown liable to be prosecuted for an offence.

(12) Clause 6, page 4 (line 30), omit “Act”, substitute “Schedule”.

(13) Clause 6, page 5 (lines 2 and 3), omit the definition of approved.
(14) Clause 6, page 8 (line 3), omit “Act”, substitute “Schedule”.
(15) Clause 6, page 9 (line 14), omit “Act”, substitute “Schedule”.
(16) Clause 6, page 11 (line 1), omit “subsection 190(1)”, substitute “section 190”.
(17) Clause 6, page 11 (line 21), omit “Act”, substitute “Schedule”.
(18) Clause 6, page 11 (line 23), omit “Act”, substitute “Schedule”.
(19) Clause 6, page 11 (line 24), omit “Act”, substitute “Schedule”.
(20) Clause 6, page 11 (line 24), after “Relations”, insert “Legislation Amendment”.
(21) Clause 6, page 12 (line 27), omit the definition of “this Act”, substitute:
this Schedule includes regulations made under this Schedule.
(22) Clause 6, page 11 (line 28), omit “and a declaration envelope”, substitute “a declaration envelope, and another envelope in the form prescribed by the regulations”.
(23) Clause 6, page 12 (lines 28 and 29), omit the definition of “Workplace Relations Act”, substitute:
Workplace Relations Act means the Workplace Relations Act 1996 and regulations made under section 359 of that Act but does not include this Schedule or regulations made under section 359 of this Schedule.
(24) Page 12 (after line 29), after clause 6, insert:
6A References to provisions in this Schedule
In this Schedule, a reference to a provision is a reference to a provision of this Schedule, unless the contrary intention appears.
(26) Clause 7, page 14 (line 18), omit “Act”, substitute “Schedule”.
(27) Clause 8, page 14 (line 25), omit “Act”, substitute “Schedule”.
(28) Heading to subclause (2), page 15 (line 9), omit “Act”, substitute “Schedule”.
(29) Clause 8, page 15 (line 10), omit “Act”, substitute “Schedule”.
(30) Heading to subclause (4), page 15 (line 16), omit “Act”, substitute “Schedule”.
(31) Clause 8, page 15 (line 22), omit “Act”, substitute “Schedule”.
(32) Clause 9, page 16 (line 3), omit “Act”, substitute “Schedule”.
(33) Clause 9, page 17 (line 1), omit “Act”, substitute “Schedule”.
(34) Clause 10, page 17 (line 6), omit “Act”, substitute “Schedule”.
(35) Clause 10, page 17 (line 16), omit “Act”, substitute “Schedule”.
(36) Clause 10, page 17 (line 27), omit “Act”, substitute “Schedule”.
(37) Clause 11, page 18 (line 2), omit “Act”, substitute “Schedule”.
(38) Clause 11, page 18 (line 8), omit “Act”, substitute “Schedule”.
(39) Clause 12, page 18 (line 13), omit “Act”, substitute “Schedule”.
(40) Clause 13, page 18 (line 24), omit “Act”, substitute “Schedule”.
(41) Clause 13, page 18 (line 27), omit “Act”, substitute “Schedule”.
(42) Clause 14, page 19 (line 4), omit “Act”, substitute “Schedule”.
(43) Clause 14, page 19 (line 17), omit “Act”, substitute “Schedule”.
(44) Clause 14, page 19 (line 21), omit “Act”, substitute “Schedule”.
(45) Clause 15, page 19 (lines 26 to 32), omit the clause, substitute:
15 Disapplication of Part 2.5 of Criminal Code
Part 2.5 of the *Criminal Code* does not apply to offences against this Schedule.

Note 1: Section 6 of this Schedule defines this Schedule to include the regulations.

Note 2: For the purposes of this Schedule (and the regulations), corporate responsibility is dealt with by section 344, rather than by Part 2.5 of the *Criminal Code*.


(47) Clause 16, page 20 (line 5), omit “Act”, substitute “Schedule”.

(48) Clause 18, page 22 (line 21), omit “Schedule 1”, substitute “subsection (3)”.

(49) Clause 18, page 22 (line 30), omit “Schedule 1”, substitute “subsection (3)”.

(50) Clause 18, page 23 (after line 7), at the end of the clause, add:

3 The persons specified for the purpose of subparagraphs (1)(b)(ii) and (c)(ii) are persons (other than employees) who:

   a are, or are able to become, members of an industrial organisation of employees within the meaning of the *Industrial Relations Act 1996* of New South Wales; or
   b are employees for the purposes of the *Industrial Relations Act 1999* of Queensland; or
   c are employees for the purposes of the *Industrial Relations Act 1979* of Western Australia; or
   d are employees for the purposes of the *Industrial and Employee Relations Act 1994* of South Australia.

(51) Clause 19, page 24 (line 26), omit “this Act”, substitute “this Schedule”.

(52) Clause 19, page 24 (line 29), omit “Act”, substitute “Schedule”.

(53) Clause 19, page 25 (line 4), omit “Act”, substitute “Schedule”.

(54) Clause 19, page 25 (line 30), omit “this Act”, substitute “this Schedule”.

(55) Clause 20, page 26 (line 21), omit “this Act”, substitute “this Schedule”.

(56) Clause 20, page 26 (line 24), omit “Act”, substitute “Schedule”.

(57) Clause 20, page 27 (line 2), omit “Act”, substitute “Schedule”.

(58) Clause 20, page 27 (line 3), after subclause (1), insert:

1A For the purposes of paragraph (1)(b), if a person or body has an interest in the enterprise in question, the Commission may decide that, despite the interest, the association is free from control by, or improper influence from, the person or body.

Note: The Commission could conclude that the association was free from control etc. by the person if, for example, the nature of the person’s interest was not such as to give the person a major say in the conduct of the enterprise or if the person did not have a significant management role in the association.

(59) Clause 21, page 28 (line 26), omit “Act”, substitute “Schedule”.

(60) Clause 22, page 29 (line 23), omit “Act”, substitute “Schedule”.

(61) Clause 25, page 32 (line 8), omit “Act”, substitute “Schedule”.


(63) Clause 25, page 32 (line 16), omit “Act”, substitute “Schedule”.

(64) Clause 26, page 33 (line 1), omit “Act”, substitute “Schedule”.

(65) Clause 26, page 33 (line 6), omit “Act”, substitute “Schedule”.

(66) Clause 26, page 33 (line 8), after “Relations”, insert “Legislation Amendment”.

(67) Clause 28, page 34 (line 21), omit “this Act”, substitute “this Schedule”.

(68) Clause 28, page 36 (line 12), omit “Act”, substitute “Schedule”.

(69) Clause 29, page 36 (line 32), omit “Act”, substitute “Schedule, the Workplace Relations Act”.
(70) Clause 29, page 36 (line 33), omit “this Act”, substitute “this Schedule, the Workplace Relations Act”.

(71) Clause 31, page 39 (line 26), omit “Act”, substitute “Schedule”.

(72) Clause 32, page 39 (line 31), omit “Act”, substitute “Schedule”.

(73) Clause 32, page 40 (line 2), omit “Act”, substitute “Schedule”.

(74) Clause 36, page 47 (line 2), omit “Act”, substitute “Schedule”.

(75) Clause 38, page 48 (line 24), omit “this Act”, substitute “this Schedule”.

(76) Clause 38, page 49 (lines 17 and 18), omit “this Act”, substitute “this Schedule”.

(77) Clause 55, page 63 (line 20), omit “Act”, substitute “Schedule”.

(78) Clause 55, page 63 (line 24), omit “Act”, substitute “Schedule”.

(79) Clause 57, page 66 (line 13), omit “Act”, substitute “Schedule”.

(80) Clause 60, page 71 (line 11), omit “Act”, substitute “Schedule”.

(81) Clause 62, page 74 (line 12), omit “Act”, substitute “Schedule”.

(82) Clause 65, page 77 (lines 4 to 7), omit subclause (6), substitute:

Conduct of ballot

(6) In a ballot conducted under this section, each completed ballot paper must be returned to the AEC as follows:

(a) the ballot paper must be in the declaration envelope provided to the voter with the ballot paper;

(b) the declaration envelope must be in another envelope that is in the form prescribed by the regulations.

(83) Clause 65, page 77 (line 8), omit subclause (7).

(84) Clause 65, page 76 (line 27), omit “Act”, substitute “Schedule”.

(85) Clause 73, page 83 (line 16), omit “this Act”, substitute “this Schedule”.

(86) Clause 73, page 83 (line 21), omit “Act”, substitute “Schedule”.

(87) Clause 80, page 86 (line 22), before “any”, insert “the Workplace Relations Act or”.

(88) Clause 87, page 90 (line 7), omit “Act”, substitute “Schedule, the Workplace Relations Act”.

(89) Clause 92, page 95 (line 7), omit “this Act”, substitute “this Schedule”.

(90) Clause 94, page 99 (line 5), after “for a”, insert “secret postal”.

(91) Clause 94, page 99 (lines 14 to 22), omit paragraphs (b) and (c), substitute:

(b) the amalgamation occurred after 31 December 1996; and

(c) the application is made at least 2 years, but no more than 5 years, after the amalgamation occurred.

(92) Clause 96, page 101 (line 6), omit “Act”, substitute “Schedule”.

(93) Clause 97, page 101 (line 17), omit “Act”, substitute “Schedule”.

(94) Clause 100, page 102 (line 7), after “secret”, insert “postal”.

(95) Clause 102, page 103 (line 17), omit paragraph (d), substitute:

(d) the declaration envelope and other envelope required for the purposes of the postal ballot.

(96) Clause 102, page 103 (lines 18 to 20), omit subclause (3), substitute:

(3) In a ballot conducted under this section, each completed ballot paper must be returned to the AEC as follows:

(a) the ballot paper must be in the declaration envelope provided to the voter with the ballot paper;
(b) the declaration envelope must be in another envelope that is in the form prescribed by the regulations.

(97) Clause 117, page 116 (line 5), before “any”, insert “the Workplace Relations Act or”.

(98) Clause 133, page 129 (line 12), omit “Act”, substitute “Schedule”.

(99) Clause 133, page 129 (line 17), omit “Act”, substitute “Schedule”.

(100) Clause 133, page 129 (line 21), omit “Act”, substitute “Schedule”.

(102) Clause 135, page 130 (line 28), omit “Act”, substitute “Schedule”.

(103) Clause 140, page 133 (line 6), omit “Act”, substitute “Schedule”.

(104) Clause 140, page 133 (line 7), omit “Act”, substitute “Schedule”.

(105) Clause 142, page 135 (line 9), omit “this Act”, substitute “this Schedule”.

(106) Clause 142, page 135 (line 22), omit “Act”, substitute “Schedule”.

(107) Clause 142, page 135 (line 24), omit “Act”, substitute “Schedule”.

(108) Clause 144, page 138 (line 2), omit “Act”, substitute “Schedule”.

(109) Clause 146, page 140 (line 23), omit “Act”, substitute “Schedule”.

(110) Clause 150, page 145 (line 4), omit “Act”, substitute “Schedule”.

(111) Clause 150, page 145 (line 5), omit “Act”, substitute “Schedule”.

(112) Clause 151, page 145 (line 28), omit “this Act”, substitute “this Schedule”.

(113) Clause 151, page 146 (line 1), omit “Act”, substitute “Schedule”.

(114) Clause 151, page 146 (line 12), omit “Act”, substitute “Schedule”.

(115) Clause 152, page 148 (line 9), omit “Act”, substitute “Schedule”.

(116) Clause 156, page 151 (line 5), omit “Act”, substitute “Schedule”.

(117) Clause 156, page 151 (line 10), omit “Act”, substitute “Schedule”.

(118) Clause 158, page 152 (line 31), omit “this Act”, substitute “this Schedule”.

(119) Clause 158, page 153 (line 5), omit “Act”, substitute “Schedule”.

(120) Clause 158, page 153 (line 23), omit “Part 3 of Schedule 2”, substitute “Division 4 of Part 7 of Chapter 11”.

(121) Clause 159, page 153 (line 31), omit “Act”, substitute “Schedule”.

(122) Clause 159, page 154 (line 17), omit “Part 3 of Schedule 2”, substitute “Division 4 of Part 7 of Chapter 11”.

(123) Clause 160, page 154 (line 23), omit “Act”, substitute “Schedule”.

(124) Clause 161, page 155 (line 2), omit “this Act”, substitute “this Schedule”.

(132) Clause 170, page 166 (line 2), omit “Act”, substitute “Schedule”.

(133) Clause 175, page 170 (line 6), omit “Act”, substitute “Schedule”.

(134) Clause 188, page 178 (lines 22 to 30), omit the clause, substitute:

188 Declaration envelopes etc. to be used for postal ballots

If the rules of an organisation provide for elections for office by postal ballot, a vote in the election cannot be counted unless the ballot paper on which it is recorded is returned as follows:

(a) the ballot paper must be in the declaration envelope provided to the voter with the ballot paper;

(b) the declaration envelope must be in another envelope that is in the form prescribed by the regulations.

(135) Clause 186, page 177 (line 15), omit “Act”, substitute “Schedule”.

REPRESENTATIVES MAIN COMMITTEE
(136) Clause 186, page 177 (line 22), omit “Act”, substitute “Schedule”.
(137) Clause 193, page 181 (line 20), at the end of paragraph (b), add: ; or (iii) to ensure the security of ballot papers and envelopes that are for use, or used, in the election.
(138) Clause 193, page 181 (lines 21 to 23), omit the note.
(139) Clause 205, page 196 (line 16), omit “Act”, substitute “Schedule”.
(140) Clause 210, page 199 (lines 7 to 10), omit all the words from and including “or on” to and including “(see Division 3)”.
(141) Division 3, clauses 221 to 228, page 206 (line 2) to page 210 (line 30), omit the Division.
(142) Clause 230, page 212 (line 30), omit “Act”, substitute “Schedule”.
(143) Clause 239, page 219 (line 23), omit “Act”, substitute “Schedule”.
(144) Clause 246, page 224 (line 8), omit “Act”, substitute “Schedule”.
(145) Clause 249, page 225 (line 27), omit “Act”, substitute “Schedule”.
(146) Clause 253, page 228 (line 29), omit “Act”, substitute “Schedule”.
(147) Clause 256, page 233 (line 9), omit “Act”, substitute “Schedule”.
(149) Clause 261, page 238 (line 20), omit “Act”, substitute “Schedule”.
(150) Clause 281, page 255 (line 10), omit “Act”, substitute “Schedule”.
(151) Clause 281, page 255 (lines 14 to 16), omit all the words from and including “Part 3” to and including “Commission”.
(152) Clause 285, page 257 (line 33), omit “Act”, substitute “Schedule”.
(153) Clause 290, page 259 (line 23), omit “Act”, substitute “Schedule”.
(154) Clause 293, page 261 (line 10), omit “Act”, substitute “Schedule”.
(155) Part 3, clauses 294 to 303, page 262 (line 2) to page 266 (line 19), omit the Part.
(156) Clause 305, page 269 (lines 26 to 28), omit paragraph (zk).
(157) Clause 310, page 271 (lines 18 to 28), omit subclauses (1) and (2), substitute:

Application by Industrial Registrar

(1) The Industrial Registrar, or some other person authorised in writing by the Industrial Registrar under this subsection to make the application, may apply for an order under this Part.
(158) Clause 317, page 275 (lines 5 to 21), omit the clause, substitute:
This Chapter deals with a variety of topics.
Part 2 contains provisions validating certain invalidities in relation to registered organisations.
Part 3 provides that if a person is a party to certain kinds of proceedings under the Schedule, the Commonwealth may, in some circumstances, give the person financial assistance. Division 2 of Part 3 contains a rule about the ordering of costs by a court.
Part 4 provides for a Registrar to make inquiries as to compliance with financial accountability requirements and civil penalty provisions. The Registrar may also conduct investigations.
Part 5 confers jurisdiction on the Federal Court in relation to matters arising under this Schedule.
Part 6 deals with various procedural and administrative matters. It also contains some offence provisions and provisions dealing with certain rights of members of organisations (sections 345, 346 and 347).
Part 7 deals with complementary registration systems.

317 Simplified outline
(163) Clause 329, page 290 (line 5), omit “Act”, substitute “Schedule”.
(164) Clause 338, page 297 (line 7), omit “Act”, substitute “Schedule”.
(165) Clause 338, page 297 (line 8), omit “Act”, substitute “Schedule”.
(166) Clause 338, page 297 (line 9), omit “Act”, substitute “Schedule”.
(167) Clause 338, page 297 (line 10), omit “Act”, substitute “Schedule”.
(168) Clause 338, page 297 (line 12), omit “Act”, substitute “Schedule”.
(169) Clause 338, page 297 (line 13), omit “Act”, substitute “Schedule”.
(170) Clause 338, page 297 (line 19), omit “Act”, substitute “Schedule”.
(171) Clause 339, page 297 (line 26), omit “Act”, substitute “Schedule”.
(174) Clause 341, page 298 (line 28), omit “Act”, substitute “Schedule”.
(175) Clause 343, page 300 (line 8), omit “Act”, substitute “Schedule”.
(176) Clause 344, page 300 (line 10), omit “Act”, substitute “Schedule”.
(177) Clause 344, page 300 (line 27), omit “Act”, substitute “Schedule”.
(178) Clause 344, page 300 (line 33), omit the note, substitute:

Note: Section 6 of this Schedule defines this Schedule to include the regulations.

(179) Clause 351, page 303 (line 27), omit “Act”, substitute “Schedule”.
(180) Clause 352, page 304 (line 2), omit “Act”, substitute “Schedule”.
(181) Clause 353, page 304 (line 12), omit “Act”, substitute “Schedule, the Workplace Relations Act”.
(182) Clause 353, page 304 (line 14), omit “Act”, substitute “Schedule”.
(184) Clause 354, page 304 (line 27), omit “Act”, substitute “Schedule”.
(185) Clause 357, page 306 (lines 5 to 10), omit the clause, substitute:

357 Application of penalty
A court that imposes a monetary penalty under this Schedule (other than a penalty for an offence) may order that the penalty, or a part of the penalty, be paid to:

(a) the Commonwealth; or
b) an organisation; or
(c) another person.

(186) Clause 358, page 306 (line 13), omit “Act”, substitute “Schedule”.
(188) Clause 359, page 307 (line 2), omit “Act”, substitute “Schedule”.
(189) Clause 359, page 307 (line 7), omit “Act”, substitute “Schedule”.
(190) Clause 359, page 307 (line 10), omit “Act”, substitute “Schedule”.
(191) Clause 359, page 307 (line 18), omit “Act”, substitute “Schedule”.
(192) Clause 359, page 307 (line 27), omit “Act”, substitute “Schedule”.
(193) Clause 360, page 308 (lines 13 to 28), omit the clause, substitute:

PART 7—COMPLEMENTARY REGISTRATION SYSTEMS

Division 1—Application of this Part

360 Complementary registration systems

If:
(a) an organisation is divided into branches; and
(b) the operations of one of the branches is confined to a prescribed State or the operations of
2 or more of the branches are each confined to a prescribed State; and
(c) the organisation proposes in accordance with this Part to amalgamate with an associated
body as defined by this Part for the purpose of seeking the non-corporate registration of
the branch, or of any of the branches, referred to in paragraph (b) under an Act of the State
concerned that is, or under Acts of the States concerned each of which is, a prescribed
State Act for the purposes of this Part;
then, in addition to the other provisions of this Schedule, this Part applies to the organisa-
tion but so applies only in relation to the branch or branches referred to in paragraph (c).

Division 2—Preliminary

361 Definitions

(1) In this Part, unless the contrary intention appears:

amalgamation means the carrying out of arrangements in relation to an organisation and an
associated body under which it is intended that:
(a) a branch of the organisation is to obtain non-corporate registration under a prescribed State
Act; and
(b) the associated body is to be de-registered under a prescribed State Act; and
(c) members of the associated body who are not already members of the organisation are to
become members of the organisation; and
(d) the property of the associated body is to become the property of the organisation forming
part of the branch fund of the branch; and
(e) the liabilities of the associated body are to be satisfied from the branch fund of the branch.

associated body, in relation to an organisation, means an association registered under a pre-
scribed State Act that is or purports to be composed of substantially the same members, and
has or purports to have substantially the same officers, as a branch of the organisation in the
same State, including such an association that has purported to function as a branch of the or-
ganisation.

State means a prescribed State.
Division 3—Branch rules

362 Branch funds

(1) The rules of a branch of an organisation must provide for a fund of the branch that is to be managed and controlled under rules of the branch, and must make provision in relation to the fund in accordance with subsection (2).

(2) The branch fund is to consist of:

(a) real or personal property of which the branch of the organisation, by the rules or by any established practice not inconsistent with the rules, has, or in the absence of a limited term lease, bailment or arrangement, would have, the right of custody, control or management; and

(b) the amounts of entrance fees, subscriptions, fines, fees or levies received by a branch, less so much of the amounts as is payable by the branch to the organisation; and

(c) interest, rents, dividends or other income derived from the investment or use of the fund; and

(d) a superannuation or long service leave or other fund operated or controlled by the branch for the benefit of its officers or employees; and

(e) a sick pay fund, accident pay fund, funeral fund, tool benefit fund or similar fund operated or controlled by the branch for the benefit of its members; and

(f) property acquired wholly or mainly by expenditure of the money of the fund or derived from other assets of the fund; and

(g) the proceeds of a disposal of parts of the fund.

(3) The Commission may grant to a branch of an organisation exemption from this section or any provision of this section on the ground that the branch’s rules make adequate and reasonable provision for its funds, having regard to the organisation’s functioning under this Schedule and the Workplace Relations Act and its participation in any State workplace relations system.

363 Obligations of Commission in relation to application under section 158

(1) Subsections (2) and (3) apply in relation to the consideration by the Commission of an application under section 158 for consent to a change in the name, or an alteration of the eligibility rules, of an organisation.

(2) The Commission must, in addition to any other relevant matters, have regard to:

(a) whether there is, in relation to the organisation, an associated body registered under a prescribed State Act; and

(b) whether the reason the change is sought is to enable the organisation, in addition to representing members or staff members under this Schedule or the Workplace Relations Act, to represent under the State Act a class of persons who would, if the change were consented to, become eligible for membership.

(3) In the case of an alteration to a rule that may effect a change in the class of persons eligible for membership of a branch of the organisation that is registered under the law of a State, the Commission must, before consenting, give notice of the proposed change to the industrial registrar or similar officer appointed under the law of the State in which the branch operates and, if so requested, consult with the industrial registrar or officer.

364 Branch autonomy

The rules of an organisation must provide for the autonomy of a branch in matters affecting members of the branch only and matters concerning the participation of the branch in a State workplace relations system.
365 Organisation may participate in State systems
(1) Where it is not contrary to the rules of an organisation to do so, the organisation may participate in workplace relations systems.
(2) For the purpose of participating, a branch of an organisation may become registered under a law of a State so long as that registration does not involve the branch in becoming incorporated, or otherwise becoming a legal entity, under the law of the State.
(3) Where an organisation participates, its rules may provide that the secretary of the branch of the organisation in the State is the person to sue or to be sued under the law of the State in relation to any acts or omissions arising from its participation.

Division 4—Amalgamation of organisation and associated body
366 Organisation and associated body may amalgamate
An organisation and an associated body may amalgamate in the manner set out in this Division.

367 Procedure for amalgamation
(1) The committee of management of an organisation and the committee of management of the associated body must each pass a resolution proposing amalgamation and specifying particulars of the proposed amalgamation.
(2) Application must be made to the Commission by the organisation for approval of the amalgamation.
(3) The application must be accompanied by a copy of any proposed alterations of the rules of the organisation.
(4) If the rules of the organisation do not comply, subject to subsection 362(3), with Division 3 in respect of each branch for which the organisation proposes to seek non-corporate registration under a prescribed State Act, the proposed alterations must include alterations necessary for the rules so to comply.
(5) The Commission must:
(a) determine what notice is to be given to other persons of the application; and
(b) determine whether, on whom and how notice should be served and whether it should be advertised in any newspaper; and
(c) fix a period during which objections may be lodged.
(6) Objection may be made to the amalgamation, so far as it involves an alteration of the eligibility rules of the organisation, by:
(a) another organisation; or
(b) a member of the associated body; or
(c) a registered association in the State in which the associated body functions;
because there is another organisation to which the members of the associated body, whose eligibility for membership would depend on the alteration, could more conveniently belong.
(7) Objection may be made to the amalgamation by a member of the organisation or of the associated body on the ground that:
(a) the provisions of this section have not been complied with; or
(b) the amalgamation would do substantial injustice to the members of the organisation or associated body.
(8) If any objections are duly lodged or if the Commission otherwise deems it advisable to do so, the Commission must:
(a) fix a day and place of hearing; and
(b) determine to whom and in what manner notice of the day and place of the hearing shall be given.

(9) If the Commission:
   (a) finds that no duly made objection is justified; and
   (b) is satisfied that the provisions of this section have been complied with; and
   (c) is satisfied that the amalgamation would not do substantial injustice to the members of the organisation or of the associated body; and
   (d) is satisfied that any proposed alterations of the rules of the organisation:
      (i) comply with and are not contrary to this Schedule and applicable awards; and
      (ii) are not otherwise contrary to law; and
      (iii) have been decided on under the rules of the organisation;
      the Commission must, subject to subsection (10), approve the amalgamation and fix the day on which the amalgamation is to take effect, but otherwise the Commission must refuse to approve the amalgamation.

(10) The Commission must not approve an amalgamation unless the Commission is satisfied as to arrangements made relating to property and liabilities of the associated body.

(11) On the day on which the amalgamation takes effect, any alteration of the rules of the organisation takes effect.

(12) On the day on which the amalgamation takes effect, all members of the associated body who are not already members of the organisation but are or become, on that day, eligible for membership of the organisation:
   (a) become members of the organisation; and
   (b) are to be taken to have been members for the period ending on that day during which they were members of the associated body.

Division 5—Exercise of Commission’s powers

368 Exercise of Commission’s powers under this Part

The powers of the Commission under this Part are exercisable only by a Presidential Member.

(194) Schedule 1, page 309 (lines 1 to 18), omit the Schedule.
(195) Schedule 2, page 310 (line 2) to page 317 (line 6), omit the Schedule.

The government amendments fall into two main categories. The vast majority of these amendments are designed to restructure the bill, to make it an act to amend the Workplace Relations Act by inserting a new schedule dealing with the registration and internal administration of registered organisations. To put it simply, what the government originally wanted to do was to create two acts—a Workplace Relations Act governing the external conduct, if you like, of registered organisations, and a Workplace Relations (Registration and Accountability of Organisations) Act governing the internal conduct of registered organisations. The opposition preferred to keep one act. But in order to make the work of people who need to deal with the act easier, we have been happy to accommodate that by putting the internal material in the act as a schedule and maintaining one act rather than two acts as originally intended.

The second category of amendments addresses technical issues and these are largely in response to matters raised by the opposition. Essentially, the second category of amendments ensures that the mere fact that members of an enterprise association own shares in their firm does not necessarily render such an association ineligible for registration by reason of im-
proper control by an employer. Apart from that, the second category of amendments protect the security of ballots. I commend these amendments to the House.

Mr McCLELLAND (Barton) (9.49 p.m.)—The opposition supports those amendments.

Question agreed to.

Mr McCLELLAND (Barton) (9.49 p.m.)—To assist the Main Committee, I indicate that I propose first to move amendment (1), as circulated in my name, and then to seek leave to move amendments (2) through to (11). I move amendment (1), as circulated in my name:

(1) Clause 20, page 27 (before line 4), before sub clause (2) insert:

(1B) For the purposes of paragraph (1)(b), if an employer meets or will meet costs and expenses of the association, or provides or will provide services to the association, this assistance must be taken into account when considering whether the association is free from control by, or improper influence from the employer.

This amendment is supplementary to one particular amendment moved by the Minister for Employment and Workplace Relations. It concerns the registration of enterprise associations and is basically in respect of a restriction on the registration in circumstances where that enterprise association has received assistance from an employer. The scheme of the act is that industrial organisations, whether they are traditional trade unions as we recognise them or enterprise associations, should be independent from the control of the employer.

Clearly, they intrinsically represent the interests of employees in their relations with the employer. Having said that, we appreciate that there may be minor assistance that may be provided as a matter of courtesy by an employer—for instance, the use of a meeting room or the use of a whiteboard. We believe that our amendments go some way to accommodating what is a practical outcome of distilling the principle that the association should remain separate from the influence of the employer but recognise the reality of common courtesies that apply in a workplace.

Mr ABBOTT (Warringah—Minister for Employment and Workplace Relations and Minister Assisting the Prime Minister for the Public Service) (9.51 p.m.)—The government supports the amendment as moved by the shadow minister.

Question agreed to.

Mr McCLELLAND (Barton) (9.51 p.m.)—I would like to recognise the contribution made by the Minister for Employment and Workplace Relations earlier this evening in respect of the comments he made regarding the passing of Jack Ferguson. The minister is known as a tough combatant, but equally I think one tough combatant paying homage to another tough combatant, Jack Ferguson, is something of note. I think a great honour is paid to the deceased by the minister’s comment that, despite differences of political opinion, he thought he was a fine Australian. I think indeed it is true to say that he was in many ways a linchpin in the tremendous success of the Wran government.

He was someone who was of the old industrial Left, if you like, with their views of improving the living standards of working Australians—as opposed to the academic Left, which has perhaps some more intangible goals. But the version of the Jack Ferguson Left is a version that I will always respect. I will certainly always respect someone who took principles up in a genuine way. He took them up in a hard way but always did it with integrity. I appreciate the minister’s comments.

If I may say so, the amendments that we are moving are significant amendments. They are intended to close a loophole that has been recognised in the current act, and that is in respect
of primarily the inappropriate use of resources of a union. We are very concerned that members of a trade union have the right to remedy an inappropriate use of their resources. The resources of a union belong to the union membership. Currently, case law is such that, if an officer leaves office or the breach of the rules has occurred and has finished—as occurs in the case of the misuse of resources—the courts have said, ‘The act as currently drafted says we can only give directions for the performance of rules and that is in the context of an ongoing obligation to perform the rules.’

The amendments moved by the government and the counter amendments moved by us are aimed at redressing that situation by giving the court a much broader scope to remedy any breach of the rules, save insofar as the issue of compensation may be involved. In respect of the issue of compensation that may be ordered against an individual, we then jump to other provisions of the act which already exist, or of the bill that we have agreed to pass, which involve some element of culpability on the part of the trade union official. We say that that is appropriate as opposed to what might be something of an oversight or something that may occur as a result of a misconstruction, for instance, as opposed to what might be a deliberate intention to personally benefit from an abuse of the rules.

I think that with the government’s amendments and our amendments in response an appropriate balance has been struck. It will address a flaw in the bill that the federal courts have identified as having really existed since about 1973. Addressing this flaw will be to everyone’s advantage. It will certainly be to the advantage of members who might want to challenge or question a decision or action by officers of a trade union. I believe it will also be of assistance to officers of a trade union who will have this mechanism of having the court empowered to resolve the totality of matters that might be in dispute in respect of an application by a member to perform and observe the rules. On that basis we advance the amendments that we have moved.

The DEPUTY SPEAKER (Mr Jenkins)—Order! Because of the nature of the initial remarks that the honourable member for Barton made, I did not interrupt him but I need him to seek leave and formally move his amendments.

Mr McCLELLAND—Thank you, Mr Deputy Speaker. I do seek leave to so move.

Leave granted.

Mr McCLELLAND—I move opposition amendments (2) to (11):

(1) Clause 20, page 27 (before line 4), before subclause (2) insert:

(1B) For the purposes of paragraph (1)(b), if an employer meets or will meet costs and expenses of the association, or provides or will provide services to the association, this assistance must be taken into account when considering whether the association is free from control by, or improper influence from the employer.

(2) Heading to Part 3, page 156 (line 2), omit the heading, substitute:

PART 3 – VALIDITY AND PERFORMANCE OF RULES ETC

(3) Clause 164, page 159 (lines 1 to 13), omit subclauses (6) to (8).

(4) Heading to subclause 9, page 159 (line 14), omit the heading, substitute:

Definition

(5) Clause 164, page 159 (line 16), omit the definition of election.

(6) Page 159, (after line 20) at the end of Part 3, add:

164A Directions to rectify breach of rule of organisation
Application for order

(1) A member of an organisation may apply to the Federal Court for an order under sub section 4 in relation to the organisation.

(2) Before making the order, the Court must give any person against whom the order is sought an opportunity of being heard.

Conditions for making order

(3) The Court may make an order under subsection (4) in relation to an organisation if the Court is satisfied that:

(a) a person was under an obligation to perform or observe a rule or rules of the organisation; and

(b) the person breached the rule or rules; and

(c) the person acted unreasonably in so breaching the rule or rules.

Nature of order

(4) Subject to section 164B, the Court may make an order directing one or more persons (who may be, or include, the person who breached the rule or rules) to do specified things that will, in the opinion of the Court, as far as is reasonably practicable, place the organisation in the position in which it would have been if the breach of the rule or rules had not occurred.

(5) The Court may make the order whether or not, at the time of making the order, the person is a member or officer of the organisation.

164B Orders under sections 164 and 164A

Order must not invalidate election etc.

(1) An order must not be made under section 164 or 164A that would have the effect of treating as invalid an election to an office in an organisation or a step in relation to such an election.

Order must not require compensation

(2) An order under section 164A does not include an order directing one or more persons to compensate an organisation for any loss or damage suffered by the organisation caused by the breach of the rule or rules.

Note: An application for a compensation order may be made under Part 2 of Chapter 10 of this Schedule.

Court may declare that rules contravene section 142

(3) Where the Court, in considering an application under section 164 or 164A, finds that the whole or a part of a rule of the organisation concerned contravenes section 142 or that the rules of the organisation concerned contravene that section in a particular respect, the Court may, by order, make a declaration to that effect.

(4) Section 163 (other than subsections (1) to (5) (inclusive)) applies in relation to an order made under subsection (3) of this section as if the order had been made under section 163.

Definition

(5) In this section:

election includes a purported election that is a nullity.

(7) Clause 324, page 285 (line 17), omit “or 164”, substitute “, 164 or 164A”.

(8) Clause 324, page 285 (line 20), omit “or 164”, substitute “, 164 or 164A”.

(9) Clause 324, page 285 (line 23), omit “or 164”, substitute “, 164 or 164A”.

(10) Heading to clause 326, page 287 (line 31), omit the heading, substitute:
Representatives

Tuesday, 17 September 2002

Main Committee

326 Applications under sections 163, 164, 164A and 167


Mr Abbott (Warringah—Leader of the House) (9.56 p.m.)—I am certainly happy to take it as you have indicated, Mr Deputy Speaker. I would like to indicate that the government supports the amendments as moved by the member for Barton, and I thank him for his gracious comments earlier.

Question agreed to.

Bill, as amended, agreed to.

Ordered that the bill be reported to the House with amendments.

Workplace Relations (Registration and Accountability of Organisations) (Consequential Provisions) Bill 2002

Second Reading

Debate resumed from 16 September, on motion by Mr Abbott:

That this bill be now read a second time.

Question agreed to.

Bill read a second time.

Consideration in Detail

Bill—by leave—taken as a whole.

Mr Abbott (Warringah—Leader of the House) (9.58 p.m.)—by leave—I move government amendments (1) to (233), as circulated, together, and I present a supplementary explanatory memorandum to the bill:

(1) Title, page 1 (line 2), after “Relations”, insert “Amendment”.

(2) Clause 1, page 1 (line 7), after “Relations”, insert “Legislation Amendment”.

(3) Clause 2, page 4 (table item 26), omit the table item.

(4) Clause 2, page 4 (lines 11 to 14), omit subclause (4).

(5) Schedule 1, item 1, page 6 (lines 9 and 10), omit the definition of RAO Act, substitute:

RAO Schedule means Schedule 1B to the Workplace Relations Act 1996.

(6) Schedule 1, item 1, page 6 (line 11), after “1996”, insert “(other than Schedule 1B)”.

(7) Schedule 1, item 1, page 6 (line 13), omit “RAO Act”, substitute “RAO Schedule”.

(8) Schedule 1, item 1, page 6 (line 16), omit “RAO Act”, substitute “RAO Schedule”.

(9) Schedule 1, item 1, page 6 (line 17), omit “that Act”, substitute “that Schedule”.

(10) Schedule 1, item 2, page 6 (line 24), omit “RAO Act”, substitute “RAO Schedule”.

(11) Schedule 1, item 4, page 7 (line 9), omit “RAO Act”, substitute “RAO Schedule”.

(12) Schedule 1, item 5, page 7 (line 30), omit “RAO Act”, substitute “RAO Schedule”.

(13) Schedule 1, item 5, page 8 (line 3), omit “RAO Act”, substitute “RAO Schedule”.

(14) Schedule 1, item 7, page 8 (line 21), omit “RAO Act”, substitute “RAO Schedule”.

(15) Schedule 1, item 7, page 8 (line 23), omit “RAO Act”, substitute “RAO Schedule”.

(16) Schedule 1, item 7, page 8 (line 24), omit “that Act”, substitute “that Schedule”.

(17) Schedule 1, item 7, page 8 (line 25), omit “that Act”, substitute “that Schedule”.

(18) Schedule 1, item 8, page 8 (line 33), omit “RAO Act”, substitute “RAO Schedule”.

(19) Schedule 1, item 9, page 9 (line 4), omit “RAO Act”, substitute “RAO Schedule”.

Representatives Main Committee
(20) Schedule 1, item 9, page 9 (line 9), omit “RAO Act”, substitute “RAO Schedule”.  
(21) Schedule 1, item 11, page 10 (line 8), omit “RAO Act”, substitute “RAO Schedule”.  
(22) Schedule 1, item 13, page 10 (line 15), omit “RAO Act”, substitute “RAO Schedule”.  
(23) Schedule 1, item 13, page 10 (line 16), omit “that Act”, substitute “that Schedule”.  
(24) Schedule 1, item 13, page 10 (line 18), omit “RAO Act”, substitute “RAO Schedule”.  
(25) Schedule 1, item 14, page 10 (line 26), omit “RAO Act”, substitute “RAO Schedule”.  
(26) Schedule 1, item 15, page 10 (line 30), omit “RAO Act”, substitute “RAO Schedule”.  
(27) Schedule 1, item 15, page 11 (line 2), omit “RAO Act”, substitute “RAO Schedule”.  
(28) Schedule 1, item 15, page 11 (line 8), omit “RAO Act”, substitute “RAO Schedule”.  
(29) Schedule 1, item 15, page 11 (line 9), omit “RAO Act”, substitute “RAO Schedule”.  
(30) Schedule 1, item 15, page 11 (line 15), omit “RAO Act”, substitute “RAO Schedule”.  
(31) Schedule 1, item 16, page 11 (line 19), omit “RAO Act”, substitute “RAO Schedule”.  
(32) Schedule 1, item 16, page 11 (line 21), omit “that Act”, substitute “that Schedule”.  
(33) Schedule 1, item 18, page 12 (line 5), omit “RAO Act”, substitute “RAO Schedule”.  
(34) Schedule 1, item 19, page 12 (line 13), omit “RAO Act”, substitute “RAO Schedule”.  
(35) Schedule 1, item 20, page 12 (line 20), omit “RAO Act”, substitute “RAO Schedule”.  
(36) Schedule 1, item 20, page 12 (line 22), omit “RAO Act”, substitute “RAO Schedule”.  
(37) Schedule 1, item 21, page 13 (line 2), omit “RAO Act”, substitute “RAO Schedule”.  
(38) Schedule 1, item 22, page 13 (line 6), omit “RAO Act”, substitute “RAO Schedule”.  
(39) Schedule 1, item 22, page 13 (line 10), omit “RAO Act”, substitute “RAO Schedule”.  
(40) Schedule 1, item 23, page 13 (line 10), omit “that Act”, substitute “that Schedule”.  
(41) Schedule 1, item 23, page 13 (line 15), omit “RAO Act”, substitute “RAO Schedule”.  
(42) Schedule 1, item 23, page 13 (line 17), omit “RAO Act”, substitute “RAO Schedule”.  
(43) Schedule 1, item 24, page 13 (line 21), omit “RAO Act”, substitute “RAO Schedule”.  
(44) Schedule 1, item 24, page 13 (line 24), omit “RAO Act”, substitute “RAO Schedule”.  
(45) Schedule 1, item 24, page 14 (line 1), omit “RAO Act”, substitute “RAO Schedule”.  
(46) Schedule 1, item 24, page 14 (line 2), omit “RAO Act”, substitute “RAO Schedule”.  
(47) Schedule 1, item 24, page 14 (line 3), omit “RAO Act”, substitute “RAO Schedule”.  
(48) Schedule 1, item 25, page 15 (line 6), omit “RAO Act”, substitute “RAO Schedule”.  
(49) Schedule 1, item 26, page 15 (lines 11 and 12), omit “RAO Act”, substitute “RAO Schedule”.  
(50) Schedule 1, item 26, page 15 (line 13), omit “RAO Act”, substitute “RAO Schedule”.  
(51) Schedule 1, item 26, page 15 (line 16), omit “RAO Act”, substitute “RAO Schedule”.  
(52) Schedule 1, item 26, page 15 (line 19), omit “RAO Act”, substitute “RAO Schedule”.  
(53) Schedule 1, item 26, page 15 (line 22), omit “RAO Act”, substitute “RAO Schedule”.  
(54) Schedule 1, item 26, page 15 (line 23), omit “RAO Act”, substitute “RAO Schedule”.  
(55) Schedule 1, item 27, page 16 (line 12), omit “RAO Act”, substitute “RAO Schedule”.  
(56) Schedule 1, item 27, page 16 (line 13), omit “the Act”, substitute “the Schedule”.  
(57) Schedule 1, item 27, page 16 (line 13), omit “RAO Act”, substitute “RAO Schedule”.  
(58) Schedule 1, item 28, page 16 (line 26), omit “RAO Act”, substitute “RAO Schedule”.  
(59) Schedule 1, item 29, page 16 (line 32), omit “RAO Act”, substitute “RAO Schedule”.  
(60) Schedule 1, item 30, page 17 (line 13), omit “RAO Act”, substitute “RAO Schedule”. 

REPRESENTATIVES MAIN COMMITTEE
(61) Schedule 1, item 31, page 17 (line 17), omit “RAO Act”, substitute “RAO Schedule”.
(62) Schedule 1, item 33, page 18 (line 10), omit “RAO Act”, substitute “RAO Schedule”.
(63) Schedule 1, item 34, page 19 (lines 3 to 13), omit the item, substitute:

34 Elections

(1) The RAO Schedule applies in relation to an election for an office, or a position other than an office, in an organisation or a branch of an organisation if no steps (including the calling of nominations) relating to the election have started before commencement.

(2) In the case of any other election for an office in an organisation or a branch of an organisation:

(a) the WR Act as in force immediately before commencement applies to the completion of so much of any step (including the calling of nominations) that was started, but not been completed, before commencement; and

(b) the RAO Schedule (except section 188) applies to any step (including the calling of nominations) that starts on or after commencement.

(64) Schedule 1, item 36, page 19 (line 22), omit “RAO Act”, substitute “RAO Schedule”.
(65) Schedule 1, item 36, page 19 (line 28), omit “RAO Act”, substitute “RAO Schedule”.
(66) Schedule 1, item 37, page 20 (lines 3 and 4), omit “RAO Act”, substitute “RAO Schedule”.
(67) Schedule 1, item 37, page 20 (line 8), omit “RAO Act”, substitute “RAO Schedule”.
(68) Schedule 1, item 38, page 20 (line 11), omit “RAO Act”, substitute “RAO Schedule”.
(69) Schedule 1, item 38, page 20 (line 12), omit “Act”, substitute “Schedule”.
(70) Schedule 1, item 39, page 20 (line 20), omit “RAO Act”, substitute “RAO Schedule”.
(71) Schedule 1, item 39, page 20 (line 24), omit “RAO Act”, substitute “RAO Schedule”.
(72) Schedule 1, item 40, page 20 (line 29), omit “RAO Act”, substitute “RAO Schedule”.
(73) Schedule 1, item 41, page 21 (line 3), omit “RAO Act”, substitute “RAO Schedule”.
(74) Schedule 1, item 42, page 22 (line 8), omit “RAO Act”, substitute “RAO Schedule”.
(75) Schedule 1, item 42, page 22 (line 12), omit “RAO Act”, substitute “RAO Schedule”.
(76) Schedule 1, item 42, page 22 (line 13), omit “RAO Act”, substitute “RAO Schedule”.
(77) Schedule 1, item 42, page 22 (lines 14 and 15), omit “RAO Act”, substitute “RAO Schedule”.
(78) Schedule 1, item 42, page 22 (line 17), omit “RAO Act”, substitute “RAO Schedule”.
(79) Schedule 1, item 43, page 22 (line 20), omit “RAO Act”, substitute “RAO Schedule”.
(80) Schedule 1, item 44, page 22 (line 27), omit “RAO Act”, substitute “RAO Schedule”.
(81) Schedule 1, item 44, page 22 (line 28), omit “RAO Act”, substitute “RAO Schedule”.
(82) Schedule 1, item 44, page 23 (line 3), omit “RAO Act”, substitute “RAO Schedule”.
(83) Schedule 1, item 44, page 23 (line 6), omit “RAO Act”, substitute “RAO Schedule”.
(84) Schedule 1, item 44, page 23 (line 7), omit “RAO Act”, substitute “RAO Schedule”.
(85) Schedule 1, item 44, page 23 (line 14), omit “RAO Act”, substitute “RAO Schedule”.
(86) Schedule 1, item 44, page 23 (line 15), omit “RAO Act”, substitute “RAO Schedule”.
(87) Schedule 1, item 44, page 23 (line 22), omit “RAO Act”, substitute “RAO Schedule”.
(88) Schedule 1, item 44, page 23 (line 23), omit “RAO Act”, substitute “RAO Schedule”.
(89) Schedule 1, item 44, page 23 (line 31), omit “RAO Act”, substitute “RAO Schedule”.
(90) Schedule 1, item 44, page 23 (line 32), omit “RAO Act”, substitute “RAO Schedule”.
(91) Schedule 1, item 45, page 24 (line 23), omit “RAO Act”, substitute “RAO Schedule”.

REPRESENTATIVES
MAIN COMMITTEE
Tuesday, 17 September 2002
Schedule 1, item 46, page 24 (line 25), omit “RAO Act”, substitute “RAO Schedule”.

Schedule 1, item 46, page 24 (line 29), omit “that Act”, substitute “that Schedule”.

Schedule 1, item 46, page 25 (line 9), after “Relations”, insert “Legislation Amendment”.

Schedule 1, item 48, page 30 (line 4), omit “RAO Act”, substitute “RAO Schedule”.

Schedule 1, item 48, page 30 (line 9), omit “that Act”, substitute “that Schedule”.

Schedule 1, item 48, page 30 (line 16), after “Relations”, insert “Legislation Amendment”.

Schedule 2, item 24, page 42 (line 18), omit.

Schedule 2, item 16, page 41 (line 25), omit.

Schedule 2, item 16, page 41 (lines 11 and 12), omit “Registration and Accountability of Organisations Act”, substitute “Registration and Accountability of Organisations Schedule”.

Schedule 2, item 14, page 41 (lines 16 and 17), omit “Registration and Accountability of Organisations Act”, substitute “Registration and Accountability of Organisations Schedule”.

Schedule 2, item 16, page 41 (line 19), omit “Registration and Accountability of Organisations Act”, substitute “Registration and Accountability of Organisations Schedule”.

Schedule 2, item 16, page 41 (line 22), after “Relations”, insert “Legislation Amendment”.

Schedule 2, item 16, page 41 (line 25), omit “Registration and Accountability of Organisations Act”, substitute “Registration and Accountability of Organisations Schedule”.

Schedule 2, item 19, page 42 (lines 3 to 5), omit the definition of Registration and Accountability of Organisations Act, substitute:

**Registration and Accountability of Organisations Schedule** means Schedule 1B.

Schedule 2, page 42 (after line 5), after item 19, insert:

**19A Subsection 4(1) (at the end of the definition of this Act)**

Add “but does not include Schedule 1B or regulations made under that Schedule”.

Schedule 2, item 22, page 42 (lines 12 and 13), omit “Registration and Accountability of Organisations Act”, substitute “Registration and Accountability of Organisations Schedule”.

Schedule 2, item 24, page 42 (line 18), omit “Registration and Accountability of Organisations Act”, substitute “Registration and Accountability of Organisations Schedule”.

Schedule 2, item 27, page 43 (lines 4 and 5), omit “Registration and Accountability of Organisations Act”, substitute “Registration and Accountability of Organisations Schedule”.

Schedule 2, item 28, page 43 (lines 9 and 10), omit “Registration and Accountability of Organisations Act”, substitute “Registration and Accountability of Organisations Schedule”.

Schedule 2, item 29, page 43 (lines 12 and 13), omit “Registration and Accountability of Organisations Act”, substitute “Registration and Accountability of Organisations Schedule”.

Schedule 2, item 30, page 43 (lines 15 and 16), omit “Registration and Accountability of Organisations Act”, substitute “Registration and Accountability of Organisations Schedule”.

Schedule 2, item 31, page 43 (lines 18 and 19), omit “Registration and Accountability of Organisations Act”, substitute “Registration and Accountability of Organisations Schedule”.

Schedule 2, item 32, page 43 (lines 21 and 22), omit “Registration and Accountability of Organisations Act”, substitute “Registration and Accountability of Organisations Schedule”.

Schedule 2, item 34, page 43 (lines 27 and 28), omit “Registration and Accountability of Organisations Act”, substitute “Registration and Accountability of Organisations Schedule”.

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**Representatives Main Committee**

Tuesday, 17 September 2002
(119) Schedule 2, item 36, page 44 (lines 6 and 7), omit “Registration and Accountability of Organisations Act”, substitute “Registration and Accountability of Organisations Schedule”.

(120) Schedule 2, item 38, page 44 (line 11), omit “Registration and Accountability of Organisations Act”, substitute “Registration and Accountability of Organisations Schedule”.

(121) Schedule 2, item 39, page 44 (line 15), omit “under Acts other than the Registration and Accountability of Organisations Act”, substitute “other than under the Registration and Accountability of Organisations Schedule”.

(122) Schedule 2, item 43, page 44 (line 25), omit “Registration and Accountability of Organisations Act”, substitute “Registration and Accountability of Organisations Schedule”.

(123) Schedule 2, item 43, page 44 (lines 26 and 27), omit “Registration and Accountability of Organisations Act”, substitute “Registration and Accountability of Organisations Schedule”.

(124) Schedule 2, item 43, page 45 (lines 2 and 3), omit “Registration and Accountability of Organisations Act”, substitute “Registration and Accountability of Organisations Schedule”.

(125) Schedule 2, item 43, page 45 (lines 4 and 5), omit “that Act”, substitute “that Schedule”.

(126) Schedule 2, item 43, page 45 (line 7), omit “that Act”, substitute “that Schedule”.

(127) Schedule 2, item 43, page 45 (line 14), omit “Registration and Accountability of Organisations Act”, substitute “Registration and Accountability of Organisations Schedule”.

(128) Schedule 2, item 43, page 46 (lines 19 and 20), omit “Registration and Accountability of Organisations Act”, substitute “Registration and Accountability of Organisations Schedule”.

(129) Schedule 2, item 44, page 46 (lines 24 and 25), omit “Registration and Accountability of Organisations Act”, substitute “Registration and Accountability of Organisations Schedule”.

(130) Schedule 2, item 46, page 46 (line 29), omit “Registration and Accountability of Organisations Act”, substitute “Registration and Accountability of Organisations Schedule”.

(131) Schedule 2, item 48, page 47 (lines 1 and 2), omit “Registration and Accountability of Organisations Act”, substitute “Registration and Accountability of Organisations Schedule”.

(132) Schedule 2, item 49, page 47 (lines 4 and 5), omit “Registration and Accountability of Organisations Act”, substitute “Registration and Accountability of Organisations Schedule”.

(133) Schedule 2, item 50, page 47 (lines 7 and 8), omit “Registration and Accountability of Organisations Act”, substitute “Registration and Accountability of Organisations Schedule”.

(134) Schedule 2, item 51, page 47 (lines 10 and 11), omit “Registration and Accountability of Organisations Act”, substitute “Registration and Accountability of Organisations Schedule”.

(135) Schedule 2, item 52, page 47 (lines 13 and 14), omit “Registration and Accountability of Organisations Act”, substitute “Registration and Accountability of Organisations Schedule”.

(136) Schedule 2, item 53, page 47 (lines 16 and 17), omit “Registration and Accountability of Organisations Act”, substitute “Registration and Accountability of Organisations Schedule”.

(137) Schedule 2, item 53, page 47 (line 17), omit “that Act”, substitute “that Schedule”.

(138) Schedule 2, item 54, page 47 (line 20), omit “Registration and Accountability of Organisations Act”, substitute “Registration and Accountability of Organisations Schedule”.

(139) Schedule 2, item 54, page 47 (line 21), omit “that Act”, substitute “that Schedule”.

(140) Schedule 2, item 55, page 47 (line 24), omit “Registration and Accountability of Organisations Act”, substitute “Registration and Accountability of Organisations Schedule”.

(141) Schedule 2, item 56, page 47 (lines 26 and 27), omit “Registration and Accountability of Organisations Act”, substitute “Registration and Accountability of Organisations Schedule”.

(142) Schedule 2, item 57, page 48 (lines 2 and 3), omit “Registration and Accountability of Organisations Act”, substitute “Registration and Accountability of Organisations Schedule”.

(143) Schedule 2, item 57, page 48 (lines 4 and 5), omit “that Act”, substitute “that Schedule”.

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**REPRESENTATIVES MAIN COMMITTEE**
(144) Schedule 2, item 58, page 48 (lines 7 and 8), omit “Registration and Accountability of Organisations Act”, substitute “Registration and Accountability of Organisations Schedule”.

(145) Schedule 2, item 59, page 48 (lines 12 and 13), omit “Registration and Accountability of Organisations Act”, substitute “Registration and Accountability of Organisations Schedule”.

(146) Schedule 2, item 59, page 48 (line 16), omit “that Act”, substitute “that Schedule”.

(147) Schedule 2, item 60, page 48 (line 22), omit “Registration and Accountability of Organisations Act”, substitute “Registration and Accountability of Organisations Schedule”.

(148) Schedule 2, item 61, page 48 (line 26), omit “Registration and Accountability of Organisations Act”, substitute “Registration and Accountability of Organisations Schedule”.

(149) Schedule 2, item 62, page 48 (line 30), omit “Registration and Accountability of Organisations Act”, substitute “Registration and Accountability of Organisations Schedule”.

(150) Schedule 2, item 63, page 49 (lines 1 and 2), omit “Registration and Accountability of Organisations Act”, substitute “Registration and Accountability of Organisations Schedule”.

(151) Schedule 2, item 64, page 49 (lines 5 and 6), omit “Registration and Accountability of Organisations Act”, substitute “Registration and Accountability of Organisations Schedule”.

(152) Schedule 2, item 64, page 49 (line 9), omit “that Act”, substitute “that Schedule”.

(153) Schedule 2, item 68, page 49 (line 24), omit “Registration and Accountability of Organisations Act”, substitute “Registration and Accountability of Organisations Schedule”.

(154) Schedule 2, item 70, page 50 (lines 4 and 5), omit “Registration and Accountability of Organisations Act”, substitute “Registration and Accountability of Organisations Schedule”.

(155) Schedule 2, item 70, page 50 (lines 7 and 8), omit “Registration and Accountability of Organisations Act”, substitute “Registration and Accountability of Organisations Schedule”.

(156) Schedule 2, item 71, page 50 (lines 14 and 15), omit “Registration and Accountability of Organisations Act”, substitute “Registration and Accountability of Organisations Schedule”.

(157) Schedule 2, item 71, page 50 (lines 16 and 17), omit “that Act”, substitute “that Schedule”.

(158) Schedule 2, item 73, page 50 (lines 22 and 23), omit “Registration and Accountability of Organisations Act”, substitute “Registration and Accountability of Organisations Schedule”.

(159) Schedule 2, item 74, page 50 (lines 26 and 27), omit “Registration and Accountability of Organisations Act”, substitute “Registration and Accountability of Organisations Schedule”.

(160) Schedule 2, item 80, page 51 (line 14), omit “Registration and Accountability of Organisations Act”, substitute “Registration and Accountability of Organisations Schedule”.

(161) Schedule 2, item 81, page 51 (line 16), omit “Registration and Accountability of Organisations Act”, substitute “Registration and Accountability of Organisations Schedule”.

(162) Schedule 2, item 82, page 51 (lines 18 and 19), omit “Registration and Accountability of Organisations Act”, substitute “Registration and Accountability of Organisations Schedule”.

(163) Schedule 2, item 84, page 52 (lines 15 and 16), omit “Registration and Accountability of Organisations Act”, substitute “Registration and Accountability of Organisations Schedule”.

(164) Schedule 2, item 86, page 53 (lines 11 and 12), omit “Registration and Accountability of Organisations Act”, substitute “Registration and Accountability of Organisations Schedule”.

(165) Schedule 2, item 86, page 53 (line 16), omit “Registration and Accountability of Organisations Act”, substitute “Registration and Accountability of Organisations Schedule”.

(166) Schedule 2, item 86, page 53 (lines 17 and 18), omit “Registration and Accountability of Organisations Act”, substitute “Registration and Accountability of Organisations Schedule”.

(167) Schedule 2, item 86, page 53 (lines 30 and 31), omit “Registration and Accountability of Organisations Act”, substitute “Registration and Accountability of Organisations Schedule”.

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REPRESENTATIVES MAIN COMMITTEE
(168) Schedule 2, item 87, page 54 (lines 12 and 13), omit “Registration and Accountability of Organisations Act”, substitute “Registration and Accountability of Organisations Schedule”.

(169) Schedule 2, item 89, page 54 (lines 18 and 19), omit “Registration and Accountability of Organisations Act”, substitute “Registration and Accountability of Organisations Schedule”.

(170) Schedule 2, item 90, page 54 (lines 21 and 22), omit “Registration and Accountability of Organisations Act”, substitute “Registration and Accountability of Organisations Schedule”.

(171) Schedule 2, item 96, page 55 (lines 10 and 11), omit “Registration and Accountability of Organisations Act”, substitute “Registration and Accountability of Organisations Schedule”.

(172) Schedule 2, item 97, page 55 (lines 13 and 14), omit “Registration and Accountability of Organisations Act”, substitute “Registration and Accountability of Organisations Schedule”.

(173) Schedule 2, item 98, page 55 (lines 17 and 18), omit “Registration and Accountability of Organisations Act”, substitute “Registration and Accountability of Organisations Schedule”.

(174) Schedule 2, item 98, page 55 (lines 19 and 20), omit “Registration and Accountability of Organisations Act”, substitute “Registration and Accountability of Organisations Schedule”.

(175) Schedule 2, item 98, page 55 (line 22), omit “Registration and Accountability of Organisations Act”, substitute “Registration and Accountability of Organisations Schedule”.

(176) Schedule 2, item 108, page 56 (lines 21 and 22), omit “Registration and Accountability of Organisations Act”, substitute “Registration and Accountability of Organisations Schedule”.

(177) Schedule 2, item 109, page 56 (lines 25 and 26), omit “Registration and Accountability of Organisations Act”, substitute “Registration and Accountability of Organisations Schedule”.

(178) Schedule 2, item 109, page 56 (lines 27 and 28), omit “Registration and Accountability of Organisations Act”, substitute “Registration and Accountability of Organisations Schedule”.

(179) Schedule 2, item 110, page 57 (line 2), omit “Registration and Accountability of Organisations Act”, substitute “Registration and Accountability of Organisations Schedule”.

(180) Schedule 2, item 111, page 57 (lines 4 and 5), omit “Registration and Accountability of Organisations Act”, substitute “Registration and Accountability of Organisations Schedule”.

(181) Schedule 2, item 112, page 57 (line 7), omit “Registration and Accountability of Organisations Act”, substitute “Registration and Accountability of Organisations Schedule”.

(182) Schedule 3, Act heading, page 59 (line 4), omit the heading.

(183) Schedule 3, item 1, page 59 (lines 5 to 8), omit the item.

(184) Schedule 3, item 2, page 59 (lines 13 and 14), omit “Registration and Accountability of Organisations Act”, substitute “Registration and Accountability of Organisations Schedule”.

(185) Schedule 3, item 3, page 59 (lines 17 to 19), omit the definition of Registration and Accountability of Organisations Act, substitute:

Registration and Accountability of Organisations Schedule means Schedule 1B to the Workplace Relations Act 1996.

(186) Schedule 3, page 59 (after line 19), after item 3, insert:

3A Section 3 (at the end of the definition of Workplace Relations Act)

Add “(other than Schedule 1B to that Act)”. 

(187) Schedule 3, item 6, page 59 (lines 25 to 28), omit the item, substitute:

6 Paragraph 4(3A)(b)

Repeal the paragraph, substitute:

(b) make an objection under section 66 of the Registration and Accountability of Organisations Schedule, or under regulations made under that Schedule in relation to a proceeding under that Schedule, and be heard in relation to that objection.
(188) Schedule 3, item 7, page 59 (line 29) to page 60 (line 1), omit the item.
(189) Schedule 3, item 9, page 60 (line 7), omit “Registration and Accountability of Organisations Act”, substitute “Registration and Accountability of Organisations Schedule”.
(190) Schedule 3, item 13, page 60 (lines 15 and 16), omit “Registration and Accountability of Organisations Act”, substitute “Registration and Accountability of Organisations Schedule”.
(191) Schedule 3, item 14, page 60 (lines 18 and 19), omit “Registration and Accountability of Organisations Act”, substitute “Registration and Accountability of Organisations Schedule”.
(192) Schedule 3, item 17, page 60 (lines 26 and 27), omit “Registration and Accountability of Organisations Act”, substitute “Registration and Accountability of Organisations Schedule”.
(193) Schedule 3, item 20, page 61 (lines 5 and 6), omit “Registration and Accountability of Organisations Act”, substitute “Registration and Accountability of Organisations Schedule”.
(194) Schedule 3, item 22, page 61 (lines 10 and 11), omit “Registration and Accountability of Organisations Act”, substitute “Registration and Accountability of Organisations Schedule”.
(195) Schedule 3, page 61 (after line 11), after item 22, insert:

22A Paragraph 5(1)(c)
Omit “under that Act”, substitute “under that Schedule”.

(196) Schedule 3, item 23, page 61 (lines 12 and 13), omit the item, substitute:

23 Paragraph 5(1)(c)
Omit “Division 1 of Part IX of that Act”, substitute “Part 2 of Chapter 2 of that Schedule”.

(197) Schedule 3, item 26, page 61 (lines 19 and 20), omit “Registration and Accountability of Organisations Act”, substitute “Registration and Accountability of Organisations Schedule”.
(198) Schedule 3, item 28, page 61 (lines 24 and 25), omit “Registration and Accountability of Organisations Act”, substitute “Registration and Accountability of Organisations Schedule”.
(199) Schedule 3, item 30, page 62 (lines 2 and 3), omit the item, substitute:

30 Subsection 7(3)
Omit “section 235 of that Act”, substitute “section 46 of that Schedule”.

(200) Schedule 3, item 32, page 62 (lines 7 and 8), omit “Registration and Accountability of Organisations Act”, substitute “Registration and Accountability of Organisations Schedule”.
(201) Schedule 3, item 33, page 62 (lines 10 to 12), omit the item, substitute:

33 Paragraph 7(2)(c)
Omit “the Workplace Relations Act 1996”, substitute “Schedule 1B to the Workplace Relations Act 1996”.

(202) Schedule 3, item 35, page 62 (lines 16 to 19), omit the item.
(203) Schedule 3, item 36, page 62 (lines 22 to 24), omit “the Workplace Relations (Registration and Accountability of Organisations) Act 2002”, substitute “Schedule 1B to the Workplace Relations Act 1996”.
(204) Schedule 3, item 37, page 62 (line 26) to page 63 (line 2), omit the item, substitute:

37 Section 85ZL (subparagraph (c)(ii) of the definition of Commonwealth authority)
Omit “the Workplace Relations Act 1996”, substitute “Schedule 1B to the Workplace Relations Act 1996”.

(205) Schedule 3, item 38, page 63 (line 7), after “Relations”, insert “Amendment”.
(206) Schedule 3, item 39, page 63 (line 13), after “Relations”, insert “Amendment”.
(207) Schedule 3, item 40, page 63 (line 19), after “Relations”, insert “Amendment”.
(208) Schedule 3, item 41, page 63 (lines 23 to 28), omit the item, substitute:
41 Subsection 4(1) (definition of registered organisation)
Omit “the Workplace Relations Act 1996”, substitute “Schedule 1B to the Workplace Relations Act 1996”.

Note: The heading to section 20 is altered by omitting “the Workplace Relations Act 1996” and substituting “Schedule 1B to the Workplace Relations Act 1996”.

(209) Schedule 3, item 47, page 64 (lines 15 to 18), omit the item, substitute:

47 Subsection 3(1) (paragraph (a) of the definition of trade union)
Omit “the Workplace Relations Act 1996”, substitute “Schedule 1B to the Workplace Relations Act 1996”.

(210) Schedule 3, page 64 (line 19), omit the heading.

(211) Schedule 3, item 48, page 64 (lines 20 to 25), omit the item.

(212) Schedule 3, item 49, page 64 (line 26) to page 65 (line 2), omit the item.

(213) Schedule 3, item 50, page 65 (lines 4 to 7), omit the item, substitute:

50 Subsection 3(1) (paragraph (a) of the definition of trade union)
Omit “the Workplace Relations Act 1996”, substitute “Schedule 1B to the Workplace Relations Act 1996”.

(214) Schedule 3, item 51, page 65 (lines 9 to 12), omit the item, substitute:

51 Subsection 27A(1) (paragraph (e) of the definition of registered organization)
Omit “the Workplace Relations Act 1996”, substitute “Schedule 1B to the Workplace Relations Act 1996”.

(215) Schedule 3, item 52, page 65 (lines 14 to 17), omit the item, substitute:

52 Subsection 3(1) (paragraph (e) of the definition of insurance business)
Omit “the Workplace Relations Act 1996”, substitute “Schedule 1B to the Workplace Relations Act 1996”.

(216) Schedule 3, page 65 (line 18), omit the heading.

(217) Schedule 3, item 53, page 65 (lines 19 to 22), omit the item.

(218) Schedule 3, item 54, page 65 (lines 24 to 26), omit the item, substitute:

54 Paragraph 11(3)(b)
Omit “the Workplace Relations Act 1996”, substitute “Schedule 1B to the Workplace Relations Act 1996”.

(219) Schedule 3, page 65 (line 27), omit the heading.

(220) Schedule 3, item 55, page 66 (lines 1 to 3), omit the item.

(221) Schedule 3, item 56, page 66 (lines 5 to 7), omit the item, substitute:

56 Schedule 1 (item referring to the Workplace Relations Act 1996)
Repeal the item, substitute:

Workplace Relations Act 1996, section 355, and section 356 of Schedule 1B

(222) Schedule 3, item 57, page 66 (lines 8 to 10), omit the item.

(223) Schedule 3, item 58, page 66 (lines 12 to 14), omit the item, substitute:

58 Paragraph 138(2)(b)
Omit “the Workplace Relations Act 1996”, substitute “Schedule 1B to the Workplace Relations Act 1996”.

(224) Schedule 3, item 59, page 66 (lines 17 to 23), omit the item, substitute:
59 Subsection 5(1) (paragraph (a) of the definition of registered union)
Omit “the Industrial Relations Act 1988”, substitute “Schedule 1B to the Workplace Relations Act 1996”.

(225) Schedule 3, item 60, page 66 (line 25) to page 67 (line 2), omit the item, substitute:

60 Clause 2 of Schedule 7 (paragraph (a) of the definition of registered union)
Omit “the Workplace Relations Act 1996”, substitute “Schedule 1B to the Workplace Relations Act 1996”.

(226) Schedule 3, item 61, page 67 (lines 4 to 9), omit the item, substitute:

61 Subsection 4(1) (definition of registered organization)
Omit “the Workplace Relations Act 1996”, substitute “Schedule 1B to the Workplace Relations Act 1996”.

Note: The heading to section 19 is altered by omitting “the Workplace Relations Act 1996” and substituting “Schedule 1B to the Workplace Relations Act 1996”.

(227) Schedule 3, item 62, page 67 (lines 11 to 14), omit the item, substitute:

62 Subsection 51(2BB) (paragraph (a) of the definition of approved organisation)
Omit “the Workplace Relations Act 1996”, substitute “Schedule 1B to the Workplace Relations Act 1996”.

(228) Schedule 3, item 63, page 67 (lines 16 to 19), omit the item, substitute:

63 Subsection 10(1) (paragraph (c) of the definition of registered organisation)
Omit “the Workplace Relations Act 1996”, substitute “Schedule 1B to the Workplace Relations Act 1996”.

(229) Schedule 3, item 64, page 67 (lines 22 to 24), omit the item, substitute:

64 Paragraph 4(b)
Omit “the Workplace Relations Act 1996”, substitute “Schedule 1B to the Workplace Relations Act 1996”.

(230) Schedule 4, item 3, page 69 (lines 7 and 8), omit “Registration and Accountability of Organisations Act”, substitute “Registration and Accountability of Organisations Schedule”.

(231) Schedule 4, item 4, page 69 (lines 10 and 11), omit “Registration and Accountability of Organisations Act”, substitute “Registration and Accountability of Organisations Schedule”.

(232) Schedule 4, item 5, page 69 (lines 13 and 14), omit “Registration and Accountability of Organisations Act”, substitute “Registration and Accountability of Organisations Schedule”.

(233) Schedule 4, item 6, page 69 (lines 16 and 17), omit “Registration and Accountability of Organisations Act”, substitute “Registration and Accountability of Organisations Schedule”.

All of these amendments, with the exception of two, are consequential on the government’s earlier agreement with the opposition to put these provisions dealing with the internal management of registered organisations into a schedule of the main act. Of the two amendments that are not doing that, one is consequential on a government amendment to the main bill deleting a requirement of that concerning duties of officers and employees of organisations to observe orders and directions of the court and commission. This is a matter which was controversial and therefore the government will proceed with this in another form at another time. Another one of the amendments deals with transitional rules for the new legislative regime in relation to industrial elections. It ensures that the former legislative regime will apply to any steps taken in an election before the commencement of the new regime.

Question agreed to.

Bill, as amended, agreed to.
Ordered that the bill be reported to the House with amendments.

STATES GRANTS (PRIMARY AND SECONDARY EDUCATION ASSISTANCE) AMENDMENT BILL (NO. 2) 2002

Second Reading

Ms PANOPoulos (Indi) (10.01 p.m.)—I rise this evening in support of the States Grants (Primary and Secondary Education Assistance) Amendment Bill (No. 2) 2002. For too long the previous Labor government shirked its responsibility to adequately contribute to the quality primary and secondary education of Australian children. Since the election of the Howard government in 1996, however, there have been significant policy changes in the area of school funding, particularly in relation to funding arrangements between government and non-government schools. It should first be noted, however, that the Commonwealth government only has a secondary responsibility to fund government schools. Indeed, there are widespread misconceptions in some sectors of the media and community about precisely how Australian schools are funded, and state and territory Labor governments are only too willing to foster such misconceptions.

In Australia it is the states and territories that have primary responsibility for education funding. The federal government has taken on additional responsibility for funding of non-government schools because it was desperately needed. In 2001 the coalition government introduced a new system of funding for non-government schools. In the past funding arrangements for schools were dependent upon their ability to generate funds for themselves. With the new standard, non-government schools are funded through assessing the socioeconomic basis of their local school community. This is known as the SES, the social economic status, and it basically measures a local community’s capacity to support their school.

Commonwealth expenditure on schools for 2002-03 is $6.6 billion, of which 64 per cent is directed to non-government schools. Obviously when we are dealing with figures of this magnitude there is a need for careful planning in their implementation. This bill seeks to extend the current funding arrangements of Australian schools to facilitate greater flexibility in forward planning for capital works within both government and non-government schools through 2005-07. In my home state of Victoria over one-third of all school students attend a Catholic or independent school, yet these students receive less than seven per cent of the total state government outlay for schools. In the latest state government budget, there was a very small increase in education spending, and in these new initiatives there is very little that will benefit non-government schools.

The member for Jagajaga has publicly criticised the Commonwealth’s education budget and, in doing so, has completely ignored the states’ primary role in education funding. Her criticism of the SES funding model, which looks at parents’ ability to pay fees, is that funding should be based on a school’s resources rather than students. What a ridiculous proposition. Schools would be nothing without students, and the primary focus should always be on the needs of the student population and families. The member for Jagajaga also fails to point out that government school students still receive substantially more in funding than non-government school students.

Parents who send their children to independent schools or Catholic schools do so in the hope that the significant financial investment they make in their children’s education will be rewarded. They make significant economic sacrifices in sending their children to non-government schools and should not be penalised for doing so. Indeed, it is government...
Representatives
6526
Main Committee
Tuesday, 17 September 2002

schools that are losing students to the private system because state governments are inade-
quately funding public education.

The government’s funding plan for schools corrects the inequity and unfairness that existed under the ALP’s funding formula. The Labor Party in the past destroyed the integrity of non-
government school funding and denied parents greater choice about the education of their children. The coalition’s funding plan recognises the importance of both government and non-
government school sectors and funds them accordingly.

This government believes in providing choice for parents in helping them decide where to send their children to school. With the record levels of funding assistance that the federal gov-
ernment is providing for both the government and non-government sectors, this legislation successfully delivers on the notion that parents exercising choice in the education arrange-
ments for their children are supported according to the socioeconomic need of their respective school communities. Through these funding arrangements the government aims to restore fairness and equity to government and non-government school funding and lift the quality of schooling in both the public and the private education systems. Commonwealth funding for non-government schools has risen by 82 per cent by 1996 and 2002.

It should be openly acknowledged that the non-government sector is growing much faster than the government sector. Enrolments in non-government schools are rising at nine times the rate of enrolments in government schools. Commonwealth schooling programs are driven by enrolments, and this upward trend in non-government school enrolments is reflected in the current funding arrangements for schools, undertaken by the Howard government. This gov-
ernment has delivered more money to both government and non-government schools than any other previous federal government.

Of particular interest is the fact that the increase in education spending by the Common-
wealth government has not been matched by the states. In the period since 1996 there has been a 52 per cent increase in Commonwealth funding for government schools. During this entire period government school enrolments have increased by only 1.4 per cent. In Victoria last year, the Commonwealth increased state funding by 5.7 per cent, while the Bracks gov-
ernment increased it by only 1.8 per cent, which is less than the rate of inflation and, in real terms, is a cut in funding.

Whilst government schools are the prime responsibility of both state and territory govern-
ments, it is true that government schools are increasingly receiving more of their recurrent funding from the Commonwealth government. Before this government’s funding arrange-
ments came to be in place, these parents had been receiving the least amount of government support. This bill’s extension of the current funding arrangements up until 2007 clearly caters for those parents who make the personal and economic sacrifices to be able to send their children to a school of their choice. There are significant upsides to this as well. In Victoria alone, independent schools and the parents who send their children to them save government $500 million per year. The importance of this bill is to ensure that the funding criteria and arrange-
ments currently in place are continued through to 2007. Funding for capital projects are usu-
ally sought in considerable advance from the commencement of building projects; hence the need for the amendment in this bill.

Contrary to popular myth making regarding the levels of Commonwealth government funding to government schools, Commonwealth funding for both government and non-
government schools, as has been stated by the minister on many occasions, has risen signifi-
cantly. Between 2001 and 2004, schools will receive approximately $1.3 billion in Common-
wealth funding under the capital grants program. From this figure, $936 million is allocated to

Representatives Main Committee
government schools and $357 million is allocated to non-government schools. This translates to 72 per cent of capital funding being allocated to government schools that collectively account for 69 per cent of all student enrolments. The argument that the Labor Party has promoted recently that the government is inadequately funding government schools is deceptive and we only need to look at these figures to rebut their proposition. In light of their poor record and lack of current policies, they have been left out in the cold in the education debate and have resorted to merely peddling untruths.

Earlier this evening the member for Throsby spoke at length about the supposed failure of the government’s approach to education funding. But for all the cheap talk about education that pours from the other side, the only thing they have been able to come up with in six years of opposition is Knowledge Nation, better known to the community at large as ‘noodle nation’, which was so uninspiring that not one person in my electorate has mentioned it—or at least not in a positive way. We in the government wait for the day when the Labor Party stops carping about this government’s performance in education and starts matching their venomous and negative rhetoric with some ideas and policy. That is how those opposite can best illustrate that they care about the education of Australian students. Unlike the opposition, the government lists the education of Australian students as one of its highest priorities.

I was proud to have the Prime Minister in my electorate on 10 May this year to officially open new facilities at Mitchell Secondary College in Wodonga. I was proud not only because this school had survived closure in the early 1990s and is now thriving with a student population of over 900 achieving in a wide range of activities but also because the Commonwealth had contributed over $1.8 million in capital funding for the new facilities at the school. This funding is about more than just bricks and mortar; it is about helping to create an educational level playing field for Australian school students. It is about giving them access to facilities and buildings in which they can realise their potential.

Only this month I represented the minister for education at functions within my electorate to officially open major upgrades and extensions of two schools. At the Sacred Heart College in Yarrawonga, the Howard government contributed a grant of $493,000 to the capital works program. This upgrade will encourage students to realise their potential and achieve their goals within a small rural community. Similarly, at the FCJ College in Benalla, a grant of over $427,000 was contributed by this government for the construction of a technology and applied studies wing, which comprised an art room and photography, pottery, woodwork and metalwork facilities. These capital works programs in our schools are necessary and highlight the need for investment in education and the provision of facilities for our school children. I am proud to be part of a government that is committed to ensuring that every student receives a quality school education. For 2003 the Commonwealth government is providing $6.6 billion in funding for Australian schools, an increase of $475 million or 6.5 per cent over the previous year.

It is important to note which Australians are choosing to send their children to a government school. Fourteen per cent of people who have a household income of less than $20,800 a year have children at schools and, of these people, one in five sends their children to a non-government school. In a similar vein, 21 per cent of families earning less than $26,800 a year have children currently at schools and similarly one in five sends their children to non-government schools. Those who then peddle the agenda that all private schools are rich need to seriously consider what this means. In my electorate there are many people who struggle to make considerable economic sacrifices in order to send their children to non-government schools and to hopefully make an investment in the educational and employment prospects of
their children. This issue is about choice—choice for parents who wish to send their children to either a government or non-government school. I am sure that the majority of the members in this House would realise that all private schools are not rich, which has been suggested by many members on the other side.

The two non-government schools in my electorate whose capital works upgrades have recently been opened are not rich schools; rather the parents of the children at these schools have made careful decisions and sacrifices to send their children to these institutions. Within my electorate most of the non-government schools cater to a wide variety of people with widely differing socioeconomic situations. Parents who choose to send their children to one of these non-government schools are part of the equation that recognises that the government offers choice to people when it comes to education.

This year’s budget figures tell us the story clearly and unequivocally. While school funding has historically been the responsibility of state and territory governments, Commonwealth government funding for Australian schools has risen considerably since the Howard government was elected. This year the government is providing $6.6 billion in funding for Australian schools, which represents a 6.5 per cent increase on the previous year and continues the already well established trend of increasing investment in education by the Howard government. With these figures in the public domain, there is little that people can say which ignores the fact that the Howard government has provided Australian schools with record amounts of funding.

Whilst this increase in Commonwealth funding is to be warmly welcomed, the same cannot be said for many Labor states, particularly for my home state of Victoria, where education funding by the state government received only a moderate increase. The federal government’s funding plan for schools recognises the importance of all sectors in the education of Australian school students, both government and non-government. This bill reflects our government’s recognition that the children of Australia are our future and that we need to invest in them and their education. For these reasons I commend the bill to the House.

**Dr LAWRENCE (Fremantle)** (10.16 p.m.)—As we have heard, the purpose of the States Grants (Primary and Secondary Education Assistance) Amendment Bill (No. 2) 2002 is to amend the States Grants (Primary and Secondary Education Assistance) Act to make provision for capital funding for both government and non-government schools for the years 2005-07. As we have also heard, capital grants assist both types of school authorities with the provision and upgrading of capital infrastructure, which includes land, buildings, water and electricity, equipment, library materials and cataloguing services, furniture and residential accommodation for government school students.

According to the 1999 National Report on Schooling in Australia, Commonwealth capital grants for schools represent about seven per cent of total Commonwealth specific purpose payments for schools. The majority of capital grants are allocated to government schools. I might just say in parentheses that it would be helpful if members opposite, when they are talking about changes in funding levels, actually reported it in terms of real per capita funding, otherwise it does not really mean very much; if you have more students and there is an inflation factor in there, you really have to take account of that before you can claim that there has been an increase in funding.

It is worthwhile pointing out here—and I intend to do this whenever it is possible and relevant—that Indigenous students do not do very well in these circumstances. The recent Commonwealth Grants Commission inquiry into Indigenous funding found that the majority of Indigenous students are enrolled in government schools—some 88 per cent in 1999. It also
found that the different age structure means that Indigenous enrolments are growing much more quickly than those for non-Indigenous Australians—15 per cent, indeed, in the three years to 1999 for Indigenous students compared with only 2.4 per cent for non-Indigenous enrolments. There was a great variation, too, between states in Indigenous access to schools. And they also found that providing education services to Indigenous people is particularly challenging in the Northern Territory and Western Australia. I have a lot of sympathy for the Northern Territory government; after 26 years of a Country Liberal Party government who have neglected Indigenous education, there is a lot of repair work to be done. I made a recent visit to some communities—which I will not name, but nonetheless they are in the Northern Territory—where there was a clear contrast between the schools in Aboriginal communities and the schools that served mixed and white communities. There was a marked difference between the schools, and really that represented in my view a form of educational apartheid just at the level of the physical infrastructure.

The Review of Indigenous Education in the Northern Territory, *Learning lessons*, reported:

Education ... faces the ongoing challenge of sustaining infrastructure for relatively small population densities in remote and climatically hostile environments ... Since 1998 the Department of Housing (now Territory Housing) has progressively replaced its transportable classrooms—or what are commonly referred to as 'silver bullets'—at a cost of $2.2 million with the result that facilities are now mostly adequate in terms of generic infrastructure.

I think that is pretty generous, from my observations. It goes on:

However, as facilities that were constructed prior to the 1990s—approximately 80 per cent of the existing stock—have not been designed with an appropriate level of acoustic treatment or with integrated disabled access, the particular needs of Indigenous children are not being satisfactorily met.

I think what happens in some of these communities is that people become accustomed to some pretty low standards. In one of the staff rooms that I walked into, the furniture was falling apart, for example, and the outside of the school was covered in graffiti. There were no gardens to speak of. The school was a disgrace to this country.

The review also found that upgrades and replacements to the communications and facilities infrastructure, the grounds, toilets, special purpose rooms, ovals and so on, are not being undertaken as part of an overall strategy related to population growth or age of facility—in other words, what was going on then before the change of government was pretty random. A consequence of the devolved responsibility that principals now have in terms of putting in applications for new school buildings and for building upgrades is that facilities in bush schools within regions can vary greatly. This affects the whole community, not just Indigenous communities—but in the Northern Territory they are mostly Indigenous communities. There does not appear to have been, the report said, a system wide plan to set minimum standards for what a rural or remote school should be like with the result that some facilities have been left largely untouched for many years while others are highly developed.

This bill is a small but necessary step in helping government and non-government school authorities plan for their capital developments. Despite emerging needs, which I have outlined, and an ageing capital stock, the Commonwealth’s capital program has not increased in real terms for over a decade, despite what we were hearing earlier—that is the fact of the matter. This has hindered the upgrading of school facilities in both sectors. The government’s program guidelines state that priority in the allocation of capital funds should be given to schools serving students from disadvantaged backgrounds. It is pretty hard to see that that is always the case. But it is unclear from the Commonwealth’s accountability processes whether the objective is being achieved.
Separate research undertaken by Pat Thomson indicates that many schools in disadvantaged areas have inadequate capital facilities and are therefore missing the opportunity to present themselves as significant neighbourhood assets in their areas—as well as making for a second-rate education in many cases. It is pretty hard to be highly motivated when your school looks like a tip. Many reports have been written about the inadequate infrastructure for schooling in remote and isolated communities. The reports have also been made that these inadequacies impact on the most disadvantaged—Aboriginal and Torres Strait Islander children in particular. For example, it has been estimated that half of all Indigenous secondary age students in the territory are in non-graded programs taught at community education centres by primary trained teachers. This failure to provide infrastructure is a direct impediment and a challenge to goal 8 of the national Aboriginal and Torres Strait Islander education policy, which is to ‘ensure that all Aboriginal children have local access to primary and secondary schooling’. They do not in some parts of this country.

Education plays a key role in the economic empowerment, health and employment prospects of Indigenous Australians. Although education and training are primarily state and territory responsibilities, Labor recognises that the federal government has a particular obligation to ensure that Indigenous people have fair access to appropriate education to meet their needs and aspirations, including improved education and training outcomes. That is a responsibility the government took on decades ago.

The Commonwealth government allocates funding to state and territories—or it should—on the basis of disadvantage—that is, a state with more people in remote regions or of a disadvantaged background will receive a greater share of Commonwealth funding for service provision, at least through the Grants Commission process. Although some of this Commonwealth money is allocated to states and territories on this basis, there is no requirement—and we saw it breached on many occasions, particularly again by the Territory government—for the states and territories to spend it in this manner. I know that is something the current government in the Northern Territory is trying to overcome. Other mainstream funding of course is not allocated on the basis of need at all.

The Commonwealth Grants Commission in its thorough examination of Indigenous funding in 2001 found:

The resource allocation methods used by the Commonwealth and the states to address Indigenous educational disadvantage do not target the specific needs of Indigenous students across regions. While the distribution of Commonwealth general recurrent funding for government schools is based on different per student funding rates for primary and secondary students, there is some concern that differential costs of delivery are taken into account particularly in more remote areas.

The Grants Commission is very polite. There was no concern, it would appear, about the differences in the differential costs. The Grants Commission also found great variation between states in Indigenous access to schools. Providing education services to Indigenous people is particularly challenging in the Northern Territory and Western Australia, as I have said, where 79 per cent and 54 per cent of Indigenous students respectively live in remote and indeed very remote locations. The Grants Commission saw that there was a need to improve access for Indigenous students by addressing both physical access and alternative modes of service. In regard to mainstream funding by the Commonwealth, they found:

... the general recurrent funding for government schools is provided through grants calculated on a per student basis, with different per student amounts for primary and secondary students. No specific account is taken of Indigenous students’ needs for school education, nor of differential costs of delivery,
especially in more remote areas. That is really amazing when you think about the disadvantage confronted and the additional costs.

Funding of the targeted programs is based on the number of students affected, with allowances for different categories. As such, allocations of targeted assistance are based on the education needs of all disadvantaged students—but not specifically those of Indigenous students.

And they do have very particular needs. The Commonwealth government was very slow to respond to the Grants Commission report, and responded belatedly to what I think is a very well regarded inquiry—only in June of this year. Indeed, its response went into no great detail and is full of generalisations and platitudes. The government stated:

... the Government will continue to act to reduce Indigenous disadvantage through improving the access of Indigenous Australians to mainstream programs and services and by better targeting Indigenous-specific programs to areas of greatest need, including remote locations.

That is welcome but it does not tell us very much about how that will be done. The government went on to say, further:

... where appropriate, renewed SPPs in the areas of health, housing, infrastructure and education will seek to include clear Commonwealth objectives and associated reporting requirements in respect of inputs and regional outcomes for Indigenous Australians.

As a former state minister for education, that rings alarm bells for me because I can see the Commonwealth insisting on a whole range of paperwork outcomes reporting which will have very little benefit for the students involved. I think they should work more closely with the state and territory governments to reduce the amount of paperwork and increase the number of dollars that actually get through the administrative tangle to students. It went on:

Similarly, the Government says that where the Government has funding formulae under the SPPs that recognise differential funding rates for Indigenous people on the basis of remoteness, the Government will re-examine whether the differential rate of funding is appropriate to the need, having regard to allocations available through other programs.

Again, no detail, no timetable. We are asked to believe that they will eventually do that. In regard to education generally, the Commonwealth said:

The Commonwealth targets particular Indigenous need through separate Indigenous-specific programs. The Commonwealth recognises that in some areas, distribution of Indigenous-specific resources could be more sophisticated.

I think that is an understatement. It went on:

As such, the CGC report’s suggestion regarding targeting regions based on relative disadvantage could be incorporated in negotiations with States and Territories for IESIP funding—

that is the indigenous specific funding—

and to a lesser extent the Indigenous Education Direct Assistance Programme.

We saw these funds held up this year because they could not get agreement with the states and territories. My understanding is that that is basically because the Commonwealth is demanding a great deal for very little money. The government went on:

However, in many more areas the Commonwealth is already pursuing measures that give practical effect to the methodology highlighted in the report—

again they have not really come to grips with what needs to be done to, as they put it—to close the gaps in educational outcomes between Indigenous and non-Indigenous Australians.

There is a lot of talk, some generalisations, money is held up and there is no specific program of action. These are very vague responses which have not been acted upon as far as I know.
and the bill does provide an avenue to implement at least part of such a response based on the Grants Commission report. For this reason we are moving a specific amendment that has relevance to Indigenous students which condemns the government for failing to address adequately the capital needs of schools in disadvantaged and isolated areas, including in particular the capital needs of schools for Indigenous students in communities in rural and remote Australia; requests the government to develop clear and effective accountability and evaluation procedures and incorporate these in administrative guidelines—and, I might add, to keep them simple; and requires reports to the parliament within 12 months on the achievements of the Commonwealth capital program and its future development, including in relation to the issues raised in this amendment.

These amendments aim to make the funding of capital grants to Indigenous schools in remote and rural Australia a specific priority within the guidelines of the capital grants program. It is much needed. There is a lot of work to be done here. Adding such an amendment will ensure that funding gets to Aboriginal and Torres Strait schools in remote areas. The government has stated in its response to the Grants Commission that it will examine this issue in regard to education and has acknowledged that funding was not as sophisticated as it could be. The amendment that the Labor Party now puts before the House eventually gives the government the opportunity to act on its commitment. I call on them to support it.

I just want to go through some of the figures again in case they need to be reported. Indigenous affairs generally is the most reported upon issue in the entire nation—you can get more statistics on Indigenous disadvantage than almost any other single subject. The numbers are not always particularly well collected, but there are lots and lots of reports and I would like to see some action. Many reports have brought attention to the urgent situation in education. As part of the key findings of *Learning lessons*, it was established that there is: a widespread desire among Indigenous people for improvement in the education of their children, it is not that communities do not want it; unequivocal evidence of deteriorating outcomes from an already unacceptably low base—that is extraordinary, deteriorating outcomes—linked to a range of issues led primarily by poor attendance, which has become an educational crisis; substantial evidence of long-term systemic failure to address the situation; evidence of failure to access significant and available Commonwealth funds to address poor outcomes with intensive projects—remember again that this is a report done in the Northern Territory; a strong imperative for an outcomes based approach to Indigenous education at all levels; a need to establish partnerships between Indigenous parents, communities and peak bodies, the service providers and both the Northern Territory and Commonwealth governments to honestly acknowledge the gravity and causes of declining outcomes, the destructiveness to future Indigenous aspirations and to assume the joint responsibility of immediately reversing the downward trend. I do not see much effort on the part of the Commonwealth in this area, I have to say.

*Kata Kulpa*, the report of the Inquiry into the Effectiveness of Education and Training Programs for Indigenous Australians by the Senate Employment, Workplace Relations, Small Business and Education Committee in March 2000, also recognised the inadequate secondary access to education in remote communities and recommended the establishment of a MCEETYA task force on Indigenous affairs to do this. The National Inquiry into Rural and Remote Education by the Human Rights and Equal Opportunity Commission recommended that:

MCEETYA undertake a national audit of secondary education provision and draw up a national plan of action to ensure effective access to secondary to Year 12 level for all students in all States and Territo-
ries, including by the provision of local senior secondary schools. The measurement of need for senior secondary provision in rural and remote areas should take into account:

- The right of every child to education without discrimination of any kind—it is really amazing that we have to say that in 2002, but the reality is that a lot of Aboriginal people do not have a secondary facility within cooee and no residential facilities either—
- The obligation to remedy educational disadvantage revealed by differential retention rates and outcomes
- The inadequacies of distance education modes for some students and, in particular, for students with special needs and for Indigenous students.

It is not always recognised that a lot of indigenous students have English not as their first language or as their second; it is sometimes their third or their fourth. You really need unique educational systems. In my search for information on this issue, I have seen no response to this recommendation so far. There may have been, but it certainly was not given any publicity and I was not able to find it. I welcome any response that the minister can provide me and ask that he consider such a response in relation to this amendment.

The launch of the National Indigenous Literacy and Numeracy Strategy in March 2000, of which the government made much, was the occasion for the Prime Minister to further reiterate his so-called practical reconciliation approach. This emphasises the government’s priorities of achieving approved outcomes in education, health and employment and reducing welfare dependency, at the same time dismissing what he describes as other ‘irrelevant’ issues such as rights and social justice. We believe that the Howard government’s ‘practical reconciliation’ agenda is a rebadging of what are really basic citizenship rights. In other words, the government believes that people’s rights are not important to people’s wellbeing in reducing disadvantage or advancing reconciliation and they can trade it off against what they are entitled to anyway as citizens. This approach has, not surprisingly, been criticised by many, both nationally and internationally, and by both Indigenous and non-Indigenous people as practical reconciliation seems to mean providing services that all Australian citizens are entitled to and does not lead to what is called substantive equality. Substantive equality means equality that is real or substantial. It does not mean treating people the same—it is not Hansonite nonsense—but means acknowledging socioeconomic differences between people and then trying to get equal outcomes. Martin Luther King said—and I repeat this whenever I can—when he was told that the blacks in the United States should pull themselves up by their bootstraps, ‘First you got to have boots’. That is the point of measures to improve substantive equality. It often means that you have to put extra effort in, extra money, extra time and extra creativity to get decent outcomes. It is not about treating everyone the same.

It is obvious from the proven statistical disadvantage concerning Indigenous health, housing, education and employment that Australia’s indigenous people do not have substantive equality. Dr Bill Jonas from the Human Rights and Equal Opportunity Commission has stated:

The current approach of ‘practical reconciliation’ simply manages the inequality faced by indigenous people. It is insufficient to reduce ‘let alone overcome’ the disadvantage faced.

At best the status quo but, as we have heard, going backwards. Noel Pearson summed this up by saying:

The problems that we are talking about are not simply ‘practical’ problems that can be solved with good intentions and sufficient funding.
Pearson is sometimes quoted against people who were interested in rights—but, believe me, he thinks that they are important and he knows that practical reconciliation is no such thing.

But the evidence is beginning to show that the government is failing even on its own terms of ‘practical reconciliation’. We only have to look at education to see this. There has been a fall in Indigenous education participation rates over the past few years—a decline. In secondary education, school retention and participation of Indigenous youth has not improved markedly in recent years in Australia. In tertiary education, according to the government’s own department, Indigenous commencements and enrolments have fallen dramatically in the last year, by 15.2 per cent and 8.1 per cent respectively to either below or just above what they were in 1996—they have been going backwards.

According to the National Tertiary Education Unit, Indigenous students now comprise only 1.23 per cent of non-overseas students, the lowest percentage since 1996. It had been growing steadily until then from a low base. This decrease has been linked to the cuts of $38 million made to Abstudy by the Howard government in the 1997 budget of both ATSIC and the ANU. This is the Howard government failing, even on its own terms of ‘practical reconciliation’. I could go on. There are more instances of failure. But Indigenous people have to be encouraged and assisted in accessing a full range of educational opportunities. At the very least this means ensuring that there is a provision of schools to go to or adequate facilities to utilise or residential accommodation. The funding of capital for this purpose should be earmarked to address these disadvantages.

Debate (on motion by Mr Neville) adjourned.

Main Committee adjourned at 10.37 p.m.
QUESTIONS ON NOTICE

The following answers to questions were circulated:

Health: Prescription Medicines
(Question No. 680)

Mr Murphy asked the Minister representing the Minister for Health and Ageing, upon notice, on 19 August 2002:
Further to the answer to part (2) of question 531, will the Government now abandon its proposal to increase the cost of prescriptions; if not, why not.

Mr Andrews—The Minister for Health and Ageing has provided the following answer to the honourable member’s question:
The Government is still considering its position on this matter.

World Health Assembly
(Question No. 763)

Mr Danby asked the Minister representing the Minister for Health and Ageing, upon notice, on 19 August 2002:
(1) Is the Minister able to say whether Taiwan was allowed or not to participate in the 55th annual World Health Assembly (WHA) held in Geneva, Switzerland in May 2002.
(2) Can the Minister confirm that the US, Japan and the European Parliament publicly expressed concerns at the WHA that Taiwan was not able to participate at the WHA as a separate sovereign entity.
(3) Does the Australian Government share this view; if so, what measures did it take to ensure that this view was expressed at the WHA.
(4) Is the Minister aware of President Bush’s recent signing of a new law that commits the US to support actively Taiwan’s participation at the WHA; if so, is similar action planned by the Australian Government.
(5) Is the Minister aware of a 1998 outbreak in Taiwan of hand, foot and mouth disease, which affected as many as 300,000 Taiwanese children, of which 80 died.
(6) Would Taiwan’s admittance to the World Health Organization (WHO) as a separate sovereign entity from China see greater action and faster response time from the WHO in such circumstances.
(7) Could these 80 deaths have been avoided.

Mr Andrews—The Minister for Health and Ageing has provided the following answer to the honourable member’s question:
(1) This year’s World Health Assembly did not agree to Taiwan’s participation.
(2) I am not aware that the United States (US), Japan and the European Parliament expressed concerns publicly at the Assembly that Taiwan was unable to participate.
(3) Taiwan’s request to participate at this year’s Assembly was on the basis of being a separate “health entity”. The request was rejected on the advice of the World Health Organization’s (WHO) legal counsel that there was no provision in the Assembly rules of procedure for the “health entity” concept. Australia accepted legal counsel’s advice. Australia’s view is that Taiwan’s bid for observer status at the Assembly is primarily a political issue, one that would be more appropriately resolved between Taiwan and China. It should not be allowed to detract from the core business of the Assembly or the WHO.
(4) The US House of Representatives passed a bill on 19 December 2001 requiring the US to work towards observer status for Taiwan at the Assembly. President Bush signed this bill into law on 4 April this year. No similar action is being planned by the Australian Government.
(5) I am not aware of the details of the 1998 outbreak of hand, foot and mouth disease in Taiwan.
(6) I do not have sufficient information to comment on Taiwan’s response to this event.
(7) I do not have sufficient information to comment.
Defence: Reserve Depots  
(Question No. 775)

Mr Price asked the Minister representing the Minister for Defence, upon notice, on 19 August 2002:
For each year from 1996, have any new Reserve depots been constructed; if so:
(a) where, (b) at what cost and (c) when did they open.

Mrs Vale—The Minister for Defence has provided the following answer to the honourable member’s question as follows:

<table>
<thead>
<tr>
<th>Location</th>
<th>Cost</th>
<th>Opened</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rockhampton – Multi User Depot</td>
<td>$4.0 million</td>
<td>November 2000</td>
</tr>
<tr>
<td>North Brisbane - Multi User Depot</td>
<td>$2.5 million</td>
<td>April 2000</td>
</tr>
<tr>
<td>Doveton - Multi User Depot</td>
<td>$4.953 million</td>
<td>July 2002</td>
</tr>
<tr>
<td>Bendigo - Multi User Depot</td>
<td>$5.017 million</td>
<td>July 2002</td>
</tr>
</tbody>
</table>