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The SPEAKER (Mr Neil Andrew) took the chair at 2.00 p.m., and read prayers.

SHADOW MINISTRY

Mr CREAN (Hotham—Leader of the Opposition) (2.01 p.m.)—Mr Speaker, I seek leave to make a short statement in relation to the shadow ministry.

Leave granted.

Mr CREAN—I thank the House. I am pleased to announce the election by caucus of the member for Bruce, Mr Alan Griffin, to the shadow ministry. I am sure that all members will join with me in congratulating him on his appointment, and I will advise the House in due course of the allocation of portfolio responsibilities.

Honourable members—Hear, hear!

QUESTIONS WITHOUT NOTICE

Ministerial Conduct: Senator Alston

Mr TANNER (2.02 p.m.)—My question is to the Acting Prime Minister. Can the Acting Prime Minister confirm that for the past five months the communications minister, Senator Alston, has had a $10,000 plasma digital TV provided free in his home by Telstra and that the arrangement was approved by the Prime Minister? If this arrangement is to assist Senator Alston to understand the merits of digital TV, as he claims, why has it taken him five months to work out that you get fantastic pictures on a $10,000 digital plasma TV? Why, if this arrangement is short term—as he claims it is in his declaration—is he now talking about watching the AFL in the forthcoming season? Acting Prime Minister, why won’t you instruct Senator Alston to return the plasma digital TV to Telstra immediately?

Mr ANDERSON—I thank the honourable member for his question. Senator Alston himself has confirmed on the record that he has a short-term loan of the equipment. It has been in every way appropriately revealed and never hidden. If this were a matter of such extraordinary national interest and enormous surprise, I could inform the honourable member opposite that as far back as September the Courier-Mail recorded that the loans made by Telstra were being duly placed on the national record, as required.

Iraq

Mr NEVILLE (2.04 p.m.)—My question is addressed to the Acting Prime Minister. Would the Acting Prime Minister inform the House of the outcome of discussions held by the Prime Minister whilst in Washington?

Mr ANDERSON—I thank the honourable member for Hinkler for his question. The Prime Minister is in Washington, although at about this time he is to move to New York. He has had extensive meetings with the Secretary of State, Colin Powell; the Secretary of Defense, Donald Rumsfeld; and President Bush. I should say at the outset that the Prime Minister has taken this opportunity to convey Australia’s position, including the government’s very strong preference for a second United Nations resolution—although it could be said that it is more than a second resolution. Indeed, in general terms, the UN’s resolution to see Iraq dealt with and its weapons of mass destruction removed now dates back some 12 years, which is a very long period of time.

That is Australia’s primary objective, and I take it that it is the United Nations’ primary objective, America’s primary objective and possibly even the Leader of the Opposition’s primary objective to see Saddam Hussein’s weapons of mass destruction removed. That ought to be the focus of this debate, and it ought to be the focus of the ALP’s endeavours, policy debates and prescriptions in this place. The central issue is the disarming of a man heading up a regime that is very unfortunate in terms of the way that it interacts with its own people and its neighbours and which poses a real threat to people around the globe, including Australians, potentially now and in the future. These are the issues that the ALP ought to be focusing on. Yet, we see in this debate precious little reference to the major subject of the Prime Minister’s discussions in Washington and New York and almost no mention of the Prime Minister of Great Britain’s attitudes and strong resolution.

In his time with President Bush, the Prime Minister was able to discuss quite a range of
issues. One was free trade, about which the Prime Minister indicated that, while there are some real issues to overcome—as the Minister for Trade would be only too ready to acknowledge—there is a real resolution from America to resolve this matter and move it forward. There were discussions on climate change, on education and on the need to assure Indonesia on the Prime Minister’s trip home that our objectives in Iraq relate to the removal of weapons of mass destruction; they do not relate to an attack, in any way, on Islam, the Muslim faith or people of that faith.

The point has been clearly made again by the Prime Minister in Washington that Australia has not made any decision to join in any military action against Iraq. The United States government plainly understands that, because it has been made clear, both in public and private discussions, by the Prime Minister in those meetings in Washington. What ought to be clearly focused upon and not lost sight of is that we believe that the United Nations 12-year-old efforts to rid Saddam Hussein of weapons of mass destruction are laudable and achievable and that we must be united in our objective to achieve that end result. It is worth noting that the Prime Minister made the following comments in a joint press conference with the US Secretary of Defense, Donald Rumsfeld:

We hope that military conflict can be avoided. We do; of course we do. But he went on to say:

It can only be avoided ... that can only happen if you get the entire world, through the United Nations, saying the one thing to Iraq: the game is up. You must disarm.

And that has been the central objective of the Prime Minister’s discussions in Washington.

Iraq

Mr CREAN (2.09 p.m.)—My question is to the Acting Prime Minister. Can the Acting Prime Minister confirm that the coalition of the willing is a group of countries coordinated by the United States to militarily disarm Iraq with or without a second resolution from the United Nations?

Mr ANDERSON—I can confirm that the coalition of the willing comprises those who are keen to see Saddam Hussein stripped of his weapons of mass destruction. In that sense, I would hope that we are all willing to do what we can. We have made it very plain, and nothing should be allowed to hide, obscure or disguise the simple reality, that our primary objective is to seek that disarmament, preferably under the cover of further support from the United Nations. Furthermore, we have made it very plain to the Americans that no commitment has been made by the Australian government and that proper process would be followed before any decision was made on any course of action.

Iraq

Mr KING (2.11 p.m.)—My question is directed to the Minister for Foreign Affairs. Would the minister inform the House of reports overnight that Iraq is showing signs of cooperating with UN inspectors, including by allowing the UN to conduct U2 surveillance flights within Iraq?

Mr DOWNER—I thank the honourable member for Wentworth for his question. I recognise the serious interest he shows in this issue and the commitment he has to seeing Saddam Hussein disarmed of weapons of mass destruction. During the night, Iraq announced that U2 spy plane flights within Iraq would be allowed, and the Iraqi regime also handed over some documentation to UN inspectors. Let me remind the House that Saddam Hussein has a requirement to disarm and has a requirement to do so consistent with Security Council resolutions—that is, to verify disarmament and to work with and fully cooperate with United Nations inspectors, UNMOVIC and the International Atomic Energy Agency, the IAEA. He has an obligation to allow the U2 flights and he has an obligation to hand over documentation.

The issue here is whether or not Iraq is fully complying with Security Council resolution 1441; whether or not it is cooperating 100 per cent with the United Nations inspectors. That is the key issue. A little bit more cooperation here and a little less cooperation there is not the issue. The issue is: is there 100 per cent cooperation? Are Security
Council resolutions being adhered to or are they not? The process is not about Iraq making grudging concessions and small gestures. It is about Saddam Hussein and his regime answering questions about his programs. It is about Iraq’s efforts to produce VX, one of the world’s most lethal agents. It is about Iraq’s failure to explain gaps in the accounting of 6,500 chemical munitions. It is about unaccounted-for biological growth material which could be used in the production of up to 5,000 litres of anthrax, and it is about the production of missiles with a range which exceeds that allowed by the United Nations.

It is important that this House understand that Saddam Hussein has a long history of making last-minute concessions designed to divide the international community and to coax it into a false sense of security. We should never ignore the lessons of history. In 1997, in response to yet another round of Iraqi non-cooperation with inspectors, the Security Council passed resolution 1134, but that resolution was significantly weakened by the abstention of a number of members of the Security Council. Encouraged by these divisions, Iraq announced just days after the adoption of the resolution that it would not deal at all with weapons inspections. Only when faced with the threat of military force did Iraq agree to resume cooperation, in a deal that honourable members may recall was brokered by the Secretary-General of the United Nations, Kofi Annan.

The story did not, unfortunately, finish there. Less than six months later, Iraq again suspended cooperation, which led to a new Security Council resolution, passed on 9 September 1998—resolution 1194. This time, it condemned noncooperation but it promised a review of the whole disarmament process, which of course was one of Iraq’s key demands at the time. A day after the council agreed to conduct this review, Iraq—sensing divisions in the international community—again suspended cooperation with UN inspectors. Again, the threat of force compelled Baghdad to renew cooperation, but again that was short-lived. Honourable members may have forgotten, but in November 1998 the United States and the United Kingdom launched Operation Desert Fox against the Iraqi regime. We should understand what we are dealing with. We are dealing today with the same dictator, employing the same tactics, in possession of the same weapons and weapons systems. The international community must ensure that this time we do not end up getting the same result.

DISTINGUISHED VISITORS

The SPEAKER (2.16 p.m.)—I inform the House that we have present in the gallery this afternoon the 10th group to visit Australia from Japan under the auspices of the Political Exchange Council. On behalf of all members of the House, I extend to our Japanese visitors a very warm welcome.

Honourable members—Hear, hear!

The SPEAKER—I also notice in the distinguished visitors gallery this afternoon the Rt Hon. Doug Anthony, former Deputy Prime Minister of Australia, and the Hon. Peter Nixon, a former cabinet minister. On behalf of all members of the House, I extend to our guests another warm welcome.

Honourable members—Hear, hear!

QUESTIONS WITHOUT NOTICE

Iraq

Mr CREAN (2.16 p.m.)—My question is to the Acting Prime Minister, and it refers to the answer to my last question. Isn’t it the case that the US Secretary of Defense, in response to the following question: Do you think the United States is going to have to go with a coalition of the willing as opposed to the United Nations?

replied:

Only time will tell, but there is a sizable coalition of the willing that’s already on board, with or without a second resolution from the United Nations.

Acting Prime Minister, when will you tell this parliament the truth about your commitment?

Mr Ross Cameron—Mr Speaker, I rise on a point of order. The last phrase of the question is clearly out of order. I ask you to require it to be withdrawn.

The SPEAKER—I uphold the point of order raised by the member for Parramatta.
Mr Swan—Mr Speaker—

The SPEAKER—The member for Lilley will resume his seat.

Mr Swan—Mr Speaker, I am seeking the call.

The SPEAKER—The member for Lilley has not been denied the call. He will resume his seat and seek the call at an appropriate time.

Mr Swan—You made a ruling before you gave me the call.

The SPEAKER—I uphold the point of order raised by the member for Parramatta. I do believe that the latter part of that question contained an imputation which was inappropriate. For that reason, the latter part of the question ought not to be part of the question.

Mr Swan—Mr Speaker, I rise to contest that ruling you have just given. On numerous occasions in this House you have ruled similar questions in order. The question said, ‘When will you finally admit and tell the truth?’ Mr Speaker, I draw your attention to the Hansard of 29 August, where this question was asked by the deputy leader of the Labor Party:

... were you not forced to admit that you did not tell the truth in 1993?

You ruled that question in order. I draw your attention to the Hansard of 15 May, when this question from the Leader of the Opposition was asked of the Prime Minister:

... why didn’t you tell the truth during the election campaign?

You ruled that question in order. Your ruling on this question today is totally inconsistent with a whole series of rulings which you yourself and many other Speakers have given in this House in the past.

The SPEAKER—I point out to the Manager of Opposition Business that I have not ruled the question out of order. I have merely indicated that the latter part of the question contained an imputation that was inappropriate and asked that it be withdrawn.

Mr CREAN—Withdrawn? You just ruled it out of order. I asked a question.

The SPEAKER—The Leader of the Opposition will be dealt with if he thinks he has a right to the chair’s attention without first rising.

Mr Swan—I am just seeking clarification of your ruling. You are now saying that the question has not been ruled out of order. Are you asking the Leader of the Opposition to rephrase that question?

The SPEAKER—I would remind the Manager of Opposition Business that at no stage in this exchange have I indicated that the question was out of order. All I have indicated is that the latter part of the question was inappropriate because it contained an imputation which should not stand under standing order 144, and I have asked for that imputation to be withdrawn.

Mr CREAN—I withdraw the imputation.

The SPEAKER—The question is now in order.

Mr ANDERSON—in answer to the honourable member’s question, I firstly make the point that we have been completely forthright with the Australian people on this. That is really the simple fact of the matter.

Dr Emerson interjecting—

The SPEAKER—I warn the member for Rankin!

Mr ANDERSON—in answer to the honourable member’s question, I firstly make the point that we have been completely forthright with the Australian people on this. That is really the simple fact of the matter.

Dr Emerson interjecting—

The SPEAKER—I warn the member for Rankin!

Mr ANDERSON—if by ‘the coalition of the willing’ you mean have we been prepared to participate as a supporter of the United Nations in applying pressure to Iraq to disarm, yes, we have. The very Secretary-General of the UN has acknowledged that that pressure has helped, that the inspectors would not be back in Iraq if we had not been prepared, as a global community—if you like, the coalition of the willing—to apply pressure. But does that then mean that we have made some secret commitment to war? No, it does not. The President of the United States himself is obviously well aware of that, because the actual transcript of the interview today is quite revealing. The President was asked, ‘Do you count Australia as part of the coalition of the willing?’ The President said:

Yes, I do.

But, he went on to say:

You know, what that means is up to John—
that is, the Prime Minister, and the government of Australia—to decide.

He had plainly recognised the Prime Minister’s repeated, clear indication that no commitment to military action has been undertaken or made by the Australian government.

Mr Crean—I seek leave to table the extract of the interview with Secretary Rumsfeld, in which he clearly talks about the coalition of the willing outside of the UN.

Leave not granted.

National Security

Mrs BRONWYN BISHOP (2.23 p.m.)—My question without notice is addressed to the Treasurer. Would the Treasurer detail to the House the government’s commitment to maintaining a strong Defence Force able to protect Australia and its interests at home and abroad?

Mr COSTELLO—I thank the honourable member for MacKellar for the question. I can inform her, of course, that this government has been committed to strengthening Australia’s Defence Force and Australia’s security. She would know that, as a person who has been very intimately and closely connected with Australia’s defence forces over a number of years. In addition to normal base funding for Australia’s defence forces, with this government’s commitment to East Timor commencing in 1999-2000 the government committed an additional nearly $1 billion per annum to secure our defence forces in East Timor—a commitment which is still continuing to this day with Australian forces in East Timor and with costs allowed in the current budget year of nearly half a billion dollars in addition to the normal forward estimates. After that, commencing in December 2000, the government laid down a white paper which put out a program for over 10 years: an increase of $27 billion in relation to defence over and above the normal forward estimates. After that, commencing in December 2000, the government laid down a white paper which put out a program for over 10 years: an increase of $27 billion in relation to defence over and above the normal forward estimates. After that, commencing in December 2000, the government laid down a white paper which put out a program for over 10 years: an increase of $27 billion in relation to defence over and above the normal forward estimates. After that, commencing in December 2000, the government laid down a white paper which put out a program for over 10 years: an increase of $27 billion in relation to defence over and above the normal forward estimates. After that, commencing in December 2000, the government laid down a white paper which put out a program for over 10 years: an increase of $27 billion in relation to defence over and above the normal forward estimates. After that, commencing in December 2000, the government laid down a white paper which put out a program for over 10 years: an increase of $27 billion in relation to defence over and above the normal forward estimates. After that, commencing in December 2000, the government laid down a white paper which put out a program for over 10 years: an increase of $27 billion in relation to defence over and above the normal forward estimates. After that, commencing in December 2000, the government laid down a white paper which put out a program for over 10 years: an increase of $27 billion in relation to defence over and above the normal forward estimates. After that, commencing in December 2000, the government laid down a white paper which put out a program for over 10 years: an increase of $27 billion in relation to defence over and above the normal forward estimates. After that, commencing in December 2000, the government laid down a white paper which put out a program for over 10 years: an increase of $27 billion in relation to defence over and above the normal forward estimates. After that, commencing in December 2000, the government laid down a white paper which put out a program for over 10 years: an increase of $27 billion in relation to defence over and above the normal forward estimates. After that, commencing in December 2000, the government laid down a white paper which put out a program for over 10 years: an increase of $27 billion in relation to defence over and above the normal forward estimates. After that, commencing in December 2000, the government laid down a white paper which put out a program for over 10 years: an increase of $27 billion in relation to defence over and above the normal forward estimates. After that, commencing in December 2000, the government laid down a white paper which put out a program for over 10 years: an increase of $27 billion in relation to defence over and above the normal forward estimates.
not been running into significant budget deficits as we fund a build-up in defence and security. A strong economy is part of a strong Defence Force. This government is committed to a strong Defence Force and to securing the wellbeing of all Australians in its effort to strengthen Australia’s security.

**Iraq**

**Mr CREAN** (2.28 p.m.)—My question is again to the Acting Prime Minister and refers to the coalition of the willing. Acting Prime Minister, are you aware of the following statement by Secretary of State Colin Powell on 23 January:

... if the UN should fail to act ... we’ll be joined by many nations. Many nations have already expressed a willingness to serve in a coalition of the willing.

I ask, in the light of that quote, about the definition of the coalition of the willing. Doesn’t this statement make it clear that the government’s participation in ‘the coalition of the willing’ commits Australia to take military action against Iraq with or without the United Nations?

**Mr ANDERSON**—No, and I refer you to the most recent and valuable quotes from none other than the President of the United States, where he makes it quite plain that he recognises that the point that the Prime Minister has made is that any commitment from us has yet to be made and will be done so by assessing our national interest, and he has acknowledged that we have that sovereign right.

**Iraq: Human Rights**

**Ms PANOPOULOS** (2.29 p.m.)—My question is addressed to the Minister for Foreign Affairs. Would the minister inform the House of the appalling treatment of Iraqi women by Saddam Hussein’s regime?

**Mr DOWNER**—First of all, I thank the honourable member for Indi for her question. I know that on this side of the House there are deep concerns about the human rights record of Saddam Hussein and his regime, and the member for Indi is one of those who shares those deep concerns. I have spoken in answer to questions both yesterday and last week about the government’s deep concerns about Saddam Hussein’s gruesome history of systematic and egregious human rights abuses. This simply underlines the type of regime and the nature of the leader of that regime that the international community is dealing with at this time. Like Iraqis generally, women are subject to a range of degrading human rights abuses, such as prolonged imprisonment without trial, forced resettlement, torture, and of course disappearance, as I spoke about yesterday. But women also are subject to particularly vile forms of abuse, such as rape and executions without trial due to accusations of, for example, prostitution.

The Iraqi regime’s treatment of women would, I think, shock any decent human being. We are not seeing just isolated incidents. This abuse of women in Iraq constitutes part of Saddam Hussein’s policy of political oppression by brutality. So many cases of human rights abuse in Iraq are related directly to Saddam Hussein’s determination to hang onto power by violent means. Let me give the House just a couple of examples that have been highlighted by Amnesty International’s report on Saddam Hussein’s human rights record. These examples are recent examples; these are not incidents that occurred a long time ago. In October 2000—that is, not much more than two years ago—dozens of women accused of prostitution were beheaded without judicial processes. The killings were reportedly carried out in the presence of representatives of the Ba’ath Socialist Party and the Iraqi Women’s General Union. Members of Feddayi Saddam, which is a militia created in 1994 by Uday Saddam Hussein, used swords to execute the victims in front of their homes. Victims reportedly were also killed for political reasons. We also know that women have been raped in custody. Some have been detained and tortured because they were relatives of well-known Iraqi opposition activists. The security authorities used this method to put pressure on Iraqi nationals abroad to cease their activities.

**Mrs Crosio interjecting**—

**The SPEAKER**—The member for Prospect!

**Mr Fitzgibbon**—Some have been denied refugee status. Some died on a sinking boat.
The SPEAKER—I warn the member for Hunter! The minister has the call.

Mr DOWNER—For example, in 2000 a former army general who fled Iraq in 1995 and joined the Iraqi opposition was sent a videotape showing the rape of a female relative. We know from these examples and from Iraq’s political system—which is, of course, dominated by Saddam Hussein himself—that the appalling treatment of women is systemic and that treatment comes right from the top. We cannot remind ourselves often enough why the international community—and I think this is an absolutely fundamental question—should deny somebody who behaves in this way, who treats women and his population generally in such an appalling way—

Ms Plibersek interjecting—

The SPEAKER—The member for Sydney is warned!

Mr DOWNER—The consequences of somebody like that having chemical and biological weapons and perhaps even nuclear weapons is not a minor issue. There are an enormous number of interjections, I find, whenever you talk about these issues, as though Saddam Hussein does not matter. But I do think this obviously is a difference between the two sides of the House. We on this side of the House feel very strongly about this; it is a profoundly important issue. For those on that side of the House it is, apparently, a matter for almost constant chatter.

Iraq

Mr CREAN (2.35 p.m.)—My question is to the Acting Prime Minister and it refers to his last answer in which he said that Australia’s decision about membership of the coalition of the willing was yet to be made. Is the Acting Prime Minister aware of President Bush’s answer this morning? When directly asked whether he counted Australia as a member of the coalition of the willing, President Bush said, ‘Yes, I do.’ Acting Prime Minister, why is it that President George Bush has said in Washington what Australia’s Prime Minister has not been prepared to say here on the floor of the parliament to the Australian people: that Australia is a member of the US coalition of the willing?

Mr Gibbons interjecting—

The SPEAKER—The member for Bendigo will withdraw that statement.

Mr Gibbons—I withdraw.

Mr ANDERSON—I think I have made it quite plain that, in terms of our willingness to support the UN in its objectives of disarming Iraq and stripping it of its weapons of mass destruction, we do not hide at all the fact that we have been part of the coalition of the willing—part of that coalition of nations prepared to tackle this issue and try to take it forward. It has also been made adequately plain that that does not mean that we have committed to military action. I, again, quote the US President in the press conference that followed the leader to leader meeting—that is, after all, the most high level and most recent of these discussions and could not possibly more accurately reflect the situation. When asked whether he counted Australia as part of the coalition of the willing, the President said:

Yes I do. You know, what that means is up to John to decide.

That is a clear acknowledgment. It may not suit you, but it is a clear acknowledgment that Deputy Secretary of State, Richard Armitage, was right when he said just yesterday:

A decision from Canberra to support the US in any conflict with Iraq would be enormously important and I hope that at some point in time the government would take such a decision.

Mr Armitage acknowledged yesterday that we had taken no such decision and the President of the United States today has acknowledged precisely the same point: we have not made a decision. It is our sovereign right to decide what any involvement in the coalition of the willing might involve in the future and that is the reality of the situation.

Mr Martin Ferguson—Howard is Bush’s lap-dog and we all know it.

Mr Barresi—You’re Martin Kingham’s lap-dog.

Mr Abbott—Mr Speaker, if I may say so, I think the interjection of the member for
Batman demeaned the parliament and he should withdraw it.

The SPEAKER—If I may say so, I think the interjection of the member for Batman and the interjection of the member for Deakin were both equally inappropriate and both will withdraw them.

Mr Martin Ferguson—I withdraw, Mr Speaker.

Mr Barresi—I withdraw, Mr Speaker.

PRIME MINISTER

Censure Motion

Mr CREAN (Hotham—Leader of the Opposition) (2.39 p.m.)—by leave—I move:

That this House censure the Prime Minister and the Acting Prime Minister for their breach of trust with the Australian people in not telling the truth, that the Government has signed up to a “Coalition of the Willing” despite the Prime Minister’s and the Acting Prime Minister’s assurances to the Parliament that that is not the case.

Three words today from the US President gave the game up for John Howard—three words in the President’s press statement in which he said, ‘Yes, I do.’ What did he say, ‘Yes, I do,’ to? It was to this very simple question: do you consider Australia part of the coalition of the willing? That was the question to the US President, and he said, ‘Yes, I do.’ It cannot be any clearer than that, but that is not the answer that we have had from the Prime Minister or the Deputy Prime Minister or every member of the National Security Council. Whenever they have been asked that question, their response has been to say that no decision has been taken.

Today, in those three simple words, the US President has nailed the deceit of this government and nailed the deceit of the Prime Minister over our involvement and what the Prime Minister has effectively committed us to in a war on Iraq. What he said today was a simple answer to a very simple question. Interestingly, that same question was asked of the Prime Minister only recently. On 28 January at a Canberra press conference, the Prime Minister was asked:

Prime Minister, are we one of the 12 nations or so who have already indicated to America that we would be part of the coalition of the willing?

It was a very simple question; the same one that was asked of the US President. The Prime Minister said:

We have not made a final decision ...

The Prime Minister said no; the US President said yes—and it takes that answer to come from Washington, not from this national parliament. But as bad as that is the Acting Prime Minister’s continuation of this deceit, because he was asked this very question yesterday by me in this parliament:

Is the Acting Prime Minister aware of comments by the US Deputy Defense Secretary, Mr Wolfowitz, that the US had secured a coalition of 12 to back the US in any military action?

My question was very simple:

Acting Prime Minister, is Australia one of those 12 countries?

The Acting Prime Minister said ‘we have made no commitment’ and that the Prime Minister ‘is telling the truth and nothing but the truth’, and that is the way the matter stands. Of course, what we have found out today is that the US President has nailed the deceit. The Prime Minister has not been telling the truth and the US President has confirmed that very point.

It is very important to understand what the coalition of the willing is, and that has been the purpose of the questions that have been asked today of the Acting Prime Minister. He argues that the coalition of the willing are those people prepared to sign up under a UN flag. That is not the case, because that is a coalition responding to a resolution of the United Nations. The coalition of the willing is a completely different proposition, and it has been defined by the US Secretary of Defense and the US Secretary of State. In answer to the question, ‘Do you think the United States is going to have to go with a coalition of the willing as opposed to the United Nations?’—not as part of the United Nations, but as opposed to the United Nations—the US Secretary of Defense Donald Rumsfeld answered:

There is a sizeable coalition of the willing that is already on board with or without a second resolution from the United Nations.

So there you have it. The US Secretary of Defense is saying that the coalition of the
willing, in his terms, has nothing to do with a United Nations sanctioned activity; the coalition of the willing is the group that would be pulled together if the UN process broke down.

It is not just the Secretary of Defense; it is also the Secretary of State, Colin Powell. In answer to the same sort of question, the Secretary of State said:

If the UN should fail—

that is the context in which he is saying this—

we’ll—

that is, the US—

be joined by many nations. Many nations have already expressed a willingness to serve in a coalition of the willing.

What we have here is a clear definition of what the coalition of the willing is. It is that group of nations that, regardless of what the United Nations determines, are committed to going to war against Iraq. And the Prime Minister wants this country to believe he has made no such commitment to that, when the US President says he has. It is no wonder the Australian people do not believe this Prime Minister when he asserts that. The truth is that the Prime Minister has signed up; it is just that he will not tell the Australian people he has done it.

Understand this: they have tried to put the gloss on the words of the US President in the discussion. Have a look at the discussion that took place between these two people. The US President was lauding his close personal relationship with the Prime Minister and saying that they have lots of conversations and share confidences. In those circumstances, if the President of the United States is asked the question, as a consequence of a meeting with his very close personal friend, ‘Do you consider Australia as part of the coalition of the 12,’ and the US President says, ‘Yes, I do,’ don’t you think that he is reflecting something that has been told to him in these close and confidential discussions? Of course he is. The truth of it is that what we have here is the coalition signed up to the coalition of the willing—and this is being masked through a coalition of deceit on that side. It is a coalition of deceit to mask the commitment to the coalition of the willing. The Australian public will not buy it; they will see through it. And today the US President has blown that cover.

Do you know what the worst aspect of this is? It is the fact that the Prime Minister is prepared to tell George Bush what he will not tell the Australian public—and that is a disgrace. He has been prepared to make a commitment to George Bush but not tell the Australian people. And he makes that commitment in private; it is just that George Bush blows his cover. The Prime Minister is signed up to the coalition of the willing—the US President has said so. But John Howard has done it without telling the Australian parliament, without telling the Australian people and—worst of all—without telling our Australian troops.

How would our troops feel if the Prime Minister, farewelling them on the decks of the Kanimbla, went before them and said, ‘You are being deployed to be part of the Multinational Interception Force in relation to the economic sanctions against Iraq’? That is what he told them; I was there. But look at the circumstances. It is true that the Kanimbla was scheduled to replace one of our naval vessels in the gulf as part of the normal rotations associated with those economic sanctions. The replacement was due to take place in March, not January. That replacement could have occurred without any special refit of the Kanimbla. The Kanimbla was refitted, prepared for war and deployed for war, but the Prime Minister tells the troops they are going as part of the Multinational Interception Force. That is deceit of the grossest order. That is not being prepared to be honest with our troops who are being sent there to put their lives on the line for this country at this government’s command.

I was prepared to tell the truth to those troops. I was prepared to go down to them and say that I did not agree with the predeployment—that I did not agree with any deployment ahead of the United Nations authority. But whilst I disagreed with the deployment, and I did not support their deployment, I supported them. They have no choice in the matter. They have to accept the orders of the government of the day—and so
they should; that is part of the democratic process. These people cannot make the decision. That is why it is so hard for them. If they are being sent, they should be told the truth. They have not been told the truth by our Prime Minister, and that deceit has been exposed today by none other than the US President.

We have a circumstance in which this government has embarked this nation on a dreadfully dangerous course. It is a course that is prepared to back unilateralism under the pretence of supporting the United Nations. The Prime Minister is not a supporter of the United Nations process. He has been driven to that support; it is not where he naturally starts. Where he starts is where we were in the middle of last year. When the Labor Party were urging that the matter had to be resolved through the United Nations, we were accused by the Minister for Foreign Affairs and the Prime Minister of being appeasers of Saddam Hussein. Then the US President, at the urging of Tony Blair, went to the UN Security Council and said the matter had to go back there. We had all the sceptics about what sort of effectiveness could be associated with a resolution from the United Nations. But what did we get? We got a unanimous resolution: resolution 1441, which is a very tough resolution. It is a tough resolution for these circumstances. It says that Iraq has to be disarmed because Saddam Hussein, with the possession of weapons of mass destruction, does pose a threat to the stability of the region. The United Nations determined that he should be disarmed, and gave him a time line for that.

This was a resolution our Prime Minister did not believe the UN could carry. And now, when it is about to embark on its most important phase—the determination of the next steps based on the final report of Mr Blix, the UN weapons inspector—what is the Prime Minister doing? He is going around undermining that very authority of the United Nations by signing up in secret to a unilateral action.

*Mr Hunt interjecting—*

*Mr CREAN—I ask the member for Flinders to look the people of his electorate in the eye and say to them: if John Howard is asked by the US President to go in with him in a unilateral action, will John Howard say no? I ask you to honestly say that to your electorate. You know that he has signed up. My position is very clear: if the US seeks our support for unilateral action without the UN, we will not support it. I have said that consistently. We will only support action authorised through the United Nations, and that is how it should be. We have this mealy-mouthed lot over there trying to turn it into an attack on the US alliance, but nothing could be further from the truth. I support the US alliance, but what does article 1 of the US alliance say? It says that, between the two countries, Australia and the United States, in the context of international conflict, these matters should be resolved through the United Nations.

My criticism of the Prime Minister is that he has not had the courage to use his special relationship, which is underpinned by the US alliance, to argue forcefully to George Bush that we will not go in without UN backing. When I heard the Acting Prime Minister speak today, I wanted to know the answer to the questions that I asked of the Prime Minister last week. Did the Prime Minister go to George Bush and say, ‘We will not support any action that doesn’t have the authority of the UN’? I again ask the Acting Prime Minister: if the US President already says he believes that Australia is part of the coalition of the willing, a coalition that will go in regardless of the UN decision, where does that leave the Prime Minister in relation to his support for the second resolution of the United Nations?

These are very important questions that you, Acting Prime Minister, have a responsibility to answer in the absence of the Prime Minister. We have had troops predeployed to war without the authority of the parliament, the people or the United Nations. We have seen leaked memos that show to us that these troops will not be withdrawn in the event of the US deciding to go it alone. And we have the US President today confirming that Australia is part of the coalition of the willing. Don’t treat the Australian people as mugs, Acting Prime Minister; be truthful with them. If you have the courage of your con-
victions, at least be honest with them. If you have made the commitment, tell the truth. My charge is that you should not have deployed—but you have. My further charge is that, having deployed, you have not told the truth. That is a disgrace in a democracy, a disgrace to the Australian people and a disgrace to this parliament, and it is an insult to our troops, our brave men and women who are being asked to put their lives on the line.

Mr Causley—Mr Speaker, I raise a point of order. I put forward that in a hypothetical argument the Leader of the Opposition is using the excuse of calling the Prime Minister a liar, and it should be withdrawn.

The SPEAKER—I have heard the Leader of the Opposition make reference to what he has called ‘the deceit of the Prime Minister’. It is fair to say that, under censure motions, there is a good deal more licence extended than is normally extended in the forms of the House, and that has been the practice of succeeding speakers. It is, however, also fair to say that Speaker Snedden commented:

... I have ruled that even though such a remark—that is, a remark about the government telling lies—may not be about any specified person the nature of the language is unparliamentary and should not be used at all.

I did not hear the Leader of the Opposition refer to the Prime Minister as a liar but I am uneasy about the use of the word ‘deceit’.

Mr CREAN—We are dealing here with a decision by the Prime Minister of this country to commit Australian men and women to the front line of war, and we have the Deputy Speaker in this place wanting to argue about words. I am arguing about the actions and the deceit associated with those actions, and that is something this parliament has to debate. It is something that the Prime Minister would not answer, and it is something that the National Security Committee will not answer. But it is something that the Australian people are demanding answers to if we are going to commit the largest combat force ever to leave this country since Vietnam to a course of action they will not be withdrawn from if the United States decides to go it alone with its coalition of the willing. The Australian people are entitled to know, but most of all those troops on the Kanimbla are entitled to know. Those brave pilots who fly the FA18s are entitled to know. Their families, friends and loved ones are entitled to know as well. You do not take the decision to commit troops to war lightly. It is the gravest decision a Prime Minister can ever take in terms of his stewardship of that great office. He is entitled to make the decision, but if he makes it he has to tell the truth about it.

This is a Prime Minister who we have been alleging for some time has not told the truth. The leaked memo exposed it. The mother of one of those troops on the Kanimbla exposed it, and now the United States President has exposed it. We had a very simple question to the US President today: is Australia a member of the coalition of the willing? The answer was yes. What is the coalition of the willing? It is what the United States is pulling together in the circumstances of a UN resolution not being passed or the UN processes rolling over. It is the commitment to unilateralism. That is something this country should not support—but the Prime Minister has to tell the truth. (Time expired)

The SPEAKER—The member for Banks has reminded me that I had identified the Deputy Speaker as the Deputy Speaker and I should have identified him as the member for Page. The Leader of the Opposition’s subsequent reference to him ought to have been in his role as the member for Page, not the Deputy Speaker. Is the motion seconded?

Mr Rudd—I second the motion and reserve my right to speak.

Mr ANDERSON (Gwydir—Acting Prime Minister) (3.00 p.m.)—This censure motion is, frankly, preposterous. It is preposterous quite simply because the Leader of the Opposition has mounted an argument that has been properly and completely answered during question time. There are no grounds for the censure. The Leader of the Opposition’s thesis is this: our so-called membership of the so-called coalition of the willing means that we have committed secretly to military action, with or without the United Nations sanction, against Iraq.
Government members interjecting—

The SPEAKER—The Acting Prime Minister is not being assisted by those behind him.

Mr ANDERSON—I am not so sure about that, Mr Speaker. I will leave aside for a moment the question of whether or not any further legal sanction by the United Nations is required for action against Iraq. It is worth repeating—and we will go on doing so ad nauseam in this place—that this is an old issue. The United Nations has repeatedly pointed to the need to disarm this rogue state. But I will leave aside that question for a moment. As recently as yesterday I read into the Hansard during question time the very gruff, blunt, forthright words of a man who it would be very hard to accuse of gilding the lily or not telling the truth. That man is Richard Armitage, the US Deputy Secretary of State, who was quoted in the Financial Review as having indicated to Australian journalists in Washington that:

A decision from Canberra to support the US in any conflict in Iraq “would be enormously important and I hope at some point in time the government will take such a decision”.

I would have thought that was pretty clear-cut evidence that, while the US might like a decision, we have not given one and they know we have not given one. I am not certain that it is really necessary to prolong the House’s time. There you have it, a quote as recently as yesterday from the Deputy Secretary.

Opposition members interjecting—

Mr ANDERSON—They want me to sit down because they know that the censure is baseless. The thesis for it is baseless; there is no foundation for it. That quote by Mr Armitage was from as recently as yesterday. Of course, as was also referred to in the House during question time, President Bush has been speaking on this today. He has been what might loosely be called ‘the object of your affections’ in this place and outside it in recent times. He is, I think you would acknowledge, the object of your deep concerns, but he is also the President of the United States. It is about that relationship between Australia and America that you are most exercised at the moment. That is the first point to establish. I think he has a certain seniority in this debate that ought to be respected.

The second point I want to make is that the most recent, clear indication of the state of play between the two nations might reasonably be said to be that which took place in the discussions between the leader of this nation, Prime Minister John Howard, and President Bush only a few short hours ago. What did President Bush do?

Mr Crean interjecting—

The SPEAKER—The Leader of the Opposition will extend the same courtesy to the Acting Prime Minister as I expect will be extended to him.

Mr ANDERSON—President Bush acknowledged quite clearly in his words that what Australia does is up to Australia. Yes, he said we were part of the coalition of the willing. Frankly, I am very proud to be willing to support the endeavours of the UN and decent people everywhere to bring to some sort of climax or conclusion the 12-year-long efforts to secure what Saddam Hussein committed himself to after the Gulf War. That is a cause of some pride to me. I think that is the right thing for Australia, as a country that values freedom, to pursue.

Personally, I have a very deep commitment to it because of my very real fears. I think Prime Minister Blair expressed it well. He is the leader of the Labour Party in Great Britain, about whom we have heard almost nothing from those opposite. He is an embarrassment, by the looks and the reactions on the faces of some of those opposite. He rightly warned that the world must fear, and must protect itself against, the prospect of rogue states with weapons of mass destruction coming together with terrorists. As we have indicated and talked about in this place, terrorists will not stop at using simple car bombs—and we have seen what death and destruction they can cause—or aeroplanes if they can obtain worse weapons.

If we have been part of the willing in that regard, I say amen to it, and we will continue to be part of the willing. The thesis that we have committed privately, to the President of the United States, to military action in circumstances where there is no further UN
declaration is not correct. Furthermore, there is no war—and we pray to God that there will not be one. I have to say that, as the Prime Minister observed, the greater the degree of lack of resolution that we see globally and that Saddam Hussein also sees, the more our chances of avoiding conflict are reduced, tragically. That ought not to be forgotten. But being part of that coalition does not mean that we have committed to military conflict. There is no military conflict to commit to, anyway.

Let me make this very important point, and I make it with every breath in my body: the Prime Minister has not signed up. When you say that he has, you impinge on his integrity in a way that is out of order in this place. You impinge on my integrity and on the integrity of the government and the senior ministers in a way that is outrageous, because there has not been such a commitment. You clearly tried to parade your pro-Defence personnel credentials in this place today. You claimed in quite black-and-white terms that the Prime Minister had deceived the departing servicemen on the way to the Gulf. That is what you did. The Leader of the Opposition said that the Prime Minister had not indicated to them that they were engaged in anything different from the current forces over there.

Mr Leo McLeay—Mr Speaker, I rise on a point of order. You take a lot of time telling people on this side of the House that they should refer to a person by their title. I ask you to do that with the Acting Prime Minister.

The SPEAKER—The member for Watson will resume his seat. The Acting Prime Minister has the call.

Mr ANDERSON—The Leader of the Opposition, in his great willingness to bandy around the term 'liar' and apply it to all and sundry—

Mr Leo McLeay—Mr Speaker, I rise on a point of order. I ask you to direct the Deputy Speaker to refer to people by their titles and not as 'you', unless you are the person who has done these things.

The SPEAKER—The member for Watson will resume his seat. I will control the debate. There is no point of order.

Mr ANDERSON—I am sure the ‘Deputy Speaker’ will take on that injunction. The Leader of the Opposition stated in this place, in his contribution to this debate, that the Prime Minister had led our departing personnel up the garden path—that he had not levelled with them. He did level with them. I will quote what the Prime Minister said to them directly:

You go to the Persian Gulf as part of the existing multinational interception force but it may be, given circumstances that are now unfolding in relation to Iraq and that country's response to certain UN resolutions, it may be that this vessel and the deployment here are involved in wider operations. We hope that is unnecessary. We will work as a nation and as a people to render that unnecessary if at all possible.

Who is it that is misleading? Who is it that is misrepresenting? Who is it that is prepared to bandy around allegations of deception, misleading and being dishonest with our troops and with others? I regret to say that it is the Leader of the Opposition.

The Prime Minister of Australia has told the United States President precisely what he has told the Australian people. I have every confidence in that, even though I—unlike you, if I may say so to the Leader of the Opposition—was not actually present. I do not pretend to have been present. I do not pretend to have this magical capacity to relate what happened when I do not know. But I do know the Prime Minister, as the Australian people do. I do know that he is a man who will tell the Australian people the truth, even when it is uncomfortable and he knows they will not like it. Quite frankly, I think that is one of the hallmarks of the Prime Minister of this nation.

I have every confidence indeed that the Prime Minister has relayed to the President of the United States precisely what he has told the Australian people: that we have not made a commitment and we will not make a commitment until we see exactly how this matter unfolds. In the meantime, our objective as a part of a coalition of the willing is to do everything we can as a responsible global
citizen to bring pressure to bear, through the United States, on a man called Saddam Hussein. Do you remember his name?

Mr Wilkie interjecting—

The SPEAKER—I warn the member for Swan!

Mr ANDERSON—Do you remember Saddam Hussein’s name? Have you heard anything? Those opposite have endlessly prattled about human rights in this place—and I think human rights matter—but I cannot get over the flippancy with which they responded to the foreign minister’s allegations against Saddam Hussein last week. Not only would you dare not let his name pass your lips but you did not want to come to grips with the sort of regime we are dealing with here.

This whole debate is, or ought to be, about a very nasty regime indeed. The United Nations—so beloved of those opposite—long ago recognised that Iraq should be stripped of its weapons of mass destruction but not of its conventional capacity to defend itself. We acknowledge that any sovereign regime that behaves responsibly has a right to defend itself. There were very good reasons for the global community deciding that Iraq ought to be rid of its weapons of mass destruction, and Iraq agreed to this. But, surely, we have now recognised that this is a regime headed up by a master chess player—a man who will play every division, every sign of a lack of resolution and any indication that he might get away with a denial, a slip through here or a slip round the back. The fact of the matter is that, as a result of the global community having been taken in, in my view too many times, and not having stood by our resolution of 12 years ago to see this through, we now find ourselves confronted by a very nasty regime with a very extensive capacity indeed.

People still ask me, ‘What does this fellow have?’ I ask: where is the evidence that he has disposed of the 6½ thousand chemical bonds; the 550 shells filled with mustard gas; the 360 tonnes of bulk chemical warfare agency, including 1.5 tonnes of the deadly nerve agent VX; the 3,500 tonnes of precursor chemicals, 300 tonnes of which could only be used for the production of VX—I do not know how many people that could cruelly kill if it were allowed to be developed into something—and over 30,000 special munitions for the delivery of chemical and biological agents? All of this is unaccounted for. Where is it? Isn’t cooperation from Iraq what we clearly need here? Isn’t the focus of our endeavours that everything we do must be directed at securing that? If we cannot secure that cooperation, what is the global community to do? What does the Leader of the Opposition propose that we do?

At this point in time, our participation in the so-called coalition of the willing has been recognised as having been highly effective by none other than the Secretary-General of the United Nations, Kofi Annan. It got the inspectors back in. But have the inspectors found the cooperation they need? What has Blix had to say about that? He said that the lack of cooperation has been palpable and is a real obstacle. It is that lack of cooperation that stands in the way of a peaceful outcome for the world. The man whose name will not pass your lips can bring this to a peaceful resolution. He can bring us to an outcome that does not involve conflict or danger for Australians now and in the future, abroad and here.

The government will not shirk from doing what we believe on the evidence to be right, nor will we mislead the Australian people. As we have told them repeatedly, we are engaged in contingency planning and have been for some time. We will respect the proper processes in relation to the consideration of any further requests made of us. The motion before the House is completely and utterly without basis.

Mr RUDD (Griffith) (3.15 p.m.)—Mark this day in your history books. This was the day that the Acting Prime Minister of Australia first said, on behalf of the government of Australia, that he was proud of his government’s deep commitment to the coalition of the willing. That is what you said today, Acting Prime Minister. My question simply is this: why is this the first day that you have told the parliament of the Commonwealth that your government is a willing member of the coalition of the willing? Why is it that...
yesterday, in response to a direct question from the Leader of the Opposition, you said that your government was not a member of the coalition of the willing? Colleagues, we have before us for the first time an Acting Prime Minister of the Commonwealth of Australia effectively censuring himself with the words out of his own mouth. The rest of the motion almost rests redundant.

This censure motion is not about Iraqi policy; it is not about US policy on Iraq; it is not about the merits of any of these propositions—this censure motion is about character. It is about the character of the occupant of the highest political office of the Commonwealth of Australia. It is a censure motion about the character of the Prime Minister of Australia, John Howard. The aspect of character that is the object of this censure is his truthfulness with the Australian people on whether or not he is taking our people to war.

Let us go to the heart of the matter. It is a very simple and stark question. Why has John Howard told the President of the United States that Australia is a member of the coalition of the willing in a future war with Iraq, and why has John Howard refused to tell the same to the Australian people? That is the core of the proposition before us. Why is the Prime Minister candid with the United States President on Australia’s commitments in Iraq but not candid with the Australian people? On this question, the government of the United States is without fault. President Bush, being absolutely transparent with his own people, said:

Either with the United Nations will Saddam Hussein be disarmed or the United States will proceed to do that.

That is what the President of the United States has said, plain and simple. Did anyone here see the President of the United States’ State of the Union address? Did anyone here have any doubt as to what the President of the United States’ intention is? It is very plain: either Saddam Hussein disarms himself or else he, the President of the United States, will lead a coalition of the willing to forcibly disarm Saddam Hussein. There are no ifs, no doubts and no maybes—a clear and crystal component of US declaratory policy. In case you missed what the President meant, let me quote exactly what the President said on 7 January this year:

For the sake of peace, Saddam Hussein must disarm himself of all weapons of mass destruction and prove that he has done so. Should he choose the other course, in the name of peace, the United States will lead a coalition of the willing to disarm the Iraqi regime of weapons of mass destruction and free the Iraqi people.

Is anyone here under any illusion as to what that means? Is anyone in this chamber under any illusion as to what the coalition of the willing intends to do? It intends to forcibly disarm the government of Iraq and, in the President’s words, ‘free the Iraqi people’. In case there is some ambiguity about that, let us look at what Secretary of Defense Rumsfeld had to say on 19 January. He was asked the question:

Do you think the United States is going to have to go with the coalition of the willing?

What term is used? ‘A coalition of the willing’, as opposed to the United Nations. Mr Rumsfeld replied:

Only time will tell, but there is a sizeable coalition of the willing that’s already on board with or without a second resolution of the United Nations.

That is absolute clarity of US declaratory policy. Whether we disagree with it or not, we know absolutely where the President of the United States is coming from. We have no such clarity from this government. We have only from this government dissimulation, deception and, as the Leader of the Opposition has said, deceit. The Prime Minister, in one series of interviews after another, has been ducking and weaving, squirming, hoping to avoid the question. For example, take an interview he did on 28 January:

JOURNALIST: Prime Minister, are we one of the 12 nations or so who have already indicated to America that we will be part of the coalition of the willing?

PRIME MINISTER: … We have not made a final decision about military involvement.

Thank you, Prime Minister, that cleared that one up! On 30 January, not all that long ago, there was another interview:

JOURNALIST: Prime Minister, we know your time is limited but one just final question and that
is yesterday George Bush made it quite clear that regardless of what the UN was saying he would lead a coalition to go into Iraq and disarm Saddam Hussein. If the UN doesn’t come to the party …

PRIME MINISTER: Well John the final decision to be taken by the Australian Government about being committed to military action can only be made when we know the full outworking of the UN process.

Again, we have the Prime Minister ducking and weaving. If that was not good enough, on 9 February the Prime Minister was interviewed again:

JOURNALIST: In your talks tomorrow, especially at the Pentagon, do you expect to lock in a possible role for Australia if, further down the track we do decide to join a coalition of the willing?

PRIME MINISTER: …The question that whether ultimately a decision is taken to commit—

I presume he meant to a coalition of the willing—

will depend on all the things that I have been talking about now in different ways on innumerable occasions over the past few weeks.

What do we have from our Prime Minister?

Principle No. 1: obfuscation; principle No. 2: dissimulation; principle No. 3: walking both sides of the streets, 101 and 102. What we have seen from the Prime Minister is nothing short of dissimulation all the way through.

We have seen it throughout this debate on Iraq. We saw it in terms of what the Prime Minister had to say about the United Nations. We saw it suddenly last September, after the appalling debate led by the minister at the table, in Labor’s appeasement of Saddam Hussein. Suddenly the Prime Minister is having a UN flag industrially stapled to his back and a blue helmet glued to his head with Araldite: ‘I, John Howard, champion of the United Nations.’ That is how the debate ran during September, October, November and December.

Then we came to the second juncture of the debate—oh dear, the second resolution question. Look at your own transcript, Minister Downer. What did you say about that? ‘Oh, I’m agnostic about a second resolution of the United Nations. I don’t really bother about that so much.’ But how has agnosticism suddenly become faith, Minister? What was the point on the Damascus road at which you suddenly went from a position of non-belief to a position of belief? Because let me tell you what your Prime Minister has just said. He is now ‘pressing’ the President of the United States for a second resolution. But when push comes to shove, when all the floss is taken away, when you get down to the guts of it, is it an essential precondition for this Prime Minister that there be a second resolution of the UN Security Council before he commits Australian military forces to action in the gulf—without a UN Security Council mandate? Is there any such clarity on his position at all? No, there is not.

We do not have from the Prime Minister political leadership on this question. We have from the Prime Minister rolling political massage. That is what it is about: massaging the message—a bit here, a bit there, a bit round the shoulders, a bit of this, a bit of UN here, a bit there. Just make everyone feel happy and disguise the message until bang! It all happens one day and the war is on. The contrast is plain: the President of the United States is absolutely clear on where he stands, whether you oppose it or not; John Howard is walking on both sides of the street. We have seen it on the issue of the UN and on this question of Australian participation in a military coalition of the willing.

Prior to 10 January this year, the government repeatedly said that no commitment had been made to any future use of an Australian military component in any future coalition of the willing. On 10 January, or thereabouts, we had a statement from the Prime Minister announcing a forward deployment—not a modest forward deployment but the most sizeable forward deployment of Australian military forces since the Vietnam War: more than 2,000 personnel, as it turns out. Troops, ships, FA18s and the SAS were dispatched—although not, it seems, to any coalition of the willing. They are just out there, kind of floating about; they are not actually part of anything. No-one actually believes that proposition being put forward by the government.

At the end of the day, it all comes down to this. Nobody listening to the parliament to-
day—not a single member and not a single person in the public gallery, in the press gallery or hearing the broadcast—is of the view that, once Australia has forward deployed 2,000 defence personnel and they are in situ in the gulf, when the President of the United States picks up the telephone to call his good friend John Howard and says, ‘John, we are going in tomorrow,’ John Winston Howard is going to say, ‘George, I’m sorry, I’ve got it wrong. They are all coming home.’ The decision was taken at the point at which the forward deployment was made. This is a decision which the government simply does not have the collective or corporate political courage to own. That is disgraceful. That is what is disgusting in this entire debate.

It all came to a head yesterday. We had our moment of truth in this parliament yesterday when the Leader of the Opposition posed a very simple question to the Acting Prime Minister. He said:

... do you seriously expect the Australian people to believe you when you say that Australia is not counted as one of the 12 in the ‘coalition of the willing’ announced by the US?

What did the Acting Prime Minister say? He said, ‘Yes, we do.’ In other words, he was saying that the government are not part of a coalition of the willing. That is what he said in the parliament yesterday, 24 hours ago. Twenty-four hours later, we have this backflip, not even with reverse pike, not even with any artistic elegance: ‘Oh yeah, that’s what we now think.’ As if nothing has changed, we have had a complete 180-degree shift in the declaratory policy of this government, with an Acting Prime Minister here at the table who purports to be completely unconscious of the fact that that is what he has done. Maybe he is unconscious of the fact that that is what he has done. It is a remarkable fact in itself.

But it reached its final stage, not very long ago at all, in Washington DC, where it came unstuck completely. In response to the question from a journalist, ‘Could you tell us whether you count Australia as part of the coalition of the willing?’ the President of the United States simply said, ‘Yes, I do.’ Those three words torpedoed the credibility of this government. Those three words torpedoed the truthfulness of this government. Those three words torpedoed the truthfulness of this Prime Minister, the Acting Prime Minister, and the man who purports to be the foreign minister for Australia and who will soon grace us with his words. It has all come totally unstuck. The President of the United States owns his policy directly; this government seeks to hide from it all the time.

When it comes to how this whole strategy of the overseas visit came into being, you can imagine the advisers over there in the dispatch box saying, ‘We’ve got two weeks of parliament, two weeks of parliamentary scrutiny. How are we going to take the acid right off the Prime Minister?’ Bing! Alex walks in and says, ‘Oh, I say! We will go off to Britain and we will go to the United States and see our great and powerful friends.’ As a political strategy, you could see how that would work: no Prime Minister here in the hot seat for a full week of parliamentary scrutiny on the question which is before the nation’s mind every day, in every shopping centre and in every suburb of the Commonwealth. ‘Let us take the Prime Minister out of the hot seat.’ But of course it all came unstuck, didn’t it? It came unstuck with three simple words today. There we were, at the apogee of the occasion, post the White House meeting with the President of the United States, and then—oh dear, oh my. I can just see the advisers watching the live broadcast from Washington and saying, ‘Oh, fruitcake.’ That is what they would have said: ‘Oh, fruitcake.’ Because they now have a problem between what was said yesterday by the Acting Prime Minister and what has been said today by the President of the United States—a clear and total contrast.

This censure is about the Prime Minister’s character. It is about the Prime Minister’s truthfulness with the Australian people on the gravest question of all, which is whether this country is going to war. On the question of truth, this Prime Minister has form. Where was truth in ‘children overboard’?

**Opposition members**—Nowhere!

**Mr RUDD**—Where was truth when it came to the training of industrial mercenaries in Dubai?
Opposition members—Nowhere!

Mr RUDD—Where was truth when it came to the assault on His Honour Justice Kirby?

Opposition members—Nowhere!

Mr RUDD—Where was the truth when it came to this government’s handling of Hansonism? I will tell you where the truth of this government has gone: right overboard, dead and buried. You have concrete, conclusive evidence of it today from the words of the President of the United States. The government has a fundamental want of character on this question. The government knows it, and the Australian people have now seen it.

This Prime Minister stands censured by this parliament and stands censured by the Australian people for his failure to discharge his high office with truthfulness to the Australian people. When it comes to such a basic question of levelling with the Australian people, why is he missing in action? We on this side have been criticised in the last week for our robust, direct and, some would say, ribald language. I say this: no-one in this country misunderstands where people on this side of politics are on this issue. That side of politics has sought to hide, has sought to conceal and has sought to deceive. We have been frank and direct with the Australian people; you have sought to conceal your hand. Political strategy has triumphed over truth. You stand censured and condemned.

The SPEAKER—I think the member for Griffith meant that, in fact, the motion does not censure the Speaker.

Mr DOWNER (Mayo—Minister for Foreign Affairs) (3.30 p.m.)—Mr Speaker, you are right; you do not stand censured and condemned, and nor does the government. The government obviously rejects this motion. The motion is, as the Acting Prime Minister has pointed out, entirely without any substance. First of all, the whole motion is based on the proposition that somehow President Bush said in a press conference today from the words of the President of the United States. The government has a fundamental want of character on this question. The government knows it, and the Australian people have now seen it.

The SPEAKER—I think the member for Griffith meant that, in fact, the motion does not censure the Speaker.

Mr DOWNER (Mayo—Minister for Foreign Affairs) (3.30 p.m.)—Mr Speaker, you are right; you do not stand censured and condemned, and nor does the government. The motion obviously rejects this motion. The motion is, as the Acting Prime Minister has pointed out, entirely without any substance. First of all, the whole motion is based on the proposition that somehow President Bush said in a press conference today that—

Mr Gavan O’Connor—‘Yes, I do,’ That’s what he said!

The SPEAKER—The member for Corio is warned!
for the Labor Party. They continue to allege that somehow this is evidence.

I mention those three things because what is interesting about the debate is that the Labor Party—knowing that its allegation is untrue and never able to establish the veracity of the argument that it is putting to this parliament—is not talking about Saddam Hussein, is not talking about weapons of mass destruction and is not talking about human rights atrocities. That is one of the most extraordinary things about the way the Labor Party has been handling this issue. As somebody who has been a member of this parliament for 18 years, I offer a bit of advice to the Labor Party: running the kinds of lines it is running at the moment is not helping it. The Labor Party is seen to be unconcerned about Saddam Hussein and indifferent to a man who has defied the United Nations, which the Labor Party says is at the very heart of its international belief system: it says it has a passionate belief in the United Nations. It has all that sort of guff about Doc Evatt, who was basically mad, as we might recall.

The point is that Iraq, and Saddam Hussein—and I do not know if those on that side of the House have heard of Iraq too often since 1975—is the country that is in breach of United Nations Security Council resolutions. Iraq is in breach of Security Council resolutions. The Labor Party says it supports the United Nations but it is apparently almost entirely indifferent to the breach by Iraq of United Nations Security Council resolutions, if the amount of time in these debates it devotes to Saddam Hussein is any guide. The member for Indi said in a speech the other day—and she will correct me if I have these figures ever so slightly wrong—that in the Leader of the Opposition’s speech in the debate on Iraq last week he mentioned President Bush something like 57 times; I understand he mentioned our own august national leader, the Prime Minister, over 80 times; and he mentioned Saddam Hussein four times. He mentioned John Howard 85 times, President Bush 57 times and the most evil dictator on earth today four times. Who got one mention throughout that speech? Somebody got one mention in that speech.

**Government members**—Tony Blair!

**Mr DOWNER**—They got it! Tony Blair, a man of real courage and real principle. A Labour leader of real courage and real principle would never put up with a bunch of losers such as those who sit over there. There has been a simply fantastic performance by Tony Blair, and he was mentioned once.

One of the things that strikes me about the Labor Party is the nature of the interjections that take place when you stand up here at the dispatch box and you talk about Iraq; when you talk not only about chemical and biological weapons, not only about our support for the implementation of Security Council resolutions but about human rights atrocities. Mr Speaker, you know that this is true. A fusillade of interjections come from the other side of the House when you talk about human rights atrocities in Iraq. I will tell you what there isn’t from the Labor Party: there is never a question about Saddam Hussein, there is never a question about weapons of mass destruction and there is never a question about human rights atrocities. There are jokes, there is abuse of the government, there is abuse of President Bush, there is silence about Tony Blair, but there is never a question about Saddam Hussein. If any political party in the Western world, including in Australia, stands condemned, it is the Labor Party for its indifference to this issue and its politicisation of this issue.

Every Tuesday morning, you scoot into your offices all excited—I heard this from the press gallery—and you open the Australian. Why do you like the Australian on Tuesday morning? Because it has the Newspoll. Every two weeks you think, ‘Oh, gosh; I hope it’s going to be better this week.’ The Newspoll gives you a guide to what is popular and what is not popular—and which line will the Labor Party be running? The popular line. It does not matter whether it is true or false, whether it is moral or amoral or immoral; it matters whether it is popular, and that is precisely the line that the Labor Party has been running on the issue of Iraq. It is cheapskate populism—which, by the way, has completely divided the Labor Party. We have, first of all, the 15—I am looking around the chamber for the 15—who
signed the declaration last week saying, ‘No war against Iraq in any circumstances.’

Mr Gibbons—Rubbish!

Mr DOWNER—No, not rubbish; 15 members of the Australian Labor Party signed up, and that is what they signed. Then you have people like the member for Brand, the member for Griffith and Senator Ray. These are people who are—one does not want to flatter them—a lot of bourgeois social democrats, if one has to describe them. These are people who at least privately—not publicly; they are very careful what they say publicly, because they do not want to undermine a leader who is hanging on by a thread—admit that the government is right and that the Labor Party’s position is wrong.

One interesting thing relates to the member for Griffith. The issue of Iraq is the biggest issue in Australian politics today, debated endlessly in the parliament and dominating question time last week and this week. The member for Griffith has not been allowed to ask a single question on the issue of Iraq. Not one question has he asked on the issue of Iraq, and he is the spokesman on foreign affairs. Why? Because the Leader of the Opposition wants to shut him down. The member for Griffith is very unhappy with the way the Leader of the Opposition is handling this issue. The member for Griffith is running around whispering and telling people that. He is pretending not to listen at the moment but he will be up there later whispering and whispering: ‘The Leader of the Opposition is not handling this very well.’ His position is, of course, a little uncertain.

Let us look at the Leader of the Opposition. The Leader of the Opposition has many, many positions on the issue of Iraq. On 12 November, on the issue of whether Labor would support military action against Iraq which was not sanctioned by Security Council resolutions, he said:

... if the United States takes unilateral action outside of the UN resolution, it will not have bipartisan support, it will not have Labor’s support.

On 24 January this year, he said:

We will not be supporting a US-led unilateral attack. I’ve said that clearly and consistently for a long time now.

Oh, really? How clearly? Go back to what he said on Radio 2SM on 14 August 2002. In response to a question on US unilateral action, the Leader of the Opposition said:

... I think we always have to keep the option open...

Oh? So he has not always said that they do not support it. On 11 September, on the AM program, he said:

It of course will depend on the basis upon which the US argues the need to go alone. It will then have to make the case.

Oh, so he was not opposed to unilateral action or action outside a UN Security Council resolution; it would depend on the evidence. There is a constant pattern of contradiction. On 15 January 2003—and I think that this is one of the most telling quotes—the Leader of the Opposition said:

... there is the caveat [in relation to action against Iraq] that the United Nations with the best will and intentions in the world of arriving at a decision could be frustrated in the sense of the veto arrangements. What I have said in those circumstances is that we would have to assess it in light of the developments at the time.

What does the Leader of the Opposition mean? He is saying, on the one hand, that he will not support military action outside of a further UN Security Council resolution. Fifteen of his members say they will not support it under any circumstances. Then, on 15 January and on other occasions from other quotes that I have just read, the Leader of the Opposition said, ‘Well, if there were one or two vetoes, I might support it.’ What is the Labor Party’s position? I say to the press gallery that these contradictions deserve a good deal of scrutiny. Perhaps during the first part of January the Newspoll was not done; perhaps it did not come out. In the second part of January, out came the Newspoll and out came some new opinions.

Or was it the divisions within the Labor Party? One interesting thing is that the opposition spokesman on foreign affairs, the member for Griffith, and the Leader of the Opposition were basically arguing that they had a preference for a second Security Council resolution but, if it did not work, if there was a veto, they might nevertheless support military action. Then, however, we had the
member for Kingsford-Smith making his famous statement, published on the front of the Australian, that Labor should never support military action without a second UN resolution. What is their policy today? Is it the member for Griffith’s policy? Is it the Leader of the Opposition’s policy?

One of the members of the Right faction, the member for Fowler, I find very amusing. She is in the group of the New South Wales Right who voted to oust the member for Kingsford-Smith as the leader of the faction. This member is against the member for Kingsford-Smith, and the member for Kingsford-Smith is the one who has imposed his policy from the back bench on a weak Leader of the Opposition. Or has he? I would be very interested in a clear statement of the Labor Party policy on Iraq. But I will tell you what the Labor Party does not do. What the Labor Party does not do is spend time condemning Saddam Hussein. What the Labor Party does not focus on are human rights abuses in Iraq. What the Labor Party does not focus on is the need for the elimination of weapons of mass destruction. If ever there was an indictment of any significant political party in this country, that was a terrible indictment of the Australian Labor Party. None of its counterparts internationally have taken such an irresponsible position as the cheap-skate populists on the other side of the House. This motion will be rejected, it should be rejected and it is weak. (Time expired)

Question put:
That the motion (Mr Crean’s) be agreed to.

The House divided. [3.50 p.m.]
(The Speaker—Mr Neil Andrew)

AYES


NOES


(388x420)
Pyne, C.                    Randall, D.J.
Ruddock, P.M.              Schultz, A.
Scott, B.C.                Seeker, P.D.
Slipper, P.N.              Smith, A.D.H.
Somlyay, A.M.              Southcott, A.J.
Stone, S.N.                Thompson, C.P.
Ticehurst, K.V.            Tollner, D.W.
Truss, W.E.                Tuckey, C.W.
Vaile, M.A.J.              Vale, D.S.
Wakelin, B.H.              Washer, M.J.
Williams, D.R.             Worth, P.M.

* denotes teller

Question negatived.

Mr Anderson—Mr Speaker, I ask that further questions be placed on the Notice Paper.

LEAVE OF ABSENCE

Mr CREAN (Hotham—Leader of the Opposition) (3.58 p.m.)—I move:

That leave of absence until 27 March 2003 be given to Ms Livermore for maternity purposes.

Question agreed to.

The SPEAKER—I am sure that members of the House join in wishing the member for Capricornia a very successful delivery.

Honourable members—Hear, hear!

QUESTIONS TO THE SPEAKER

Parliament House: Security

Mrs IRWIN (3.59 p.m.)—I noted in an article in the Sydney Morning Herald last Thursday that the member for Cunningham had complained to the Parliamentary Security Controller after being asked by a security officer to cover a T-shirt which carried a large political slogan. The article stated that the security officer:

... has been counselled and will not question what MPs wear, ever again.

For the benefit of members, can you clarify the policy on members of this House and other visitors to the House who wish to enter the building while wearing large political slogans on their clothing? Would you also clarify the position of security officers requesting members and visitors to comply with the rules regarding clothing bearing political slogans while in the building?

The SPEAKER—I will respond to the latter part of the question first, and I will endeavour to offer an explanation about clothing. If I feel, on reviewing Hansard, that my explanation has been inadequate, I will come back and expand on the answer later today or tomorrow. Insofar as the security officers are concerned, I do regret that the newspaper article said what it said. In my view, the security officer in question was simply doing her duty. She was perhaps a shade overzealous, but that is understandable because the rules for the chamber and the galleries are different from those for the corridors of the House. The security officer had frequently been on duty in the chamber and galleries and that, no doubt, added somewhat to the confusion.

I want to assure the member for Fowler that I have every confidence in the security staff, as I believe the members of parliament do. When I am challenged—and it has happened—by security staff on entering the parliament, I am much more inclined to say, ‘Thank you very much. I am glad you’ve taken that extra precaution’ rather than taking it for granted that I should enter unchallenged. I am sure that is a sentiment shared by my colleagues.

Insofar as clothing, there is no restriction on what members wear when they enter the parliament. If I may mischievously observe, there are those who, early in the morning, have entered the parliament in sundry and assorted gym and other gear. That means that any restriction would make it very difficult. There is, of course, a standard that is maintained in the chamber. It is voluntarily adhered to by all members, and we all respect that. Insofar as the member for Cunningham is concerned, I visited the member for Cunningham’s office after I read the press report to ensure that he was, as a new member, comfortable with the decision that had been made and that he understood why the small error had occurred.

Insofar as staff are concerned, there are restrictions on what staff and visitors to the building can wear by way of political slogans. That applies in the galleries and it applies in the corridors. The parliament is a place that enjoys a great deal more ease of access than any comparable institution around the world. The restriction on slogans on T-shirts that can be read is obviously so
that the galleries cannot be a place for protest action. There are areas set aside within the parliamentary precinct for protest action. Whether or not a particular T-shirt—given that T-shirts come with a number of slogans on them in this day and age—is making a political statement is something that I have happily left to the discretion of the security guards, since I feel that there is no other way to deal with it. If there is uncertainty about it, I am happy to be contacted by the security guards.

Mr MELHAM (Banks) (4.03 p.m.)—Mr Speaker, I seek your further clarification in relation to political slogans. On a number of occasions members of this House have worn political badges into this House and they have not been stopped. I know that members of parliament on both sides put political campaign material in their windows. I have an article from a newspaper on the front of my window. My concern is any suggestion that members of the public would be stopped from wearing T-shirts, within this building, that might have some political content when, indeed, they are engaged in peaceful protest. I am also concerned that people can quite properly wear something in the streets of this country and it is legal, and yet we—the parliament that make the laws—are not allowing them to wear that legal clothing in the galleries here. In the street it is legal, but it is not legal to wear these pieces of clothing in the public galleries. I can understand some restrictions on people who are here in an official capacity, such as in the advisers box. Mr Speaker, I wonder if you could further reflect on your ruling and the matters I have raised with you. I am happy to put them in writing and come back.

The other matter I want to raise is security. In the House of Representatives now, we are going through a security area for members alone, but I have noticed long queues for the other security machine. It seems to me that, if there are long queues and members are not coming through their security area—or even if they are—members of the public should be able to go through that area to overcome the long queues. There is a sign that says ‘Members only’. Maybe it could be ‘Members and staff’ or whatever. I would ask you to look into this matter to ensure that there are proper workings and that we do not have a situation where members of parliament get privileges over and above members of the public. I think that, in some instances, it is a bit zealous to impose that restriction.

The SPEAKER (4.05 p.m.)—As the member for Banks must be very well aware, no occupier of the chair has attempted, in any way, to restrict the opportunity that people may have to discreetly wear badges in this chamber. Indeed, there is currently an instance. No such action has been taken or would be taken. We have agreed, as a group, on a standard of dress in the chamber. I do not think that matter needs to be entered into. On those occasions when an inappropriate protest has taken place on one side of the House or the other, the occupier of the chair has taken action.

Insofar as the galleries are concerned, no one in the parliament would want a situation where the galleries were used for protest activity. That protest activity can take a range of forms. The opportunity to attend the gallery, to witness the House in action, is something that is fundamental to democracy in this place. The President of the Senate and I, consistent with all former occupiers of the chair, have done all we can to keep the galleries open and not have the galleries enclosed in any way, despite security recommendations that we may have to do so. Part of maintaining that sort of freedom is not obliging the chair to maintain some sort of eye on what is happening in the gallery as well as what is happening in the chamber. It would be inappropriate to allow any form of protest—whether it is a T-shirt or anything else—in the galleries.

Insofar as the corridors are concerned, I have every confidence in the security staff. I have no doubt that what has happened in the past will continue in the future and would not be inappropriate. If the member for Banks feels there is any inadequacy in that, he is welcome to visit me and take the matter up.

Mr SNOWDON (Lingiari) (4.07 p.m.)—Mr Speaker, I would like you to reflect on what a political slogan is. There are any
number of T-shirts which are in fact artworks.

Opposition members—Wazza’s Walkers!

Mr SNOWDON—No, but there are a number of T-shirts which could be seen as artworks which may have a political message. It seems to me that we have to be very careful about arbitrarily ruling whether or not a T-shirt is political in terms of the judgment made by security staff as opposed to what we might think here in this chamber.

The SPEAKER (4.08 p.m.)—I would simply indicate to the member for Lingiari that, if he looks at my statement, he will find that what I have done has been to intervene more to ensure that we are not imposing unfair restrictions. I would have expected him to celebrate that, and he must surely recognise that, beyond that, it is a matter for the chair to determine on the basis of the dignity of the way in which the slogan has been printed or stated.

Questions on Notice

Ms JANN McFARLANE (4.08 p.m.)—Mr Speaker, under standing order No. 150, would you please write to a number of ministers and seek reasons for the delay in answering my questions in the Notice Paper. They are question No. 154 on 19 February 2002, to the Treasurer; question No. 367 on 16 May 2002, question No. 950 on 25 September 2002 and question No. 951 on 25 September 2002, to the Minister representing the Minister for Revenue and Assistant Treasurer; and also question No. 1271 on 26 September 2002, to the Minister representing the Minister for Communications, Information Technology and the Arts.

The SPEAKER—I will follow up the matter raised by the member for Stirling as the standing orders provide.

AUDITOR-GENERAL’S REPORTS

Report Nos 28 and 29 of 2002-03

The SPEAKER—I present the Auditor-General’s audit reports Nos 28 and 29 of 2002-03, entitled No. 28—Performance audit—Northern Territory Land Councils and the Aboriginals Benefit Account, and No. 29—Audit activity report: July to December 2002—Summary of outcomes. Ordered that the reports be printed.

PAPERS

Mr ABBOTT (Warringah—Leader of the House) (4.10 p.m.)—Papers are tabled as listed in the schedule circulated to honourable members. Details of the papers will be recorded in the Votes and Proceedings.

MATTERS OF PUBLIC IMPORTANCE

Howard Government: Family Services

The SPEAKER—I have received a letter from the honourable member for Gellibrand proposing that a definite matter of public importance be submitted to the House for discussion, namely:

The Government’s lack of leadership and failure to provide adequate services for Australian children.

I call upon those members who approve of the proposed discussion to rise in their places.

More than the number of members required by the standing orders having risen in their places—

Mr ABBOTT (Warringah—Leader of the House) (4.10 p.m.)—I move:

That the business of the day be called on.

Question agreed to.

BILLS REFERRED TO MAIN COMMITTEE

Mr LLOYD (Robertson) (4.11 p.m.)—by leave—I move:

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

New Business Tax System (Consolidation and Other Measures) Bill (No. 2) 2002

New Business Tax System (Venture Capital Deficit Tax) Bill 2002

Customs Legislation Amendment Bill (No. 2) 2002

Agriculture, Fisheries and Forestry Legislation Amendment Bill (No. 1) 2002

Agriculture, Fisheries and Forestry Legislation Amendment Bill (No. 2) 2002

Commonwealth Electoral Amendment (Members of Local Government Bodies) Bill 2002

Family and Community Services Legislation Amendment Bill 2002.

Question agreed to.
COMMITTEES
Selection Committee
Report
Mr CAUSLEY (Page) (4.12 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, 3 March 2003.

The report read as follows—

Report relating to the consideration of private Members’ business on Monday, 3 March 2003

Pursuant to standing order 331, the Selection Committee has determined the order of precedence and times to be allotted for consideration of private Members’ business on Monday, 3 March 2003. The order of precedence and the allotments of time determined by the Committee are as follows:

PRIVATE MEMBERS’ BUSINESS
Order of precedence
Notices
1 Mrs CROSIO to present a Bill for an Act to provide for the establishment and administration of a scheme to guarantee the payment of wages and other accrued liabilities owed to employees in the event of employer insolvency, and for related purposes. (Employee Protection (Employee Entitlements Guarantee) Bill 2003—Notice given 5 February 2003.)

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

2 Ms O’BYRNE to move:
That this House:
(1) acknowledges that medical practices and individual general practitioners are advising veteran patients that they will no longer be able to recognise the gold card when charging them for medical services;
(2) acknowledges that veterans are entitled to receive adequate and appropriate medical care in view of their service to this country;
(3) notes that many practices and practitioners, in particular those with a high percentage of veteran patients, are struggling to provide acceptable levels of medical care and service, given the rebates and fees currently available to them; and
(4) calls upon the Government to immediately negotiate with medical practitioners to ensure that an appropriate agreement is in place to enable doctors to provide adequate levels of care to gold card recipients. (Notice given 4 February 2003.)

Time allotted—40 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, 4 x 5 mins]

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

3 Mr SCHULTZ to move:
That, this year being the 50th anniversary of an historic event which led to the early development of the giant Pilbara iron ore discovery in Western Australia, this House:
(1) calls on the Government to recognise the memorable flight on 22 November 1952, when Lang Hancock observed vast iron ore deposits in The Pilbara whilst flying in adverse weather accompanied by his wife Hope;
(2) acknowledges the significant personal contribution Lang Hancock made in difficult circumstances in developing the mineral potential of this incredibly rich province—The Pilbara; and
(3) pays tribute to this great Australian pioneer, who against all odds proved that if you have the vision you can achieve the impossible against seemingly insurmountable odds. (Notice given 2 December 2002.)

Time allotted—remaining private Members’ business time prior to 1.45 p.m.
Speech time limits—
Mover of motion—10 minutes.
First Opposition Member speaking—5 minutes.
Other Members—5 minutes each.

[Proposed Members speaking = 1 x 10 mins, 4 x 5 mins]

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

4 Ms PLIBERSEK to move:
That this House:
(1) notes that the percentage of Australian children who are overweight or obese is increasing; and
(2) commits itself to promoting measures to increase fitness and encourage healthy lifestyles. (Notice given 13 December 2002.)
Time allotted—30 minutes.

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

[Proposed Members speaking = 1 x 10 mins, 4 x 5 mins]

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

Orders of the day
1 TOURISM INDUSTRY: Resumption of debate (from 23 September 2002) on the motion of Mrs Gash—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 limits—
Mover of motion—5 minutes.
First Opposition Member speaking—5 minutes.
Other Members—5 minutes each.

[Proposed Members speaking = 6 x 5 mins]

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

CORPORATIONS AMENDMENT (REPAYMENT OF DIRECTORS’ BONUSES) BILL 2002

Second Reading

Debate resumed from 10 February, on motion by Mr Costello:

That this bill be now read a second time.

Mr LATHAM (Werriwa) (4.12 p.m.)—
Last night in my remarks I outlined several case studies highlighting the lack of responsibility and decent governance by corporate Australia. I dealt with One.Tel, FAI, HIH, BHP, Malcolm Turnbull and the Arnolds franchise. But I have saved the worst for last: Rodney Adler. Adler is the common link between One.Tel, FAI and HIH. He has led a conga line of corporate collapses and corruption. I noticed in the Australian Financial Review magazine in October last year that Anne Henderson of the Sydney Institute lamented the absence of high-profile people crusading for better standards of corporate governance and ethics in this country.

Anne is of course in a position to know, having been on the Adler payroll for more than a decade. Indeed, the Sydney Institute has been a wholly owned Adler subsidiary. He has had Anne and Gerard Henderson on a family retainer, such has been the extent of Adler’s financial contributions to the institute. For more than a decade, until last year, Adler was the director of the Sydney Institute, adding to his conga line.

First One.Tel, then FAI, then HIH, and now the Sydney Institute—all plagued by the Adler curse of corporate corruption and malpractice. This is why Gerard Henderson, the Prime Minister’s former Chief of Staff, has always refused to say where the institute gets its money from. This is why the institute is totally unaccountable, failing to publish an annual report and failing to include financial data in its ASIC company record. The dogs are barking. Even when the Sydney Institute was accused of cash for comment when it took donations from big tobacco companies at the same time as Gerard Henderson was crusading against health warnings on cigarette packets and limits on tobacco sponsorships, the Hendersons have never said where the institute money comes from. So, too, you will never see a Gerard or Anne Henderson column or comment critical of this outrageous corporate crook Rodney Adler.

This is of course in a position to know, having been on the Adler payroll for more than a decade. Indeed, the Sydney Institute has been a wholly owned Adler subsidiary. He has had Anne and Gerard Henderson on a family retainer, such has been the extent of Adler’s financial contributions to the institute. For more than a decade, until last year, Adler was the director of the Sydney Institute, adding to his conga line.

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HIH; the shady deals and crooked arrangements that underpinned these companies; and of course the tainted name of Rodney Adler, with his fingerprints all over One.Tel, FAI, HIH and the Sydney Institute.

I have many more things to say about Adler and the institute, and many more scandals to expose. But, with my time about to expire, they will have to be left to other debates in this place. Suffice it to say that the issue of corporate social responsibility and sound corporate governance is one of the most important facing Australia. This bill is just part of the debate. There will be many more instances where the scandals and malpractices of these Adler-related organisations can be raised in the House of Representatives. All I can do in conclusion is give the Hendersons, Anne and Gerard, this reassurance: I’ll be back.

Mr SLIPPER (Fisher—Parliamentary Secretary to the Minister for Finance and Administration) (4.16 p.m.)—At this stage I would like to thank those honourable members who participated in the debate on the Corporations Amendment (Repayment of Directors’ Bonuses) Bill 2002. As honourable members who have been following the debate would be aware, this bill amends the Corporations Act 2001 to permit liquidators to reclaim unreasonable payments made to the directors of insolvent companies. The object of the bill is to assist in the restoration of funds, assets and other property to companies in liquidation, for the benefit of employees and other creditors where unreasonable payments have been made to directors in the lead-up to liquidation.

The bill builds on earlier initiatives of the government in the field of corporate insolvency. These include the Employee Entitlements Support Scheme, which was established from January 2000. Payments under the support scheme were recently enhanced from September 2001 under the new General Employee Entitlements and Redundancy Scheme. It provides payment of all unpaid wages and entitlements, as well as redundancy payments up to the community standard of eight weeks. As a result of these schemes, employees are now receiving the majority of all entitlements owed to them following the collapse of their employer, making them better off than ever before. Payment of entitlements out of these schemes does not preclude action against directors and others for breaches of the Corporations Act relating to the insolvency of the company.

The bill also follows other amendments the government made to the Corporations Act in June 2000 to increase protection for employee entitlements. As a result of these changes it is now an offence for any person to enter into an agreement or transaction for the purpose of avoiding payment of employee entitlements. An example of this would be shifting companies’ assets in the lead-up to insolvency, or ‘asset stripping’. A conviction under these earlier amendments would result in a penalty of up to 10 years imprisonment and a fine of up to $110,000. Where employees have suffered loss or damage as a result of a breach of this provision, avenues are also available for them to claim compensation for that loss or damage.

The proposed amendments in this bill will permit liquidators to reclaim payments made to the directors of insolvent companies. They are modelled on the existing voidable transaction provisions of part 5.7B of the Corporations Act. It applies to transactions that involve a director of a company or a close associate of a director. The bill provides that:

**Close associate** of a director means:

(a) a relative or de facto spouse of the director; or
(b) a relative of a spouse, or of a de facto spouse, of the director.

In both cases, de facto spouses are included. The bill also applies to payments made to anyone on behalf of the director or their close associates. This could include, for example, payments to a superannuation fund on behalf of the director.

Where the transaction is unreasonable and entered into during the four years prior to liquidation, a liquidator would be able to seek repayment of the transaction. When making orders in relation to a transaction under the amendment, the court must have regard to the reasonable value that would have been expected to be paid to the director. As with the existing unfair loan provisions of
the Corporations Act, it is not a requirement under the bill that the company be insolvent at the time of or as a result of the unreasonable transaction. This broadens the range of potential transactions that can be accessed by a liquidator under the bill.

The transactions covered under the bill include payments of money; conveyances, transfers and other dispositions of property; and the issue of securities, including options. It also includes incurring an earlier obligation to enter into these transactions. The bill provides that a transaction is an unreasonable director related transaction if a reasonable person in the company’s circumstances would not have entered into the transaction. The reasonableness of the transaction is determined with regard to the respective costs and benefits to the company and benefits to the recipient of entering into the transaction. These transactions mirror the existing range of factors in relation to uncommercial transactions under the Corporations Act. The reasonableness of entering into the transaction is determined at the time the company actually executes the transaction, regardless of its reasonableness at an earlier time when the company incurred the obligation to enter into the transaction.

The existing provisions of the Corporations Act provide the court with a broad power to order repayment. For example, the court could order direct repayment of money or return of property transferred by the director. It could order repayment of any proceeds of the sale of the company’s property by the director. It could also order payment to the company of an amount that represents the benefit the director has received from the transaction. In all cases the court may make orders in relation to the unreasonable portion of the total transaction.

I understand that my friend opposite, the member for Kingston, intends in the consideration in detail stage to move amendments (1) to (5). He no doubt will be commenting on the matters he intends to cover in those particular amendments, and I will certainly be responding to him. I give notice that we do not accept those amendments, which I suspect the member for Kingston would have expected to be the case.

I would, however, at this stage like to mention briefly a statement made by the member for Kingston in his speech in the second reading debate to the effect that certain payments and benefits escape the reach of this bill. To prevent avoidance of its provision, the meaning of ‘transactions’ in the bill is broadly defined. It includes a payment made by a company, as well as conveyances, transfers and other dispositions of property. It also includes the issue of securities, including options. Further, incurring an obligation to enter into any of these transfers in the future would be a transaction for the purposes of the bill. This encapsulates all property of value to the company that could be transferred to its creditors and employees.

In addition, the bill already covers payments made not only to directors but also to the directors’ relatives, their spouses’ relatives or any person who was involved in the transaction for the benefit of the directors, their spouses or relatives. Other members of the Labor Party made similar points to those of the honourable member for Kingston.

Summing up, this bill makes amendments that will provide a valuable addition to the existing range of powers available to the liquidators of insolvent companies. It permits the restoration of funds and property to a company for the benefit of employees and other creditors. The bill builds on the government’s previous work in relation to corporate insolvency over recent years and it gives a strong statutory expression of the belief of the government that directors should not receive unreasonable remuneration, particularly when the company is not financially viable. Directors are in a better position than most to know the true state of affairs of the company in the short to medium term and should not profit from this knowledge at the expense of employees and ordinary creditors. On that basis, I commend the bill to the chamber.

Question agreed to.

Bill read a second time.

Consideration in Detail

Bill—by leave—taken as a whole.
Mr COX (Kingston) (4.25 p.m.)—by leave—I move opposition amendments (1) to (5):

(1) Schedule 1, page 3 (after line 13), after item 2, insert:

2A After section 250R

Insert:

250RA Approval of directors’ report of listed company

(1) The business of an AGM of a listed company must include a resolution approving the annual director’s report prepared under section 300A, even if not referred to in the notice of meeting.

(2) No entitlement of a person to remuneration or emolument is made conditional on the resolution being passed by reason only of the provision made by this section.

(3) The chair of the AGM must allow a reasonable opportunity for the members as a whole at the meeting to discuss the resolution under subsection (1), and the resolution must be put to a vote at the AGM.

(4) This section only applies to a company that is listed.

(5) This section applies despite anything in the company’s constitution.

(2) Schedule 1, page 3, after proposed item 2A, insert:

2B Section 300A

Repeal the section, substitute:

300A Annual directors’ report—specific information to be provided by listed companies

(1) The director’s report for a financial year for a company must include:

(a) if a committee of the board has considered matters relating to the emoluments of the directors and executive officers:

(i) the name of each director who was a member of the committee at any time when the committee was considering any such matter; and

(ii) the name of any person who provided to the committee advice or services that materially assisted the committee in their consideration of any such matter; and

(b) discussion of board policy for determining the nature and amount of emoluments of board members and executive officers of the company, including:

(i) discussion of the relationship between such policy and the company’s performance; and

(ii) for each director and each of the 5 named officers (other than directors) of the company receiving the highest emolument, a detailed summary of any performance conditions to which any entitlement of that person to securities is subject; and

(iii) in the case of any person named under subparagraph (ii), who is not a director of the company, the nature of any other services that the person has provided to the company during the financial year and whether the person was appointed by the committee; and

(iv) a summary of the methods to be used in assessing whether any such performance conditions are met and an explanation as to why those methods were chosen; and

(v) if any such performance condition involves any comparison with factors external to the company:

(A) a summary of the factors to be used in making each such comparison; and

(B) if any of the factors relates to the performance of another company, of two or more other companies, or of an index on which the securities of a company or companies are listed, the identity of that company, of each of those companies, or of the index; and

(vi) a description of, and an explanation for, any significant amendment to be made to the terms and conditions of any entitlement to securities of a director or of one of the 5 named officers (other
than directors) of the company receiving the highest emolument; and

(vii) if any entitlement to securities of a director or of one of the 5 named officers (other than directors) of the company receiving the highest emolument is not subject to performance conditions, an explanation as to why that is the case; and

(viii) in respect of the terms and conditions relation to emoluments of each director and each of the 5 named officers (other than directors) of the company receiving the highest emolument, an explanation of the relative importance of those elements which are, and those elements which are not, related to performance; and

(ix) an explanation of the company’s policy on the duration of contracts with directors and the 5 named officers (other than directors) of the company receiving the highest emolument, and notice periods, and termination payments, under such contracts; and

(c) details of the nature and amount of each element of the emolument of each director and each of the 5 named officers (other than directors) of the company receiving the highest emolument; and

(d) for each of the directors and the 5 named officers (other than directors) of the company receiving the highest emolument, details of the value of options granted, exercised and lapsed unexercised during the year and their aggregation in the total emolument; and

(e) for each of the directors and the 5 named officers (other than directors) of the company receiving the highest emolument, details of any equity value protection scheme entered into by them or on their behalf. For the purposes of this paragraph equity value protection scheme means any financial arrangement which results in the director or officer retaining legal ownership of equity in the company the value of which to the director or officer remains fixed regardless of changing market values; and

(f) a line graph which plots for each of the most recent 5 financial years the total shareholder return on:

(i) the holding of shares of that class of the company’s equity share capital whose listing, or admission to dealing, has resulted in the company falling within the definition of listed company; and

(ii) a hypothetical holding of shares made up of shares of the same kinds and number as those by reference to which a broad equity market index is calculated; and

state the name of the index selected for the purposes of the graph and set out the reasons for selecting that index; and

(g) any other matters prescribed in the regulations.

(2) This section only applies to a company that is listed.

(3) This section applies despite anything in the company’s constitution.

(3) Schedule 1, item 3, page 3 (after line 23), insert:

(iii) a profit or benefit accrued to a person listed under subparagraph (b) as a result of the exercise of options over shares granted by the company; or

(4) Schedule 1, item 3, page 4 (after line 9), insert:

(iii) the payments and benefits received by directors relative to payments and benefits received by employees in the company; and

(iii) whether the payments or benefits were subject to appropriate performance conditions; and

(iii) the time the payments or benefits were received, in particular, their proximity to the time at which the company was placed into administration or liquidation, and whether the company was insolvent at the time they were received; and

(5) Schedule 1, item 4, page 5 (lines 3 and 4), omit “the commencement of the Corpora-
These five amendments are designed to deal with the deficiencies of this legislation, the Corporations Amendment (Repayment of Directors' Bonuses) Bill 2002. The primary amendment relates to the date of effect. This bill has been colloquially referred to as the One.Tel bill because it was the collapse of One.Tel which caused the government sufficient embarrassment to feel that there was need for some legislative action in this area.

The Prime Minister on 4 June 2001 said that the government would legislate to fill some deficiencies in law that were then extremely obvious. It is rather interesting that in doing that the Prime Minister did not say that the date of effect of this legislation would be the date that he made that statement. The government has been particularly tardy in bringing forward this legislation. If it had been swift it could have done it in the latter half of 2001. It certainly could have done it at any time in 2002. Now we find ourselves at the beginning of 2003 with a bill that the government has decided the date of effect of which will be royal assent, which is some date in the future.

The fifth amendment that the opposition is proposing is that the date of effect of this bill will be 4 June 2001, when the Prime Minister said that he believed legislation was necessary. There has been some suggestion that there is a constitutional problem with retrospective legislation in this area. As I said in my speech in the second reading debate, if there is anybody who would be affected by this amendment, they could argue that position in the courts. But I do not think that, if a director has been ripping off the shareholders of a company, the government should be arguing their case in this parliament for a later date of effect and, therefore, for them to not be covered by this bill.

Mr Slipper—We are just taking legal advice.

Mr COX—There has been plenty of other retrospective legislation passed by this parliament. I do not see what is so special about this area of law.

The fourth amendment contains the definition of the things that a court will have regard to as to whether payments to a director were reasonable. The opposition proposes to give some parameters to the court about what things it ought to consider. These are, first, the payments and benefits received by directors relative to payments and benefits received by employees in the company—that is, directors receiving huge remuneration, I presume, relative to people who are actually administering the company as managers—and, second, whether the payments or benefits were subject to appropriate performance conditions. There have obviously been some very spectacular examples where large amounts of remuneration have been handed out not just regardless but almost in defiance of the fact that companies have been performing extremely poorly.

Any director who had any regard for their shareholders would be embarrassed by the lack of performance of their company—let alone seeking to absolutely soak the shareholders and rip hundreds of thousands of dollars and in some cases millions of dollars out of those companies simply because they have the authority to do it and think that they can get away with it before the company collapses. The third is the time that payments or benefits were received, in particular their proximity to the time at which the company was placed into administration or liquidation and whether the company was insolvent at the time they were received. People or companies trading when they are insolvent is becoming a very interesting area—and a fairly difficult area—of company law at the moment. I would hope that the courts would take a fairly broad view of these things and regard as unreasonable any large payments that were taken by directors when they knew that a company was in trouble. (Extension of time granted)

The third amendment relates to options. The parliamentary secretary made some comments about this in his summing up and sought to suggest that the bill contained a very wide ambit for what is remuneration covered by this bill. A particular area that is not dealt with clearly in the bill is the value of options. It seems likely that a court could
decide, on the basis of the current bill, that the value of options was the value of options when they were granted. In fact, the real value to the director is the value of those options when they are exercised. I cannot for the life of me see why the government would object to an amendment—the parliamentary secretary has indicated that the government will object to this amendment—which gives a liquidator the opportunity to recover the full value of options as derived by the director when they were exercised.

The fourth amendment is equity protection schemes. We have discovered that a large number of directors have entered into equity protection schemes. They are usually derivatives which are designed to protect the value to the director of options when they are exercised—so the thing becomes an absolute one-way bet. The rationale for giving people options has always been that, if the option is likely to be worth more in the future, people will be encouraged to work hard for the company and make sure that the company is profitable, that the shareholders’ value is increased. But if somebody can enter into an equity protection scheme using derivatives and assure themselves at the point where they are granted those options what the value of those options will be to them, they have no further incentive in relation to the performance of the company. The opposition’s amendment will require the disclosure of those equity protection schemes so that at least shareholders will know that the directors of a company are in fact hedging their bets against their possible nonperformance in their capacity as directors.

The fifth amendment is to require a motion to be moved at annual general meetings on the remuneration of executives. This will give the shareholders the opportunity to express an opinion on whether the remuneration that is being offered to the directors is a reasonable thing or not. One can think of many examples in the last couple of years where remuneration arrangements have been totally outrageous, where companies have not been performing, where shareholder value is being slashed, where profitability has either been reduced or is negative and where, despite all of those things, company directors and management are receiving huge salary increases. It is offensive to shareholders and it is offensive to the rest of the community, particularly when they are being lectured about wage restraint by this government and, in particular, by the Minister for Employment and Workplace Relations. It seems a perfectly reasonable thing to me that shareholders should be given the opportunity to express a view about the reasonableness of those packages. It will cause a lot of embarrassment at a lot of annual general meetings, but eventually I think some boards will get the message that they cannot lightly give away totally unjustified increases in remuneration and not expect to receive the wrath of their shareholders.

Mr Slipper (Fisher—Parliamentary Secretary to the Minister for Finance and Administration) (4.35 p.m.)—As I said in my summing-up address, the government does not accept the five amendments moved by the honourable member for Kingston. However, I would like to comment briefly on some of the points raised by him in his two speeches in this consideration in detail stage. He referred initially to the date that the bill should commence from, and he proposes to change the date of commencement of the bill to the date of the Prime Minister’s announcement of the government’s intention to introduce the bill. As he himself admitted, there could be constitutional problems with the proposal that was put forward.

Mr Cox—I did not.

Mr Slipper—My friend, you did actually raise the fact that there was a constitutional argument that retrospectivity was not appropriate.

Mr Cox interjecting—

Mr Slipper—I am just advising you of the advice given to the government by the Australian Government Solicitor. As a government, we would be irresponsible if we sought to make amendments contrary to the legal advice which we have received. Mere retrospectivity for the operation of the bill is not the only issue here, because there is the acquisition of property. The bill can allow amounts to be paid to directors and related parties to be reclaimed, even if the payment
was made while the company was solvent. Therefore, it cannot be said with certainty whether it would fall wholly within the Commonwealth’s bankruptcy and insolvency power; that is, section 51(xvii) of the Constitution. As a result, the amendment may be affected by the constitutional prohibition against the acquisition of property on unjust terms in section 51(xxxi). The government is advised by the Australian Government Solicitor, as I said a moment ago, that any retrospective application of the bill could result in a serious risk to its validity. Therefore, the bill applies prospectively.

I think the member for Kingston said that the government should throw the advice out of the window and allow anyone wanting to challenge the constitutional validity of the bill to do so in the courts. If our advice is that there could be a major legal and constitutional problem, then the government clearly would be irresponsible to ignore the advice and to proceed in a contrary way.

The member for Kingston also brought forward as part of his amendments a proposal to include further requirements for the court to consider when determining the unreasonableness of a payment to a director. I am happy to provide these assurances to the honourable member for Kingston. Under the bill the reasonableness or otherwise of a payment is determined along the lines of mechanisms already present in the Corporations Act under the uncommercial transaction provisions. Reasonableness is determined by having regard to the benefits and detriment to the company, the respective benefits to other parties to the transaction and any other relevant matter. The amendments moved by the opposition introduce additional elements which will add uncertainty to the operation of the bill or simply limit its operation. For example, the bill proposed by the government proposes that anything within four years of a company winding up is susceptible to be repaid. In contrast, under the proposals put forward by the member for Kingston, a court would need to consider how close to the winding-up the payment was made, thereby shortening the four years proposed by the government. Accordingly, the additional criteria proposed by the opposition do not strengthen the provisions, as the member for Kingston would have us believe; instead, they simply provide loopholes for directors and their advisers to exploit.

With respect to the amendment relating to the opposition’s position that the bill does not permit the recovery of profits reaped by directors through the sale of their options, I would just like to emphasise the following facts to the House. The bill provides for the recovery of securities, including options, issued to directors. In addition, the Corporations Act provides that the court may make a range of orders in relation to the property that a person must repay to a company. These include an order to pay to the company an amount that represents the benefits that the person received as a result of the transaction. (Extension of time granted) As a result, where the transaction is unreasonable, the bill and the existing Corporations Act already provide that a court may make an order requiring the director to repay the benefits and proceeds arising from the issue of options by the company. As honourable members would see, the amendment moved by the opposition adds nothing.

With respect to matters raised by the member for Kingston on the reporting and regulation of executive remuneration, the amendments moved in this respect concern matters not raised in this bill. The government supports disclosure and transparency concerning the executive remuneration of listed companies. However, it will not support the amendments moved by the opposition to this bill, which are complex and overly prescriptive. The Corporations Act already requires disclosures about director and executive officer remuneration in the annual directors’ report of listed companies. These cover a discussion of remuneration policy as well as a discussion of the relationship between this policy and the company’s performance. The report must publish the details of the five highest paid executives of the company.

To strengthen and clarify this existing regulation, the government proposes to implement a number of recommendations of the October 1999 report of the Parliamentary
Joint Standing Committee on Corporations and Securities. The government has released an exposure draft of the Corporations Amendment Bill 2002, available from the Treasury website for comment by 25 March this year. The proposed amendments strengthen disclosure requirements for non-cash benefits, including by requiring disclosure of the value or amount of remuneration as appropriate. The government will be considering submissions received on the exposure bill before legislating any changes. Further, the government will be taking into consideration the work of the ASX Corporate Governance Council on executive remuneration, which will be reporting next month.

With respect to other matters raised by the member for Kingston, I just want to make an important general point. Any amendment of the Corporations Act 2001 requires a special procedure to be followed to ensure consultation with state and Northern Territory ministers before introduction into the Commonwealth parliament. Amendments to the Corporations Act require consideration by, and the approval of, the Ministerial Council for Corporations. The council is made up of Commonwealth, state and Northern Territory ministers. Under the terms of the Corporations Agreement, the Commonwealth is obliged to seek the approval of the council for amendments of this nature and to publicly expose any amendments unless the council agrees otherwise. As was noted in the second reading speech to the bill by the Treasurer, the government’s amendments were approved by the council. I suspect strongly that the amendments proposed by the member for Kingston have not been approved by the Ministerial Council for Corporations. It is not appropriate for the parliament to be making amendments to the bill, as suggested by the member for Kingston, before the council has had the chance to consider and approve them. For that reason, in addition to every other substantive reason I have outlined, the government does not accept the amendments but does commend the bill in its original form to the House.

Question put:
That the amendments (Mr Cox’s) be agreed to.
Tuesday, 11 February 2003

Gash, J.  Georgiou, P.
Haase, B.W.  Hardgrave, G.D.
Hartseyker, L.  Hawker, D.P.M.
Hockey, J.B.  Hull, K.E.
Hunt, G.A.  Johnson, M.A.
Jull, D.F.  Jull, D.F.
Kelly, D.M.  Kelly, J.M.
Kemp, D.A.  King, P.E.
Ley, S.P.  Lindsay, P.J.
Lloyd, J.E.  Macfarlane, I.E.
May, M.A.  May, M.A.
McGauran, P.J.  Moylan, J.E.
Nairn, G.R.  Nelson, B.J.
Neville, P.C.  Panopoulos, S.
Pearce, C.J.  Prosser, G.D.
Pyne, C.  Randall, D.J.
Ruddock, P.M.  Schultz, A.
Scott, B.C.  Secker, P.D.
Slipper, P.N.  Smith, A.D.H.
Stone, S.N.  Thompson, C.P.
Ticehurst, K.Y.  Toulster, D.W.
Truss, W.E.  Tuckey, C.W.
Vaile, M.A.J.  Vale, D.S.
Wakelin, B.H.  Washer, M.J.
Williams, D.R.  Worth, P.M.

* denotes teller

Question negatived.

Bill agreed to.

Third Reading

Mr SLIPPER (Fisher—Parliamentary Secretary to the Minister for Finance and Administration) (4.55 p.m.)—by leave—I move:

That this bill be now read a third time.

Question agreed to.

Bill read a third time.

SEX DISCRIMINATION AMENDMENT (PREGNANCY AND WORK) BILL 2002

Second Reading

Debate resumed from 12 December 2002, on motion by Ms Worth:

That this bill be now read a second time.

upon which Mr McClelland moved by way of amendment:

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

“whilst supporting the particular amendments proposed in the Bill, the House calls on the Gov-

ternment to support all the legislative amendments and other actions necessary to give effect to the

recommendations of the Human Rights and Equal Opportunity Commission in its report *Pregnant

and Productive: Its a right not a privilege to work while pregnant*.”

Ms JACKSON (Hasluck) (4.56 p.m)—Discrimination based on gender has for many years prevented women from enjoying the same freedoms and rights as men. The Human Rights and Equal Opportunity Commission was requested by the Attorney-

General to carry out a report into the rights and responsibilities of employers and em-

ployees in relation to pregnancy and work issues. Pregnancy has long been a ground for discrimination against women. Given the lack of information and awareness about this issue, the Human Rights and Equal Opportu-
nity Commission report was long overdue, and should only mark the start of research in this area.

The amendments contained in the Sex Discrimination Amendment (Pregnancy and Work) Bill 2002 were drafted in response to only three of the recommendations in the HREOC report—recommendations 36, 37 and 43. In my opinion, and that of the oppo-
sition, these amendments do not go far enough. The amendments set about address-
ing confusion surrounding the questions a prospective employer or employers may ask concerning pregnancy or potential preg-
nancy, the use of pregnancy related medical information and whether breastfeeding is a ground for discrimination.

These moves by the current government to ‘clarify and simplify’ the operation of the Sex Discrimination Act will go some way to providing women with an increased amount of protection. I join the commission and many other members in welcoming these amendments; but I also share their concerns that there is still much work to be done in creating a society free of discriminatory practices and attitudes. After studying the government responses to the recommenda-
tions advanced in the report, I question the government’s sincerity and willingness to tackle the issue of discrimination against women more broadly.

This is best demonstrated in the inherently conservative stance taken by this government over paid maternity leave, which many
countries consider to be a basic right. It becomes rather embarrassing when we consider that, of the 163 signatories to the United Nations Convention on the Elimination of all Forms of Discrimination Against Women, some 157 countries have provided paid maternity leave. Australia remains one of the six countries yet to do so.

Yes, we are in the 21st century and the age of the 24-hour economy. In order to meet their responsibilities to their families, many women are entering and re-entering the workforce at a rate that has never been seen before. Raising a family while in employment is an immense task. While it is true that women have little difficulty doing more than two things at once, the stress of working the double day needs to be addressed. It is time for this government to put its hand up and meet its responsibilities to working women.

To claim—as was suggested by the Attorney-General in his second reading speech—that the government is taking ‘concrete steps’ in eliminating sexual discrimination in the workplace is overstating the reality.

The government has missed the point of antidiscrimination policy. The policy is designed to protect the vulnerable. It seems, however, that this government has done its best to avoid acting on recommendations that would in fact protect the most vulnerable women from discrimination—in particular, women employed on a casual basis, women of differing linguistic or cultural backgrounds, and young, adolescent and school-age women. The gravity of the situation can be realised only when we consider the long-term effects of failing to support women in fulfilling their family responsibilities. Based on current trends, our national birth rate will be zero by 2030. Where should the blame lie for this? According to P. McDonald:

... economic policies designed to deal with ageing, such as cuts to government expenditure on family services and increased insecurity of employment, tend to depress fertility even further by making family life even less sustainable.

Further, McDonald stated:

... low fertility is the result of conflict between a liberal economic agenda and the persistence of social institutions which are premised upon the male-breadwinner model of the family. It is this combination which is fatal to contemporary child bearing.

The trend toward casualisation in today’s labour market continues to increase rapidly. It is appalling that one in every four Australian workers is employed in casual or temporary employment, with all the uncertainty that brings. In 1997 only one OECD country, Spain, had a higher percentage rate of casuals in the workforce. This is of particular importance, given that women make up 60 per cent of the casual workforce in Australia. The expansion of the casual workforce may have brought some benefits to industry in relation to so-called flexibility; however, as the HREOC report stressed, the casualisation of the workforce has had:

... a significant impact on pregnant or potentially pregnant employees and their ability to earn a living.

Further, it has been said by M. Wooden:

... casual employees are relatively low-paid, are less likely to receive structured training provided by the employer and typically do not have much influence over organisational decision-making processes.

All of this means that we have a significant and growing number of women who are striving to meet family and domestic responsibilities on low wages and who are denied opportunities for advancement.

Submissions to HREOC revealed that casuals lack knowledge of antidiscrimination rights, lack maternity leave rights, have restricted access to industrial relations remedies and experience general feelings of job insecurity—all of which creates a context that is ripe for discrimination. Casuals do not have the rights of normal employees, despite the fact that over 50 per cent of casuals in Australia have held their job for over two years. They are confronted with a culture of disinformation and insecurity.

It is my opinion that the employment status of a woman should not be a factor in determining whether she can be discriminated against. No woman employed casually, part time or full time should be discriminated against. While the government may claim that the Sex Discrimination Amendment Bill 2002 ‘eliminates the confusion’ within the Sex Discrimination Act 1984, which helps
prevent discrimination’, it is extremely disappointing that the government has failed to accept the recommendation the commission made specifically to address the problems of casual workers. In particular, I refer to recommendation 25, which states:

That the Workplace Relations Act 1996 (Cth) be amended to extend unpaid maternity leave to casual employees employed for over 12 months.

As I have already noted, antidiscrimination policy is designed—or at least should be—to protect the most vulnerable members of society and guarantee every member of the community fair and equitable treatment. So it is very sad to find out that the government not only is turning a blind eye to one vulnerable section of the community—that is, casual workers—but also is unwilling to provide specific protection for another; that is, young, adolescent and school-age women. As if the stresses and difficulties of pregnancy are not enough, women in these age groups have to endure: the completion of school or training; obtaining employment and working part time or casually; and often combating community prejudices. Studies have revealed a great deal of fear and depression, a lack of knowledge about rights and entitlements and a general feeling of powerlessness among such young women.

Knowledge of rights is sparse among young women. This poses serious problems which I believe need immediate attention, especially given that the report found that knowledge about rights relating to pregnancy and potential pregnancy discrimination is gained largely from television, particularly American serials and Australian dramas. It concerns me that the major source of information educating Australian women might be Jerry Springer or the panel of Beauty and the Beast. Lack of knowledge is a systemic problem in the area of rights and entitlements in the area of sex discrimination—so by specifically rejecting recommendations 29 and 30, which would have gone some way to rectifying the discrimination faced by young women and school-age women, the government has failed to act and has, in my opinion, showed itself to be irresponsible. The government response was insipid and noncommittal, stating that the Department of Education, Training and Youth Affairs ‘can’ assist, not that it ‘will’ assist or ‘will’ act to assist these young women.

It does not stop there. The HREOC report identified women from culturally and linguistically diverse backgrounds as ‘many of the most vulnerable’. Having worked for a number of years for the miscellaneous workers union, with a membership that includes women from such culturally diverse ethnic groups, I wholeheartedly concur with the commission. I have seen at grassroots level the need to inform and properly empower these women. There is a need to play a pro-active role in engaging with the community on antidiscrimination measures. So, whilst not surprised by the government’s rejection of the commission’s recommendation for the Department of Immigration and Multicultural Affairs to publish guidelines in six major community languages, I still find it deeply disturbing.

I would now like to move to the more general topic of sex discrimination and workplace relations. While the Sex Discrimination Legislation Amendment (Pregnancy and Work) Bill 2000 [No. 2] will help prevent women’s entry into and participation in the workplace being blocked by discriminatory attitudes, there has been nothing said of women’s conditions of employment. Employment relationships operate within the framework of both the Sex Discrimination Act and the Workplace Relations Act. Given the natural crossover between the two pieces of legislation, it seems imperative for their relationship to be cohesive, transparent, cooperative and consistent in their terms. The need for such a relationship has increased because of the development of certain trends within the workplace relations system which have served to undermine the position of women in the workforce. I am referring in particular to the award simplification process and the removal from awards of restrictions on the employment of casuals.

Award simplification can briefly be described as a move to reduce the matters covered in awards. It was also allegedly part of a strategy to make awards more flexible and easier to understand. However, award simplification has, in fact, had a detrimental effect
on women in terms of protection against discriminatory acts and attitudes. Although federal awards have had discriminatory provisions removed from their terms, discrimination can and does come in many guises, hence, it will not be eliminated by attending solely to the wording of awards. This view was pervasively advanced in the submissions to the HREOC report.

The government needs to recognise the multifaceted nature of sex discrimination. Although the government has accepted the need to consider the position of pregnant employees and potentially pregnant employees in any future workplace relations reform, regarding direct and indirect discrimination, it makes no commitment to addressing the here and now but merely ‘considers’ addressing the issues in the ‘future’. Neither does it commit to the reversal of the award simplification process. Several submissions pinpoint award simplification as a possible factor in undermining women’s working conditions and needs. They also note that, although awards may prevent discrimination provisions, this offers little guidance for positive action. So while the government seems content to sit on its hands while it considers any future impact that any other possible workplace relations reforms may have on women in terms of pregnancy, it leaves women vulnerable to indirect discrimination without any proactive plan of action. This government response to the problems of award simplification is at best passive and at worst insipid.

These problems are compounded when individual women are left to negotiate individual contracts such as the Australian Workplace Agreements, AWAs. My own experience with workplace agreements or individual contracts in Western Australia confirmed that, for many working women, there is no genuine negotiation prior to entering into such contracts. The notion that a woman seeking employment would or could raise potential pregnancy as an issue in pre-employment negotiations is fanciful. In the real world, women are often faced with a choice between saying nothing and hoping for the best or suffering the condoned negative consequences of alerting an employer or fellow employees to the possibility of pregnancy.

To address these problems is probably beyond the scope of this speech. However, I do agree with the HREOC that amending the Sex Discrimination Act to allow the Sex Discrimination Commissioner to refer discriminatory awards or agreements to the Australian Industrial Relations Commission on her own initiative, without the requirement to receive a written complaint, is a positive step. Needless to say, this is another recommendation that was rejected by the government.

After reviewing the government’s response to the HREOC, I agree with the comments of the Sex Discrimination Commissioner Susan Halliday who stated:

I am however disappointed that several of the more difficult recommendations aimed at eliminating widespread systemic inequality have not been supported.

She goes on to note that there is much work to be done—work that I know Labor is committed to tackling. The government has seen fit to forget about post-pregnancy issues. The difficulties confronted by women following the birth of their children are equally challenging and command equal consideration. In fact, submissions to HREOC highlighted the fact that many of the difficulties faced by women in the workplace come after the birth of their children, either whilst on leave or on their return to work. Given that leave from work is a consequence of pregnancy, and the government has already accepted it is unlawful to discriminate on the grounds of pregnancy or potential pregnancy, is it not a logical step to compensate women for their financial loss during this time by providing paid maternity leave? The failure to do so not only penalises women financially for having children, but it also puts added financial pressure on their families. By accepting the fact that discrimination premised on pre-pregnancy is unlawful, the government has contradicted itself by denying post-pregnancy issues the same status. I am proud that I am a member of a party that has committed itself to the concept of paid maternity leave which will address
the ‘widespread systemic inequalities’ that women face everyday.

Finally, to show how out of touch and self-absorbed this government is, when recommendations were advanced suggesting paid maternity leave should be researched by HREOC, the government still held back. But, as the Sex Discrimination Commissioner noted, how are we to have ‘informed debate if we refuse to collect the data’. The answer is that they are not. I look forward to working in a Labor government to advance the status and conditions of Australian women in the future, because the task is beyond the present government.

Mr KATTER (Kennedy) (5.13 p.m.)—In rising to speak on this Sex Discrimination Amendment (Pregnancy and Work) Bill 2002, I refer to two very successful, hard-working and risk-taking members of my own local community in Charters Towers—Tracey Luffman, who runs one of the biggest hairdressing salons in the city; and Kylie Bolton, who operates a cleaning contracting business. Both of them pointed out to me—in considerable detail, with a fair amount of passion and most certainly with a great deal of intelligence—the enormous difficulties that are created if a government moves into forcing these people to pay young women maternity leave. We are here today talking about issues of maternity and not specifically maternity leave. I think this should be taken into account in these discussions. The point should be made forcefully to the government that, if they were to move down the pathway of forcing the employer to cover paid maternity leave, then that would do a great disservice to young women—particularly to the young women in our society who would like to have children.

That brings me to the issue of having children in our society. One of the hallmarks of current Australian society is that we have one of the lowest birthrates in the world. In fact, this nation is no longer replacing itself—we are officially a dying race. This problem has very serious ramifications in other parts of the world. For those who like reading books, Patrick J. Buchanan’s The Death of the West is a very interesting treatise. He says that by the year 2015—I do not know when his book was printed—Western Europe will require 20 million people to come in to man the current economic and industrial operations in those countries. For Europe to be able to continue the way it is, it would have to get 20 million people in from other countries. There would simply not be the Europeans there, because the Europeans are not having children. The last time I looked, Russia had the lowest birthrate on earth, so people would most certainly not come from there. The only countries from which those people could come would be the Middle Eastern countries and the North African countries, who are very different culturally and in every other way to the people of Europe. Buchanan named his book The Death of the West, and if you saw that population demographic analysis you would see his premise is most certainly correct: you are watching the death of the West.

The ramifications are far more serious for a small country like Australia, situated where it is. I have an excellent article that will bring this home to the House—and one that really shocked me, I must say—from the Australian some years ago. It was by Professor Richard Blandy, a former director of the Melbourne Institute of Applied Economic and Social Research at the University of Melbourne. I think most people here who know what is going on in the world would know of Professor Blandy. In reference to Australia, the article said:

The population has continued to grow because of immigration and because there is a large proportion of the female population in those age groups in which women are able to have babies. As this large baby boom group of women ages, they will stop having babies and that task will fall on a smaller number of women who were born when fertility rates were much less. Under the plausible assumption of continued low fertility—

and I think that we will see the fertility rate fall even further on present trends—

if net immigration was set at zero indefinitely, Australia’s population would peak at about 19 million in the early 2020s and would shrink quite rapidly. In fact, it would shrink by about one third every 25 years or so to perhaps five or six million by the year 2100. If net immigration averaged 70,000 a year—
which is probably a fair figure for the last five or 10 years; at present it is only about 40,000 annually—

Australia’s population would reach 26 million in about 2050 before shrinking to maybe 13 or 14 million by 2100 ... Would an ageing Australia, with a shrinking number of people in it, be secure in the face of a burgeoning East Asia, economically and in population terms? Would a rational system of world government allow an empty Australian continent to become less populated than it already is? Should we not be setting a long-term national goal of at least diverting a decline in Australia’s population?

I commend the government on removing one of the tiny little bars that militate against Australians having children. But to those who culturally believe that women should have careers and not children—and that is a fair proportion of the female population today—all I can say is that evolutionary history will pass a very definitive judgment on you: you will simply vanish from the gene pool. As far as I am concerned, the sooner the better—it would be a damn good thing.

Let me move on. If in fact this country decides that it will launch a big immigration policy, there will be people coming to Australia, but they will naturally be a different people from those who are here today that we know as Australians. You will have an Australia, but it will not be the race of people that are here today. Can Australia support a population of, say, 100 million people? As far as moral questions go, I live in and represent an area that, as I have said many times in this House, is able to support a population of this size. I have always said that in actual fact the Gulf country that I represent can, by itself, support a population of 100 million. This is not a figure plucked gratuitously out of the air. The Murray-Darling system has 22 million megalitres of water. The area that I represent has 120 million megalitres of water. That is not the coastal part of the area I represent, which of course has a hell of a lot of water—there are 300- and 400-inch rainfall areas. I am talking about the western part. The rivers that run into the Gulf country and their periphery have six times more water than the Murray-Darling.

I watch in horror as the great blacksoil plain from Blackwall to the Gulf country—one of the most magnificent potential farming areas on earth—grows by an area the size of Tasmania every 25 years. It moves from natural pasture, with our natural flora and fauna, to an introduced species called the *Acacia nilotica* tree. Nature is not standing still; it is destroying what we currently have. We are not looking after the great talents and resources that God has given this country at all. If you simply look at the fact that the Murray-Darling supports a population of 20 million and 42 per cent of Australia’s agricultural production—and about 50 per cent of our food goes overseas and 50 per cent is consumed at home—I think you could safely say that the Gulf country could, by itself, support a population of 100 million people.

These facts are not happening in isolation. In the bigger context of the world, our nearest neighbour has 100 million people going to bed hungry every night. I have said something in this House once before which I feel I should say again in the context of what really is a population debate. A number of Indonesians were visiting Australia, and I was caught in a situation where I had to talk to them. They said they wanted a kilometre of coastline to do some prawn and fish farming. This was not an unreasonable request. They represent a country with 100 million people going to bed hungry at night and they wanted a kilometre of coastline to do some prawn and fish farming. They spread out a map and pointed from Cooktown, right around the coastline to Perth, and asked, ‘Would any of this coastline be available?’ They knew, I knew and the government officials knew that less than 100 kilometres of that coastline is being used by Australia.

Is this fair? Is this moral? In a fair world, is this a fair thing to be doing? If you were a person who lived in that country, would you not have a very hostile attitude towards people who could be viewed, in light of these decisions, as very selfish people indeed? It is as though we are saying: ‘We’re going to sit on it, we’re not going to use it and you’re going to go hungry. And we’re going to smile at you because we’ve got Big Brother over there in the United States who is going to look after us if anything goes wrong.’ You
can keep waving red rags in front of bulls but I find that at rodeos they eventually charge you.

With regard to developing our talents, our country is a very small one. Former Prime Minister Robert Menzies was criticised on numerous occasions for protecting BHP. His argument was that this country needed only one steel industry because it was so small that it had to have somebody who could work on an economy of scale. Whether that was true or whether he had friends at the Melbourne Club, I do not know, but the argument seemed to me to have a lot going for it. The fact of the matter is that this is a tiny little country. I have never listened to a Kylie Minogue song but, if you want to be a Kylie Minogue, you cannot be a Kylie Minogue in this country; it is far too small. If you want to be a Bee Gees, a Sidney Nolan, a Nicole Kidman, a Russell Crowe or a Mel Gibson, you cannot do so in this country. And you cannot be a Rod Laver or a Greg Norman in this country.

On the issue of population, it is even more serious that we have had five Nobel prize winners—not including Patrick White, who was in the field of literature. Five of our scientists have received Nobel prizes, and every single one of them received their prize when they were outside this country. You cannot do research in this country; there is not sufficient population to provide you with the money. So a Ralph Sarich—or, at the present moment, Metal Storm—has to go overseas. It is not possible for us, with our current population, to draw upon the wonderful individual talent that this country has and develop it inside this country.

You may ask why these women are not having children. I do not think it is natural that they have these attitudes. There must be pressures upon them—and one of the pressures is being removed today, and we thank the government for that. Quite rightly, the last speaker drew attention to the fact that only two OECD countries do not provide maternity leave. In fact, if you go through all the countries on earth, there is hardly a single country that does not provide paid maternity leave—except Australia. A young woman in this country is facing enormous economic pressures upon both her and her family, and she wants the best for her children. The tax scale must be brought into this equation—in fact, it would be very remiss not to bring the tax scale into this equation. In a family consisting of a husband, a wife and three kids, it is very difficult for the mother not to stay at home because the cost of putting those kids into child care, kindergarten and all those things is so high. You might say, ‘You still can do it; the government helps out.’ The reality is that, if you want to have three kids, you really have to pull the pin on the job.

Let us say that you choose to be in a family with three children and only one income. The mother, for example, may decide to stay home—it may be the father, but let us say the mother decides to stay at home and look after the kids. If you are on average weekly earnings, the income per person is $6,780. I would find it really hard to scrape by on $6,780 a year. I found it very hard to bring up children on $6,780 per year—we were a one-income family. If you choose a double income and three kids, you go up to $13,600 per person, which is a hell of a lot better than $6,800 per person. But if you decide to have a double income and no kids, then you are on $34,000 a year each. So the question becomes: do you want an income of $34,000 a year or do you want $6,800 a year? Most Australian women—surprise, surprise—are deciding that they want to be on $34,000 and not $6,800. In fairness to them, a lot of them think that they are being unfair to a child if they have to bring up their child on $6,800 a year.

The problems are not really social, cultural or moral. We have not suddenly become a country that hates children or hates to have children, and we are not mad, selfish, career type people. That is not what has happened here. If you go back 30 years to when this country had a 3.2 fertility rate instead of the 1.7 fertility rate it has now, you will see that we were in a period when the tax deductions for having children were so enormously high that really we were splitting incomes. There was nothing like the sort of regime we are looking at here. Surely the people enjoying an income of $34,000 a year can afford to pay a bit more in taxation to help those poor
people who are on $6,800 a year and yet are providing the children who will man all the jobs in our society in 20 years time and who will look after the rich people on $34,000 a year in their old age. But we must make some changes—and a very small change is being made today, and we applaud the government for it. But the changes that are being made by the current government—much as I love them and applaud them for doing it—fall far short of any sort of qualitative change that is going to enable this country simply to maintain its population base.

I conclude on the note with which I started. Of all those Nobel prize winners—probably the most wonderful men this country has produced—one of the most famous men in all of history is Howard Florey. There were only two qualitative breakthroughs in medicine: one was by Louis Pasteur; the other was by Howard Florey in the field of antibiotics. Each year something like 30 million or 40 million people would die without antibiotics. He is the man who did it, but if he had stayed in this country it would never have happened, because there was no money to provide for his research. He had to abandon his own country because this country is just not big enough to develop its individual human resources, quite apart from all the other resources that this country should be developing and working with—be they industrial or whatever.

I commend the government for what is taking place today but I plead with the government to realise that there is no qualitative change here that is going to make any difference to those figures. For reasons that we all know of, there is tremendous opposition to increasing migration—and I am well aware of those arguments. If you are not going to go down that path, please change the way things are done in this country and allow our young people to have the joy of having children.

**Ms BURKE (Chisholm) (5.30 p.m.)**—It is always entertaining to follow the member for Kennedy. I am not quite sure what bill he was speaking on, but I commend him for being here and being brave enough to speak on the **Sex Discrimination Amendment (Pregnancy and Work) Bill 2002**. I also commend him for taking issue with the government’s lack of actual work on the bill. As I said, it is always a pleasure and an entertainment to follow such an interesting ramble.

I am pleased to be speaking on the **Sex Discrimination Amendment (Pregnancy and Work) Bill** because the issues that this bill attempts to address are important to a huge proportion of the community. In my electorate of Chisholm there are a growing number of young couples and families that are moving into the area. The issues that this bill in part addresses will affect many of those people. Women are an integral part of our work force and have played an increasingly large role over the last 20 years. There are currently over 4 million women in the work force, 55 per cent of whom are in full-time employment. Even over a period as short as the last seven years, there has been an increase in the participation rate from 54.1 per cent to the current participation rate of 55.7 per cent. This shows that issues of sex based discrimination in the workplace are important issues for an increasingly large proportion of the population. According to the **Human Rights and Equal Opportunity Commission**:

Sex discrimination occurs when a person is treated less fairly than another person because of their sex or marital status or because they are pregnant. This is direct discrimination. Indirect discrimination can also occur when a requirement that is the same for everyone has an unfair effect on some people because of their sex, marital status, pregnancy or potential pregnancy.

This bill seeks to clarify the practices that amount to discrimination of women based upon pregnancy or the prospect of pregnancy.

Issues of pregnancy and the workplace are important. Not only are women increasingly active in the work force but the pattern of child-bearing is changing. Women are having children later in life. Over the last 20 years or so there have been marked changes in the median age at which women are having children. In the 1980s, the median age for women at confinement was 26.6 years; in 2000, this median age increased to 29.8 years. The simple impact of these two fac-
tors—that is, an increase in women in the work force and a change of confinement age—on the make-up of the Australian work force is remarkable. Women are more likely to be in the Australian workplace and are more likely to be pregnant in those workplaces than ever before.

By looking around this chamber, we can see a clear demonstration—if not a proportional representation—of this point. There have been several female members of this House—myself included—who have been pregnant and had a child while serving in this place and working as a member of parliament. This has been a phenomenal change in the make-up of this place and probably reflects society in a great way. Many of us do not enter parliament until later in life—until we are in our 30s—and many women are now to choosing to have their children at that age.

I do not believe that any women in this place have actually been discriminated against because they have been pregnant or have chosen to be pregnant. Jackie Kelly and I were both pregnant during the last election period, and both of us were returned with increased majorities. There was some issue at the time about my decisions in that respect but, as I said to people, I had no fear of discrimination from my electorate for being pregnant. I just did not want to be ‘that pregnant person’. You become this pregnant being; you are not Anna Burke, member of parliament, anymore. It is: ‘How are you feeling? How are you going? Is it boy? Is it a girl? Are you sleeping through? What are you going to have?’ You stop being an identity, and that was my concern about telling people that I was pregnant.

The other thing was that, being 10 weeks pregnant during the election campaign, I actually did not want to tell people in case I lost the baby. I did not want to have the fear and drama of losing the baby and then having everybody say, ‘We are so sorry.’ I have been through that with friends and I did not want to do it myself. If anybody thinks that was bad, I am terribly sorry. But it was not an issue of discrimination; I had no fear of the electorate and I had no fear of my colleagues about discrimination on that score. I feel that it is time for me to put that on the record. Regardless of what people wrote at the time, I also have a personal record of being fairly active on the issue of women in the work force. Prior to entering this place, some of my finest achievements were through enterprise bargaining agreements to get 12 weeks paid maternity leave for women at the ANZ Bank. That was one of my personal prides and I would like to say to one of the finer columnists in Victoria that she should have done a bit more homework on her article when she decided to slander me on my lack of ability in that area.

This is an example of how the pattern of women in the work force has changed over the last few years. There are more women in the work force and more women than ever are pregnant while in the work force. The need for legislation to combat discrimination on the basis of pregnancy is not solely based on the number of people affected. If the number of individuals affected by this form of discrimination were halved, there would be no reduction in the need to stamp it out. This is a very big issue. Eighteen per cent of complaints received by the Human Rights and Equal Opportunity Commission in 1999-2000 concerned alleged discrimination on the basis of pregnancy or potential pregnancy.

I remember my first serious interview, post-university. I sat around with a group of men and one of them seriously asked if I had a boyfriend and whether I was considering getting married. I sat there stony faced, in total and utter disbelief, when the human resources manager whacked this guy on the leg and said, ‘You know you can’t ask that.’ There was a stunned silence in the room, but we progressed with the interview. I did get the job, so it did not affect me. My first job interview was in 1988, so it is not that long ago in the grand scheme of things. It is essential that Australians who are pregnant are not discriminated against on the basis of their decision to have a child. As society changes, there is a need for the law to change. But, when considering antidiscrimination laws, I believe in an absolute: people should not be discriminated against. In reference to the stated intention of this bill, women should
not be discriminated against in the workplace on the basis of pregnancy.

Unfortunately, the bill does not go so far as to put in place the recommendations of the Human Rights and Equal Opportunity Commission’s report *Pregnant and productive: it’s a right not a privilege to work while pregnant*. I find this particularly disturbing, given that it was the government that requested that the Human Rights and Equal Opportunity Commission inquire into matters relating to pregnancy and work. The government commissioned this report, and it also appointed the very two commissioners who did all the hard work on it. The government has since ignored the report and let it sit on the table for the last three years.

Accordingly, I wish to voice my support for the amendments that have been proposed by the opposition. These amendments would give effect to all the recommendations of the Human Rights and Equal Opportunity Commission with regard to the Sex Discrimination Act. Of the 12 recommendations that the HREOC made in this report that suggest amendments to the Sex Discrimination Act, the government’s legislation gives effect to only three. This is not good enough. There is undoubtedly a need for legislation to ensure that discrimination against pregnant women does not occur. This was recognised in a recent speech by the federal Sex Discrimination Commissioner, Pru Goward. In the Tracy and Maund address at the Royal Women’s Hospital, as reported in the *Age* on 28 August, Ms Goward said:

... there are still many employers who consider that women do not work as productively while pregnant—they either demote or dismiss them, deny them training or otherwise allow their careers to stagnate. A front office job may quickly become a back office job should a boss decide that a life-bulging stomach is unsightly.

This treatment does not end after the birth. For women who want and choose to breast-feed, many workplaces cannot or will not provide suitable conditions for the expressing of milk.

Clearly, Australia’s federal Sex Discrimination Commissioner recognises that there is a significant problem. The report *Pregnant and productive* makes interesting and at times disturbing reading as it catalogues instances of discrimination. I will quote a couple of them:

Before I became pregnant my position was temporary ... with the understanding that a permanent position was coming up. Once it was common knowledge that I was pregnant a permanent part-time position became available one month before I was due to go on leave. I didn’t get the position!

Here is the second example:

My ex-employer gave me an undertaking that the permanent position would only be advertised internally, therefore if I still wanted the job permanently at the time it would be mine. This was reconfirmed to me by my ex-employer on a few occasions. My ex-employer’s assertions however changed when I informed him that I was pregnant. The position was then advertised externally and I was not successful in the interview.

Here is the third example:

Respondents to our phone interview claimed that they were not considered for training because they were pregnant. This action made them less able to compete for promotional opportunities ...

Transfer to other sections or agencies was also discouraged when women were pregnant as it was perceived that as they were pregnant they would be leaving soon on maternity leave and thus the training on and off the job would be wasted.

I remember from my time at the Finance Sector Union that there was a massive outcry when the Commonwealth Bank let a lot of people go on redundancy. They offered people alternative employment. They offered a lot of women who were off on maternity leave alternative employment. The upshot was that, unless you took up the offer within 24 hours, you did not get the job. It is a bit difficult for a woman who has just come out of the labour ward with a brand-new baby, for a woman who does not have child care arranged or for a woman who has not weaned yet: ‘You take the job now or you don’t get it.’ And, if you did not take the job, you were automatically made redundant and you got a lesser redundancy payment because you had not taken the alternative job.

That case was taken through the Human Rights and Equal Opportunity Commission, and the Commonwealth Bank was made to reverse that decision. But it took a good two to three years for that case to go through HREOC and for those women to be finally compensated. A lot of them wanted to return
to work. There seems to be a naive perception with a lot of males that, somehow, because you have had a baby, you would never want to come back into the work force. Some women choose to do that, and I commend them for it, but a lot of women want to come back to work and to the workplace that they were working in before. We need to ensure that there are no impediments in their way.

It is important that there is a clear understanding in the community that discrimination against women on the basis of pregnancy is wrong. This understanding is required to try to stop the discriminatory behaviour from happening in the first place. The reason for this is very simple. It can be very difficult for people to pursue complaints relating to this form of discrimination. The New South Wales Anti-Discrimination Board's inquiry into pregnancy related discrimination found that the principal reasons why women do not proceed with pregnancy related complaints are: stress and anxiety, accompanied by the belief that the outcome of the complaint may not justify the effort; difficulty in pursuing the complaint once the child is born; fear that, if a complaint is referred to a hearing, the complainant may find facing legal proceedings perturbing or disruptive, especially in rural areas; and fear that the complaint will damage their employment prospects.

But, instead of accepting the recommendations of the Human Rights and Equal Opportunity Commission, the government has gone only part of the way. The recommendations that the Human Rights and Equal Opportunity Commission made to the government but that were not included in this legislation are: empowering the HREOC to publish enforceable standards in relation to pregnancy and potential pregnancy; ensuring that unpaid workers are covered by the Sex Discrimination Act; removing of exemption for employment by an instrumentality of a state from the Sex Discrimination Act; removing the exemption for educational institutions established for religious purposes in relation to pregnancy and potential pregnancy; allowing punitive damages to be awarded; allowing the Sex Discrimination Commissioner to refer discriminatory awards or agreements to the Australian Industrial Relations Commission without the requirement to receive a written complaint; clarifying that a complaint about a discriminatory advertisement may be made by any person; and extending the antidiscrimination provision to employees who are in the process of adopting a child.

The omission of these recommendations from the government's legislative response to the Pregnant and productive report is typical of their approach to issues that affect women. They first get an organisation such as the Human Rights and Equal Opportunity Commission to investigate an issue. When recommendations or suggested policy prescriptions are presented, the government reject them or ignore them. The government took the same approach to the debate surrounding paid maternity leave.

Pru Goward, the federal Sex Discrimination Commissioner, brought down a report making recommendations, and the government rejected it outright, ignored it and claimed a whole lot of false statements in respect of it. Following the recommendations made by Pru Goward, a number of government ministers immediately dismissed her suggestions and stated their opposition to a system of paid maternity leave. Today we are seeing the same form of response from the government on this issue—they ask someone to undertake investigations, they dismiss the conclusions of those investigations and then they do very little to improve the circumstance for the community. It is sad from a government that professes to be here for all of us. I welcome the changes that have been made but, sadly, they do not go far enough.

Dr STONE (Murray—Parliamentary Secretary to the Minister for the Environment and Heritage) (5.44 p.m.)—I thank the members who have spoken in this debate and who have therefore contributed to the consideration of the Sex Discrimination Amendment (Pregnancy and Work) Bill 2002. It was important that some of my colleagues on the other side of this House talked about the fact that, although they have had children and been pregnant while at work in this place representing their constituencies, they did not experience any discrimination as mem-
bers of parliament. What this bill is about and what our government wants to see is a similar experience for all women in Australia, not just for a privileged few who have the resources and support to be able to have a pregnancy and not have to leave their place of work.

I begin by thanking the member for Fowler, who pointed out the typographical error on page 4 of the explanatory memorandum. The error appears in the fifth line of paragraph 3 of item 3, ‘Information requested during medical examinations’, which is part of schedule 1 of clause 3 of the explanatory memorandum. I take this opportunity to confirm that the reference to a ‘pregnant employer’ appearing in that example should be a reference to a ‘pregnant employee’.

The bill will clarify a number of provisions of the Sex Discrimination Act 1984 to protect women from discrimination on the grounds of pregnancy, potential pregnancy or breastfeeding. The bill fulfils the government’s commitment to address areas of confusion regarding the scope and operation of the Sex Discrimination Act identified by the Human Rights and Equal Opportunity Commission in its report *Pregnant and productive: it’s a right not a privilege to work while pregnant*. The amendments to the act put forward in this bill will clarify the operation of the provisions of the act relating to the asking of questions about pregnancy or potential pregnancy during job interviews and the use of pregnancy related medical information. The bill will also amend the act to explicitly recognise breastfeeding as a potential ground of unlawful discrimination. The amendments will clarify the obligations of employers in respect of these issues but will avoid imposing onerous burdens on employers which might lead to disincentives to employ women, especially in smaller businesses. The amendments will not only help to prevent discrimination against employees but also assist employers to understand the laws that impact on their businesses.

The member for Barton expressed disappointment that the bill does not amend the Sex Discrimination Act to cover breastfeeding as a specific ground of unlawful discrimination. As stated in the government’s response to HREOC’s *Pregnant and productive* report, the government considers that discrimination on the grounds of breastfeeding is already covered by the act. Discrimination against a person because of a characteristic that appertains generally to members of one sex constitutes discrimination for the purposes of the act. Breastfeeding is clearly a characteristic that appertains generally to women. I am pleased to note that the member for Fowler has expressed support for the government’s position that discrimination on the grounds of breastfeeding was already covered by the act.

The government recognises that the *Pregnant and productive* report identified some confusion as to whether discrimination on the grounds of breastfeeding was sex discrimination and consequently is proposing an amendment that will clarify the operation of the act in this regard. The bill will give effect to the relevant HREOC recommendation by inserting a provision that will make it clear that breastfeeding is a characteristic that pertains generally to women and conse-
quently can be a ground for sex discrimination under the act.

The bill will increase awareness and improve understanding amongst employers and employees about their responsibilities relating to pregnancy and work issues. This is an important step towards achieving cultural change and ensuring equal employment opportunities for all women. This will be done without expanding the operation of the act. It will not impose any additional burdens on employers or act as a disincentive to employ women. We have already heard about the experiences of the member for Chisholm with respect to employers not giving her a fair go. Legislative amendments cannot be the complete answer to eliminating confusion in the operation of antidiscrimination legislation and preventing unlawful discrimination. Through communication, consultation and cooperation between workplace participants, significant steps can be taken and must be taken to prevent discrimination.

Equally, education has a critical role to play in increasing awareness of the rights and responsibilities of employers and employees in relation to pregnancy and work issues. The government’s response to the *Pregnant and productive* report accepted most of its recommendations. Many of HREOC’s recommendations focused upon education, guidance and awareness raising. The member for Hasluck was concerned about and referred to HREOC’s recommendation No. 19, which is:

That the Sex Discrimination Act 1984 ... be amended to allow the Sex Discrimination Commissioner to refer discriminatory awards or agreements to the Australian Industrial Relations Commission of her own initiative without the requirement to receive a written complaint.

The member for Hasluck was concerned that the government seemed to oppose that proposal. We have done so on the basis that the government do not see a need for further provision in this area. The Workplace Relations Act 1996 already contains a comprehensive framework in relation to discrimination in awards and agreements. If a written complaint of a discriminatory act under an award is made under section 46PW of the HREOC Act, the President of HREOC can refer the matter to the AIRC. If the AIRC considers that the award or the agreement is discriminatory, it is obliged to remedy the discrimination under the provisions of the Workplace Relations Act. As well, the AIRC can undertake an examination on its own motion and could do so on the basis of an informal reference from the Sex Discrimination Commissioner where no written complaint had been received. The Workplace Relations Act also makes comprehensive provision for the variation of certified agreements should they be found to be discriminatory.

The government strongly supports appropriate education of employers and employees and the dissemination of quality information on pregnancy and work issues. This is fundamental to achieving cultural change and improvements in equal employment opportunity for women. It is for this reason that the government’s response to the HREOC report has focused upon the education initiatives. In particular, the government has supported the development and distribution of pregnancy guidelines by the HREOC, released in April 2001, and the development and distribution of a booklet entitled *Working your way through pregnancy*, released in April 2002. This is designed to raise awareness about rights and responsibilities concerning pregnancy and potential pregnancy issues in the workplace. The booklet provides information about a number of pregnancy and work issues, including harassment, antidiscrimination, workplace relations laws and access to parental leave. The booklet is intended to complement the pregnancy guidelines that were released by the HREOC in 2001.

This government strongly believes that an educative approach to sex discrimination issues is more effective than a heavy-handed or punitive approach. It is for this reason that the government has declined to accept the recommendations in the *Pregnant and productive* report that the Sex Discrimination Act be amended to empower the HREOC to publish enforceable standards in relation to pregnancy and potential pregnancy and to enable the award of punitive damages in sex discrimination cases. The Australian government is committed to developing and im-
implementing policies to ensure equality of opportunity for women and will continue to work on improving opportunities and choice for women in the workplace.

The member for Barton has advocated the need for a sea change in policies and attitudes to address the problem of achieving a balance between work and family life. All of us in this place applaud such sentiments. I am pleased to note that the member for Barton also recognises that there is no ‘one size fits all’ solution and that the most important element of policy development in this area is the provision of choice. These sentiments reflect the aims and objectives identified by the Prime Minister himself in the context of a discussion of the government’s policy priorities for its third term. Balancing work and family life has been identified as one of the government’s policy priorities, with a key policy goal of facilitating choice.

I reflect on my own life, raising three children with my husband and, for most of that time, working full time, studying full time and writing full time. I watch my daughter, who has two children, and her supportive partner juggling the same apparently inhuman act. The Prime Minister has established an interdepartmental task force to review options to facilitate choices for families in balancing their work and family lives, understanding that choice is the Australian way. It is disingenuous of the opposition to suggest that the government has rejected outright the possibilities of introducing a paid maternity leave scheme. Government funded paid maternity leave is only one possible policy response to addressing the issue of work and family balance. The government will consider paid maternity leave in the development and achievement of its broader policy objectives.

The member for Prospect has asserted that the government has done absolutely nothing to support families and to develop pro-family policies. This government has always been committed to providing appropriate support to families with caring responsibilities for children and has been active in demonstrating that commitment. As this drought bites deep into the ability of farming families to support their children, never before has there been such a commitment from this government to provide family support benefits, which go directly into the households to help them get over these difficulties. The government provides extensive financial support to families with young children—even other than in drought times—through the family tax benefit, the maternity allowance, the parenting payment and the baby bonus. Measures such as 12 months unpaid parental leave, a high-quality child-care system and employment programs like the Transition to Work program provide further assistance and support to Australian families. In addition, employees and employers can, and do, manage a range of family friendly provisions in workplace agreements, including in relation to paid maternity leave.

The amendments contained in the Sex Discrimination Amendment (Pregnancy and Work) Bill 2002 constitute an important recognition of the valuable contribution that pregnant women and mothers are in a position to make, and do make, in a wide range of areas of public life. The amendments will enhance opportunities for pregnant women and mothers to participate in the work force to the full extent they choose. Australia is already recognised internationally as a leader in developing legislative and practical mechanisms for preventing sex related and pregnancy related discrimination. This bill will further enhance our reputation and standing.

The member for Prospect took issue with the government’s refusal to ratify the optional protocol to the Convention on the Elimination of All Forms of Discrimination Against Women. As the member for Prospect is aware, the government’s position on ratification of the optional protocol does not reflect any diminution whatsoever in the government’s commitment to promoting women’s rights both at the domestic and at the international level. The object of the optional protocol to CEDAW is to establish a United Nations complaints mechanism. The government does not consider it appropriate that Australia ratify the new procedure under CEDAW while its concerns about the efficiency and effectiveness of the operation of the United Nations human rights treaty.
committee system remains. The government’s position on ratification of the optional protocol does not in any way detract from the government’s strong support for women’s human rights.

The government supports a wide range of measures to advance gender equality and remains committed to the objectives of the Sex Discrimination Act and to the elimination of the forms of discrimination it covers. This is evidenced by the introduction of the bill that is the subject of this debate. The member for Barton has moved an amendment to the second reading motion. The measures outlined in the bill and the recent actions of the government demonstrate our government’s commitment to pregnancy and work issues. Accordingly, the government opposes the amendment to the second reading motion. The bill reflects the government’s commitment to eliminating discrimination against Australian women in the workplace and in any other areas of public life. It is a further example of how the Howard government is taking practical steps to address workplace discrimination against women and to ensure equal opportunity for women in the workplace, wherever they may be in our great country.

The DEPUTY SPEAKER (Hon. B.C. Scott)—The original question was that this bill be now read a second time. To this the honourable member for Barton has moved that all words after ‘That’ be omitted with a view to substituting other words. The immediate question is that the words proposed to be omitted stand part of the question.

Question agreed to.

Original question agreed to.

Bill read a second time.

Consideration in Detail

Bill—by leave—taken as a whole.

Ms MACKLIN (Jagajaga) (6.01 p.m.)—by leave—I move opposition amendments (1) to (37):

(1) Schedule 1, page 3 (before line 4), before item 1, insert:

1A Paragraph 3(b)
Omit “or potential pregnancy”, substitute “, potential pregnancy or breast-feeding”.

(2) Schedule 1, page 3 (after line 7), after item 1, insert:

1B Subsection 4(1) (at the end of the definition of “administrative office”)
Insert:
“breastfeeding” includes the act of breastfeeding a child; expressing milk; a characteristic that appertains generally to women who are breastfeeding; or a characteristic that is generally imputed to women who are breastfeeding.

(3) Schedule 1, page 3 (after line 7), after item 1, insert:

1C Subsection 4(1) (at the end of the definition of employment)
Add:
and (d) unpaid or voluntary work, including under a scheme established under a law or program of the Commonwealth.

(4) Schedule 1, page 3 (after line 7), after item 1, insert:

1D After paragraph 4A(1)(b)
Add:
; or (c) a pending dependant child of the employee.

(5) Schedule 1, page 3 (after line 7), after item 1, insert:

1E After subsection 4A(2) (after the definition of “immediate family member”)
Insert:
“pending dependent child” includes circumstances where an employee is in the process of adopting a child or of taking responsibility for a step child or an ex-nuptial child.

(6) Schedule 1, page 3 (after line 7), after item 1, insert:

1F After section 7

7AA Discrimination on the ground of breastfeeding

(1) For the purposes of this Act, a person (the discriminator) discriminates against a woman (the aggrieved woman) on the ground that the aggrieved woman is breastfeeding if, be-
cause the aggrieved woman is breastfeeding, the discriminator treats the aggrieved woman less favourably than, in circumstances that are the same or are not materially different, the discriminator treats or would treat someone who is not breastfeeding.

(2) For the purposes of this Act, a person (the discriminator) discriminates against a woman (the aggrieved woman) on the ground that the aggrieved woman is breastfeeding if the discrimination imposes, or proposes to impose, a condition, requirement or practice that has, or is likely to have, the effect of disadvantaging women who are also breastfeeding.

(3) This section has effect subject to sections 7B and 7D.

(7) Schedule 1, page 3 (after line 7), after item 1, insert:

1G Subsection 10(2)
Omit “or potential pregnancy”, substitute “or potential pregnancy or breastfeeding”.

(8) Schedule 1, page 3 (after line 7), after item 1, insert:

1H Subsection 11(2)
Omit “or potential pregnancy”, substitute “or potential pregnancy or breastfeeding”.

(9) Schedule 1, page 3 (after line 7), after item 1, insert:

1J Subsection 13(1)
Repeal the subsection.

(10) Schedule 1, page 3 (after line 7), after item 1, insert:

1K Subsection 14(1)
After “potential pregnancy”, insert “or because the person is breastfeeding her child”.

(11) Schedule 1, page 3 (after line 7), after item 1, insert:

1L Subsection 14(2)
After “potential pregnancy”, insert “or because the employee is breastfeeding her child”.

(12) Schedule 1, page 3 (after line 7), after item 1, insert:

1M Subsection 15(1)
After “potential pregnancy”, insert “or because the person is breastfeeding”.

(13) Schedule 1, page 3 (after line 7), after item 1, insert:

1N Subsection 15(2)
After “potential pregnancy”, insert “or because the commission agent is breastfeeding”.

(14) Schedule 1, page 3 (after line 7), after item 1, insert:

1O Section 16
After “potential pregnancy”, insert “or because the contract worker is breastfeeding”.

(15) Schedule 1, page 3 (after line 7), after item 1, insert:

1P Subsections 17(1) and (2)
After “potential pregnancy” (wherever occurring), insert “or because the person is breastfeeding”.

(16) Schedule 1, page 3 (after line 7), after item 1, insert:

1Q Subsection 17(3)
After “potential pregnancy”, insert “or because the partner is breastfeeding”.

(17) Schedule 1, page 3 (after line 7), after item 1, insert:

1R Section 18
After “potential pregnancy”, insert “or because the person is breastfeeding”.

(18) Schedule 1, page 3 (after line 7), after item 1, insert:

1S Subsection 19(1)
After “potential pregnancy”, insert “or because the person is breastfeeding”.

(19) Schedule 1, page 3 (after line 7), after item 1, insert:

1T Subsection 19(2)
After “potential pregnancy”, insert “or because the member is breastfeeding”.

(20) Schedule 1, page 3 (after line 7), after item 1, insert:

1V Section 20
After “potential pregnancy”, insert “or because the person is breastfeeding”.

(21) Schedule 1, page 3 (after line 7), after item 1, insert:

1U Subsection 21(1)
After “potential pregnancy”, insert “or because the person is breastfeeding”.

(22) Schedule 1, page 3 (after line 7), after item 1, insert:

1W Subsection 21(2)

After “potential pregnancy”, insert “or because the student is breastfeeding”.

(23) Schedule 1, page 3 (after line 7), after item 1, insert:

1X Subsection 22(1)

After “potential pregnancy”, insert “or because that other person is breastfeeding her child”.

(24) Schedule 1, page 3 (after line 7), after item 1, insert:

1Y Subsections 23(1) and (2)

After “potential pregnancy” (wherever occurring), insert “or because that other person is breastfeeding”.

(25) Schedule 1, page 3 (after line 7), after item 1, insert:

1Z Subsection 24(1)

After “potential pregnancy”, insert “or because that other person is breastfeeding”.

(26) Schedule 1, page 3 (after line 7), after item 1, insert:

1ZA Subsection 25(1)

After “potential pregnancy”, insert “or because the person is breastfeeding”.

(27) Schedule 1, page 3 (after line 7), after item 1, insert:

1ZB Subsection 25(2)

After “potential pregnancy”, insert “or because the member is breastfeeding”.

(28) Schedule 1, page 3 (after line 7), after item 1, insert:

1ZC Section 26

After “potential pregnancy”, insert “or because that other person is breastfeeding”.

(29) Schedule 1, item 2, page 3 (line 20), after “pregnancy”, insert “or because that other person is breastfeeding”.

(30) Schedule 1, item 2, page 3 (line 24), omit “or potentially pregnant”, substitute “, potentially pregnant or breastfeeding”.

(31) Schedule 1, page 3 (after line 34), after item 2, insert:

2A At the end of subsection 27(2)

Add: ; but it is unlawful to discriminate in a recruitment process on the basis of that information.

(32) Schedule 1, page 4 (after line 6), after item 3, insert:

3A After subsection 27(2)

Insert:

(2A) To avoid doubt, it is unlawful for a person to ask another person a question (whether orally or in writing) in connection with the employment or potential employment of that other person, which might reasonably be understood as intended to elicit information about that person’s intentions in relation to pregnancy, potential pregnancy or in relation to meeting that person’s family commitments.

(33) Schedule 1, page 4 (after line 6), after item 3, insert:

3B After section 27

Insert:

27A Pregnancy equity standards

(1) The Minister may formulate standards, to be known as pregnancy equity standards, in relation to the employment of women who are pregnant or potentially pregnant consistent with, and to give effect to, the Sex Discrimination Act 1984.

Pregnancy equity standards formulated in accordance with this section are to be laid before each House of the Parliament within 15 sitting days of that House after the pregnancy equity standards are formulated and take effect only as provided by the following provisions of this section.

If:

(a) notice of a motion to amend the pregnancy equity standards is given in either House of the Parliament within 15 sitting days after the pregnancy equity standards have been laid before that House; and

(b) the pregnancy equity standards, whether or not as amended, are subsequently approved by that House; and

(c) the other House approves the pregnancy equity standards in the form approved by the first-mentioned House;
the pregnancy equity standards take effect in the form so approved from the day on which that other House approves the pregnancy equity standards in that form.

(4) If no notice of a motion to amend the pregnancy equity standards is given in the House of Representatives or the Senate within 15 sitting days of the particular House after the pregnancy equity standards have been laid before that House, the pregnancy equity standards take effect from the day immediately after that 15th sitting day or, where that day differs in respect of each House, the later of those days.

27B Unlawful to contravene pregnancy equity standards

It is unlawful for a person to contravene a pregnancy equity standard.

(34) Schedule 1, page 4 (after line 6), after item 3, insert:

3C Subsections 38(1) and (2)

Omit “, marital status or pregnancy” (wherever occurring), substitute “or marital status”.

(35) Schedule 1, page 4 (after line 6), after item 3, insert:

3D Subsection 38(3)

Omit “or pregnancy”.

(36) Schedule 1, page 4 (after line 6), after item 3, insert:

3E At the end of section 38

Add:

(4) In this section, a reference to a person’s sex or marital status does not include a reference to pregnancy or potential pregnancy.

(37) Schedule 1, page 4 (after line 6), after item 3, insert:

3F Section 39

After “pregnancy”, insert “or because the person is breastfeeding”.

These amendments demonstrate Labor’s commitment to stamping out discrimination in the workplace and in fact reflect a private member’s bill I moved in this place to attempt to implement the recommendations of the Sex Discrimination Commissioner’s report, and the Sex Discrimination Amendment (Pregnancy and Work) Bill 2002 does not go nearly far enough in addressing the discrimination that many women still experience in the workplace. It is also unfortunate that the government has taken so long to get to this place; it has taken over 2½ years even to get the legislation drawn up. I think I speak on behalf of those many women who are experiencing discrimination in the workplace when I say that it would have been so much better if the government had taken notice of the Sex Discrimination Commissioner’s report and implemented the recommendations. These amendments do implement the recommendations of the Sex Discrimination Commissioner’s report Pregnant and productive.

I heard the previous speaker, the Parliamentary Secretary to the Minister for the Environment and Heritage, saying that the government has not decided to oppose paid maternity leave. She must not have heard the Minister for Employment and Workplace Relations say that the Howard government would never introduce paid maternity leave. In fact, he said that that would happen ‘over this government’s dead body’. Those were his precise words. The Labor Party has already made a comprehensive commitment to introduce in government a national scheme of paid maternity leave. The Treasurer, the Minister for Finance and Administration, the Minister for Small Business and Tourism and the Minister for Revenue—so quite a few Howard government ministers—have said that they do not agree with paid maternity leave for all working women. I am pleased that we on this side of the House are able to demonstrate a very strong difference from the government on this issue. There is no question that Labor in government will make sure that we catch up with the rest of the world and introduce paid maternity leave.

The Sex Discrimination Commissioner’s recommendations require that we act, and this bill does not do that. These amendments would strengthen the Sex Discrimination Act to protect potentially pregnant, pregnant and breastfeeding women. The amendments would empower the Attorney-General to
publish enforceable standards in relation to pregnancy and potential pregnancy. The parliamentary secretary suggested that these enforceable standards were not necessary. I am not sure of the basis on which she says they are not necessary, given that it was a recommendation of the Sex Discrimination Commissioner and the Australian Law Reform Commission in its 1995 report *Equality before the law: justice for women*. Apparently the government knows better than those independent bodies do.

The Law Reform Commission recommended—and the government might like to have another look at this report, because there is a significant reason—that such power be available to deal with systemic issues. There can be no doubt that pregnancy related discrimination is such an issue, and I remind the government that complaints of pregnancy related discrimination to the Human Rights and Equal Opportunity Commission doubled in the last year alone. So it is a very serious issue. It is a power the Attorney-General has under the Disability Discrimination Act, and I am pleased that the current Attorney-General exercised that power most recently in developing enforceable disability transport standards. It seems to be okay in that area but not okay when it comes to stamping out discrimination on the grounds of pregnancy. *(Extension of time granted)*

The Attorney-General should not refuse a similar power in relation to a systemic issue like pregnancy related discrimination.

Labor’s amendments would also make sure that unpaid workers are covered by the Sex Discrimination Act—and I do not think the parliamentary secretary responded to the issue of unpaid workers. It is almost two decades since the original act was drafted, and there has been a growing recognition of the contribution of volunteers to our society. I can see no sound reason to deny those unpaid workers freedom from unlawful discrimination. I am pleased that the Minister for Employment and Workplace Relations, Mr Abbott, recently accepted our arguments for amendments to the law to protect volunteer emergency services workers from dismissal from their paid employment. I urge the Attorney-General to display the same good sense and to accept Labor’s amendments to this legislation.

Our amendments would also allow the Sex Discrimination Commissioner to refer discriminatory awards or agreements to the Australian Industrial Relations Commission without the requirement to receive a written complaint. This would ensure that we had a more integrated system for the auditing of awards and agreements and would also make sure that discriminatory industrial instruments do not go unchecked because of a lack of public awareness of the existing mechanism for the review.

I suspect that the government’s rejection of this recommendation has less to do with its stated belief that the existing mechanism is adequate than with its reluctance to encourage greater links between the Human Rights and Equal Opportunity Commission and the Industrial Relations Commission. We have certainly seen plenty of evidence that this government’s core philosophy is to keep human rights out of the workplace. When the government responded to the report *Pregnant and productive*, the Attorney-General said:

The Government is committed to retaining the independence of the Australian Industrial Relations Commission (AIRC) in workplace relations as articulated in the Workplace Relations Act. The Government does not consider it appropriate that this independence be compromised in any way. Therefore, formal links and protocols with the Sex Discrimination Commissioner are not appropriate.

I do not think that anyone out there who is being discriminated against really believes that is the reason. Certainly nobody would believe that knowing that it is this government that has stripped the Industrial Relations Commission of many of its powers. There is not a government in living memory which has shown less regard for the strength and independence of the Industrial Relations Commission than this one.

A discretionary power to refer discriminatory awards and agreements to the commission is one that the Sex Discrimination Commissioner should have. That is a recommendation from the *Pregnant and productive* report, and one of our amendments
would give that power to the Sex Discrimination Commissioner. Our amendments would also help potentially pregnant, pregnant and breastfeeding women by: removing from the Sex Discrimination Act the exemption for employment by an instrumentality of a state; removing the exemption for educational institutions established for religious purposes in relation to pregnancy and potential pregnancy—no comment from the government about these issues; allowing punitive damages to be awarded; specifically including breastfeeding as grounds for unlawful discrimination; clarifying that a complaint about a discriminatory advertisement may be made by anyone; clarifying that the asking of questions to elicit information about whether and when a woman intends to become pregnant and/or her intentions in relation to meeting her current or pending family responsibilities is unlawful; clarifying that it is unlawful to discriminate in medical examinations of pregnant women during the recruitment process; and extending the anti-discrimination provisions to employees who are in the process of adopting a child. These are all important measures to make sure that Australian women enjoy freedom from unlawful sex discrimination, and they were all recommended by the then Sex Discrimination Commissioner. *(Extension of time granted)*

I again urge the Attorney-General—I have urged him on a number of occasions in the past—to have a look at these amendments. They are Labor’s amendments but, more importantly, they are the recommendations of the then Sex Discrimination Commissioner’s report *Pregnant and productive*. They would provide much needed protection for potentially pregnant, pregnant and breastfeeding women. I commend the amendments to the chamber.

**Dr STONE** *(Murray—Parliamentary Secretary to the Minister for the Environment and Heritage)* *(6.11 p.m.)*—I repeat that the government will not be supporting amendments (1) to (37) as moved by the member for Jagajaga. The *Sex Discrimination Amendment (Pregnancy and Work)* Bill 2002 is designed to clarify a number of provisions of the Sex Discrimination Act 1984, protecting women from discrimination on the grounds of potential pregnancy, pregnancy or breastfeeding. The key thing we want to ensure is that the amendments clarify the obligations of employers in respect of all of these issues but avoid imposing onerous burdens on employers which will lead to a serious disincentive to employ women of child-bearing age. There is no point in a punitive act which would make it difficult for small business. Say two women, one of child-bearing age and one significantly older, present for a job. If the legislation is particularly onerous and punitive, discrimination might continue, and we want to avoid such a situation. We are of the very strong belief that this bill is a very significant opportunity for Australia to demonstrate that it will not continue to tolerate sex discrimination related to pregnancy and work. I know that women throughout Australia are understanding and supportive of this bill, and I commend it to the House.

**Question put:**

That the amendments *(Ms Macklin’s)* be agreed to.

The House divided. *(6.17 p.m.)*

(A. B. Scott)

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Third Reading

Dr STONE (Murray—Parliamentary Secretary to the Minister for the Environment and Heritage) (6.24 p.m.)—by leave—I move:

That this bill be now read a third time.

Question agreed to.

Bill read a third time.

SNOWY HYDRO CORPORATISATION AMENDMENT BILL 2002

Second Reading

Debate resumed from 11 December 2002, on motion by Mr Entsch:

That this bill be now read a second time.

Mr FITZGIBBON (Hunter) (6.25 p.m.)—Proposals to utilise the waters of the Snowy River to supplement the summer flows of the Murray and Murrumbidgee rivers date back to the 1880s. These proposals had the objective of providing additional water supplies for the purposes of drought proofing inland areas. From 1908, the Snowy River was assessed from a different perspective—that is, for the harnessing of the Snowy’s waters for hydro-electric power production. Various proposals followed, involving the states of New South Wales and Victoria and the Commonwealth. This culminated in the establishment in 1947 of a joint Commonwealth-states technical committee to investigate the whole question of the possible use of the Snowy River. As a result of the recommendations prepared by the technical committee, the Commonwealth government passed the Snowy Mountains Hydro-electric Power Act in 1949. In doing so, it established the Snowy Mountains Hydro-electric Authority as the body responsible for the detailed investigation, design and construction of the dual-purpose Snowy Mountains scheme.

The scheme stands as a great tribute to the men and women who had the foresight and courage to initiate the construction of what became the largest single engineering project ever undertaken in Australia. It is also a fine example of Labor’s, both traditional and ongoing, role in nation building—building infrastructure to create economic growth and jobs in this country. The party is, of course,
very proud of Ben Chifley and his government and the heritage it has left for all Australians. Briefly, the Snowy Mountains scheme diverts the waters of the Snowy River through two transmountain tunnel systems driven westwards under the Great Dividing Range to feed the two inland rivers, the Murray and Murrumbidgee, with increased supplies of water for irrigation expansion in their valleys. In its passage, the water falls some 800 metres through shafts, tunnels and power stations to generate peak load electricity for the Australian Capital Territory, New South Wales and Victoria. Of course, we now know that the scheme has had some adverse impacts on the environment—something that we, on both sides of the House, are all very pleased to see is now being addressed with the greater knowledge and technology of the times.

The Snowy Hydro Corporatisation Amendment Bill 2002 basically seeks to rectify an error within the GST legislation. We have certainly seen plenty of those over the course of the last few years. It was the intention of the corporatisation act that the transfer not be subject to any Commonwealth or state taxes, and an error within the legislation has caused the transfer of assets from the old authority to the new corporation to be subject to GST. This bill rectifies that situation and, on that basis, given that our state Labor governments are shareholders in the operation of this corporation, we of course support the amendment being put to the House. It is a great shame that the government is not so quick to rectify anomalies that affect so many ordinary Australians. It is very quick to move to rectify the impact on a big corporation, like that which has been established to oversee the Snowy scheme, but not so keen to move on anomalies that affect ordinary Australians and hardworking families.

I give the example of Craig and Sonia Morton in my electorate who, I am sure, are amongst many couples who signed a contract to build their first home prior to 1 July 2000. At that time, builders of homes were being very cautious in the lead-up to 1 July 2000 and were inserting clauses into building contracts to ensure that, if the work went beyond 1 July 2000, any GST incurred would be borne by the home owner rather than by the person constructing the home. In the case of Craig and Sonia Morton—and I am sure many others—they bore the full brunt of the GST, some $9,000, but were not eligible for the First Home Owners Scheme. They were not eligible for the $7,000 which was designed to compensate first home owners for the impact of the GST because their home was built after 1 July 2000. This is a ridiculous situation. The government agrees that the idea of the First Home Owners Scheme was to compensate people for the impact of the GST on the cost of their first home. But because of council delays the Morton’s work was delayed, taking them beyond 1 July, and therefore they were not eligible for the $7,000 first home owners grant.

I wrote to the Treasurer on this matter. I am happy to acknowledge that my representation to the Treasurer was somewhat after 1 July 2000, but the Mortons had not thought before this year to seek my assistance. I wrote to the Treasurer on 6 September 2002. I finally had a response on 9 January 2003 which gives no joy whatsoever to my constituents. This is a very unfortunate situation—I think it is an injustice. As I said, the government is very quick to move to assist corporations but no assistance is forthcoming to those who, like Craig and Sonia Morton, really need assistance.

There are, of course, many other examples. There is the impact on small business and the impact on pensioners with small, fixed incomes. I have an example of the impact on a small business: someone selling a light industrial building to some business people—what did he have to do? He had to charge them the GST and then he had to pass on the GST on to the Commonwealth. What did they do? They claimed the input tax credit. There were three transactions there, with no other effect than the production of lots of paperwork for a lot of people, including the Commonwealth. I make that point because the financial impact statement of the bill before the House makes the very point that the bill will not have any financial impact on Commonwealth revenue or expenditure sim-
ply because the transactions are all revenue neutral. That is what is happening to small business day in and day out.

This reminds me of an energy related bill and the impact of the GST on those who drive cars which are fuelled by LPG. When the government introduced the GST it rightly reduced the excise on unleaded petrol, but not enough to fully compensate motorists. The government reduced the excise on unleaded fuel to partly compensate for the GST, but LPG rightly does not attract an excise. When LPG came onto the market, the former Labor government rightly decided that, because it was a cleaner fuel, a more environmentally friendly fuel, LPG should not attract an excise. So when the GST was introduced there was no excise to be taken off LPG—what happened? The price gap between LPG and unleaded fuel was dramatically reduced, and motorists have been disadvantaged by that fact ever since.

There is also a problem in relation to solar panels for houses; for the first time they attract a tax. I grant that the government did move to put in place a three-year rebate system to compensate people for the impact of the GST on solar electricity units for homes. But that rebate is, as I understand it, about to come to a conclusion. Tonight I want to use this opportunity to appeal to the government to extend that rebate so that we can have continued uptake of that technology for use on residences as a means of addressing some environmental challenges ahead of us. Before the parliament rose for the Christmas break, I spoke about the member for Paterson building a home in his own electorate. I wonder whether the member for Paterson is installing solar panels on his three-storey palatial residence. He would be well advised to do so. If he is, then I have no doubt he will appreciate the value of that rebate in terms of the construction of that house. By the way, I have to say that the member for Paterson continues to hit the headlines in the Hunter with respect to his intention to build a home on Lillypilly Hill. In fact, ICAC has now referred the matter to the New South Wales Department of Local Government.

**Mr Cameron Thompson**—Madam Deputy Speaker, we are here to speak on the Snowy Hydro Corporatisation Amendment Bill 2002; we are not here to speak about the member for Paterson or solar panels on his house, wherever it is. I would really appreciate it if we could discuss the bill.

**The DEPUTY SPEAKER (Ms Corcoran)**—I ask the member for Hunter to come back to the bill.

**Mr FITZGIBBON**—I acknowledge the point of order, Madam Deputy Speaker. I am trying to make the link between the Snowy scheme, the national electricity market, the looming crisis in investment in electricity capacity and the need for people to take up solar technologies for their residences. I was just going to make the point that the member for Paterson has said that he welcomes the inquiry by the Department of Local Government, but he has exercised his power to block a freedom of information request for his file—the file which deals with his development application to the council. Why would someone say they welcome an inquiry into their activities as a local councillor with respect to their own development application to the council but at the same time exercise their power to block a freedom of information request for that file? That is an extraordinary thing. I will probably take the opportunity to expand on those matters at a later date.

This is a bill about tax, but it is also a bill which is very much about energy. The Snowy scheme is an integral part of the national electricity market. It is another piece of nation building that the former Hawke and Keating governments can be very proud of. They brought a new competitive environment to energy supplies and to Australia's industry and homes. However, more reform is necessary and, of course, the Snowy is very much a part of that.

It has to be said that reform has stalled in the NEM over the last six or seven years. That is why I welcomed the Parer inquiry into our energy markets commissioned by this government—it reported late last year. Many of the reforms proposed by Parer are welcome and are worthy of consideration. Others, including the recommendation to
abolish the MRET scheme, have implications for the photovoltaic sector—which, I have to say, is poised to be a world leader in technology if given the chance. The MRET scheme generally encourages investment in the renewables sector and we do not see the abolition of that scheme as worthy of consideration. Certainly, if it was to be replaced by, say, a national carbon trading scheme, we would need to be assured that there would be a long, phased, transitional period. That would allow those who are already in the market, or those who are planning their investment and are relying on the MRET scheme, to continue to rely on it, rather than have the rug pulled out from under them.

The big disappointment about the Parer inquiry is not Parer himself, or the panel and their recommendations, but it is the brief that the body received. The product of Parer’s work is known as the Energy Market Review. It is presented as a national comprehensive review of Australia’s energy market, but it is not. The energy market is something very much more than the immediate issues surrounding the national electricity market and gas distribution and retail issues. The review pays no attention to things like upstream oil and gas market concentration, and has only scant regard for things like joint marketing arrangements, which can be seen as very uncompetitive in the upstream market. The all-important Kyoto issue is constantly avoided, and talk of a national trading scheme certainly lacks detail.

Australia needs a comprehensive and fully integrated national energy policy, one which deals with the looming crisis in electricity capacity investment—which I have already referred to—and one which ensures the upstream oil and gas markets are competitive. We have seen the great importance of that recently in the Timor Sea off the Northern Territory. Claire Martin, the Chief Minister there, has been desperately fighting to get gas from the Greater Sunrise field into the domestic market in the Northern Territory to fuel the north’s industrial development and to provide a new source of competitive gas in the south-east market. The venture partners have just decided, effectively—for the time being, at least—to lock that resource up, claiming it is not yet commercially viable. The government has to look at the submerged lands legislation and the things that control the ability of these big multinationals to lock up our resources—that is, the resources of the Australian people. They are sometimes locked up simply out of a desire of the multinationals to take care of other interests or investments that they have elsewhere and to sit on a new reserve until such a time as they see as fit and just to begin exploitation of that resource.

There are some other dot points one might add to a fully integrated energy policy. We need a policy which deals with energy efficiency. I acknowledge that Parer does touch on that issue, but we need one which deals with the transport fuel mix. Again, I make reference to the issue of LPG—how the GST impacted upon that sector and how we need to get back to an uptake of LPG in our fuel transport mix. We have hybrid vehicles almost on stream and, in the not too distant future, hopefully we will be starting to talk about hydrogen. We have Sasol and Chevron’s gas to liquid proposals, but we need to get a faster and more active uptake on LPG. The government should be addressing the disadvantage that the GST has imposed, not only on the sector but on all those who took up LPG as a choice of fuel only to find themselves disadvantaged by the GST.

I have mentioned the solar GST rebate, but, more generally, we need a policy which promotes industry investment in the renewables sector. Of course, we need a policy which ensures that every opportunity is given to allow the fossil fuels sector to remain viable. For a long time we will heavily rely on coal-fired, base load generators, like those in my own electorate. We need to ensure their medium- to long-term viability by, as a nation, investing heavily in clean coal technologies so that they can remain competitive against other sources of energy supplies, including gas. We must also acknowledge that there is not likely to be any more coal-fired, base load power stations. However, at the same time, over the next decade and beyond we will experience massive growth in consumption of electricity and we must stand ready to take up that growth, not
only with gas-fired power stations but with other renewables technology—wind, solar, coal, methane et cetera. This is to ensure that electorates like my own—which for a long time has been the powerhouse of New South Wales, providing about 80 per cent of the state’s electricity needs—can retain not only their existing coal-fired generation capacity but also their market share in New South Wales by reaching out to new renewables technology to supplement the power already capable of being generated within that existing capacity.

I have been calling for the development of a national energy strategy since arriving in this portfolio about 14 months ago. I do acknowledge that the Prime Minister is finally acknowledging that there are some huge issues emerging in the energy sector: increasing import dependence, the underinvestment in capacity that I mentioned earlier, energy fuel mixes and, of course, environmental concerns. The Prime Minister still stands firm on Kyoto. He is becoming increasingly marginalised. I think the point will come where he will be forced to move to a position of embracing Kyoto. We do not put Kyoto up there as a panacea for all the environmental ills of the globe, but it is a good first step in acknowledging that something has to be done. That is why Labor will not only reaffirm its commitment to Kyoto but also take to the next election, I expect, a commitment to a national carbon trading scheme that will dovetail into our international commitments.

I am pleased to acknowledge that the Prime Minister has finally recognised energy as a huge emerging issue in this country—one that is not only critical to regional development and jobs in the regions but critical to Australia’s national interests. I see he has now established a cabinet ranking energy task force. There is a shroud of secrecy surrounding it; we do not know much about it or what its job really is. There is some suggestion that part of its job will be to respond to Warwick Parer’s report, but we have seen little in the way of detail of its scope beyond that. I do hope that the task force is largely charged with developing what I call a fully integrated national energy policy. Labor will certainly be putting its own plan to the Australian electorate in the lead-up to the next election. That plan will be one that ensures that all Australians receive a maximum return on the resources that they own, one that provides affordable and secure energy supplies to industry and Australian homes alike, one that does address those environmental issues, one that does make Australia a world leader in renewable energy uptake, one that does promote a sustainable fossil fuel industry and one that does tackle Australia’s increasing import dependence.

Mr CAMERON THOMPSON (Blair) (6.48 p.m.)—I thank the member for Hunter for giving me quite a bit of information to be discussing, on top of the issues that I was going to raise in relation to the Snowy Hydro Corporatisation Amendment Bill 2002. I now have a wealth of issues to address following that ramble from the opposition spokesman. It was a ramble to rival the member for Kennedy’s in terms of its breadth and its depth and what it touched on. I was amazed to hear that there were going to be no more base load coal power stations. There was one opened just the other day at Millmerran. In my own electorate, the Tarong North project is proceeding with the construction of the Tarong power station. If there are not going to be any more base load coal power stations and the opposition are basing whatever this national energy policy is that they are going to develop on that, not knowing about the power stations that are being built in this country, they really ought to put in a little bit more time to discover what is going on in this country.

Mr Fitzgibbon—It was planned six years ago; you do not understand.

Mr CAMERON THOMPSON—No, that project is happening now. It is going to be completed shortly. That means that it is a power station that does not exist today that will exist. It is a real concern that the member for Hunter says there are going to be no more of them. The Snowy Mountains hydroelectric scheme was an iconic project. There were 100,000 people employed in it over the time of construction. At its peak there were 7,500 people working full time in 1969. Now there are 400 employees working on the
Snowy Mountains project, on maintenance and those sorts of things.

Today it is also a symbol for issues like water management, infrastructure, regional development and energy. It is time for us to look again at infrastructure projects of this sort—this is overdue. The question of water management is becoming quite serious. It is important that we confront the issues of the Murray-Darling river system and the problems that it faces. The Snowy hydro scheme contributes a great deal of very important water into and sustains a great deal of activity along the Murray-Darling system, as well as providing important energy through the electricity industry. The hydro-electric scheme is being corporatised. This bill enables, by agreement with all state and territory treasurers, transactions of the corporatisation project to be exempt from the GST.

In passing, I think it is worth while to note that this process alone demonstrates one of the fundamental points that the government has made about the GST—that is, in order to make any change to affect the base of it in any way whatsoever, it requires the endorsement of all state and territory governments as well as the Commonwealth government. That is precisely what has happened in this case. The discussion about this change has gone to every state treasurer and has been endorsed. I think that is an important point to make along the way, because it goes back to every individual and their concerns about the way in which the GST is structured and framed. That reinforces the strong commitment that the government made that it is not something that can be changed willy-nilly without consultation with, for example, all the state and territory governments.

The Snowy Hydro Corporatisation Act 1997 provided for those transactions to be tax free. However, the A New Tax System (Goods and Services Tax) Act 1999 overruled the earlier act, and this legislation aims to restore the original intent. It is all about cash flow. The subject of the GST brings me back to something that the opposition spokesman said earlier. Unfortunately, the opposition dealt themselves out of all discussion about the GST when they decided that they would pursue this policy of roll-back and not focus on the need for the GST to be as good as it possibly could be for the people of Australia. If the opposition spokesman had wanted to speak about the cost of unleaded petrol versus LP gas, let me say that that was something the opposition could certainly have done if they had only participated. But, no, they deputised everything in relation to the GST to the Democrats and let them have their say on what should and should not be in.

If you look at the diesel fuel scheme, for example—the rebate scheme that applies to diesel fuel—you will see some anomalies that I think should be brought to the attention of the Democrats and the wider Australian public. Those anomalies need to be looked at. If the members opposite feel that there are issues that should be addressed to make the GST operate more smoothly, I would welcome their willingness to cooperate. Instead, the opposition spokesman is still apparently locked into this policy of roll-back, although the rest of his colleagues have thrown it away. He apparently sees the need to merely criticise the government and not offer Labor’s support for amendments that he feels are necessary. This is something that should be a challenge to the members opposite. Shouldn’t they be looking at those aspects of tax policy in our country and, where they have a strong belief that there should be a change, shouldn’t they see whether the government would support them in making those changes?

In relation to the diesel fuel scheme, it is possible that people with on-road trucks, for example, might be using their rebates to cross-subsidise work that should be done by vehicles designed specifically to operate off road—big Euclid trucks and scrapers and those kinds of things. Obviously, a situation in which an on-road truck, an ordinary body truck or a semitrailer can win work over a truck designed specifically to work off road is not correct. That is something that I think is ridiculous. The greater capacity of the off-road truck should mean that it is the ideal vehicle for the job and the thing that contractors doing those jobs should employ. But if contractors take advantage of the on-road
rebate and use it incorrectly—illegally, in fact—to cross-subsidise the work and to get tenders for off-road work, then I think something should be done about it. I certainly believe that discussions along those lines should proceed.

The member opposite speaks about LP gas or solar electricity. I have not heard anything; I am still waiting and listening. Where is his commitment and his undertaking to the government in which he will say, ‘I’ll stand up here and support amendments of this kind’? But, no, there is nothing of the sort. All he is doing is trying to stick something up the nose of the Treasurer to elicit a response and to criticise the government without really contributing anything by way of alternative policy. That is the fundamental vacuum that exists over there. There is no alternative policy. How long is it now? It was 2000 when the new tax system was introduced, and the opposition are still stuck in the same rut they were in before 2000 when they opposed the GST. They will not countenance any discussion of it. The GST exists; it is a fact. It certainly affects the Snowy Hydro Corporatisation Amendment Bill 2002. But, no, the members of the opposition have their blinkers on. They are proceeding down their own track. They cannot see any relevance in themselves or their policies and so they discount them and are not game to advocate them or approach the government in relation to them. I think they should. I think they ought to get out of their rut and participate in the real world.

The construction of the Snowy Mountains scheme officially began on 17 October 1949 and continued right through to 1974. It was a massive project, as I have said, and among other things it was designed to direct the waters of the Snowy into the Murray and Murrumbidgee river systems. I would like to reiterate a couple of points about it, and they come from www.snowyhydro.com.au. You can always rely on the Internet for information. It says:

The Scheme has 145 km of interconnected trans-mountain tunnels and 80 km of aqueducts which collect and divert most of the inflows to the Snow Mountains area.

There are 16 major dams with a total storage capacity of 7,000 gigalitres (Gl), or 13 times the volume of Sydney Harbour. Almost 76% of this capacity, or 5,300 Gl, can be used for electricity generation and diverted to the Murray and Murrumbidgee irrigation systems.

By providing a reliable supply of water west of the Great Dividing Range, the Scheme assists in underwriting the production of $3 billion of irrigated agricultural products in the Murray-Darling Basin each year. It is a huge driver of the economy in eastern Australia, and it is something that we have to protect at all costs. We have to find ways to protect and keep this agricultural income into the future, because if we enable it to decay over time a lot of the important strength of the Australian economy will be lost. It goes on:

The Scheme’s operations are vital to river management, including flood mitigation, flow augmentation during drought and the control of salinity in the Murray River.

That is a significant issue, again, and something which I think is engaging the mind of more and more Australians when we read about problems with the flow of water in the Murray and with salinity. I think all Australians would strongly support measures being taken to address these issues, because the Murray River is an icon. It is an Australian institution. It is part of our environment that I think has been neglected over time and deserves greater consideration. The web site goes on to say:

The Scheme’s seven power stations generate an average of 5,000 gigawatt hours of electricity each year, almost 3.6 times the annual electricity consumption of Canberra.

With a large generating capacity of 3,756 megawatts the Scheme has the capability of providing up to 11% of the total power requirements of mainland eastern Australia at any one time. That is a huge piece of infrastructure that provides strength and reliability in the electricity grid. It goes on:

The Snowy Mountains Scheme supplies 76 per cent of renewable energy that is available on the eastern Australian mainland electricity grids displacing approximately 4.5 million tonnes of carbon dioxide emissions every year.
I want to quote from a book published in 1968 called *Struggle for the Snowy* which was written by Lionel Wigmore. It is illuminating when we talk about what the Snowy hydro scheme was set up for in the first place. One part of the book covers the irrigation aspects and I would like to focus more on that than on power, although I have said that the power infrastructure provided by this scheme is very significant. According to *Struggle for the Snowy*:

Elaborate safeguards against irrigation interests being adversely affected by the use of water for power production—a point on which N.S.W. had been especially insistent—were written into the agreement—

that is, the agreement that established the Snowy hydro—

The works associated with the diversion of the Eucumbene to the Tumut, inclusive of a dam at Blowering to be paid for by N.S.W., were expected to add about a million acre feet a year, or 85 per cent, to the amount of water then available in the Murrumbidgee Valley for irrigation.

With the help of the Parliamentary Library, I have done some conversions and a million acre feet a year is 1,233 gigalitres—that is how much water has been put into the Murrumbidgee Valley for irrigation. The book goes on:

The addition to the Murray Valley waters, taking into account the increase in the capacity of the Hume Reservoir, would be about 800,000 acre feet ...

Once again the library has done the calculations and that is 987 gigalitres. That is another massive input of water to the Murray Valley system. The major inputs began happening in 1955 when the first part of the project came online. The book says:

The additional water would be sufficient, it was calculated, to bring 1,000 square miles of country under irrigation.

Then it goes on to say:

The total installed power-generating capacity of the Snowy Scheme was expected at that time to reach 3,000,000 kW—the equivalent of about three-quarters of the total capacity of all the electricity systems in Australia at June 1957.

It is interesting to compare those forecasts with reality because when you look at those forecasts, in the end the Snowy hydro scheme has been effective in meeting all those expectations and then some. It has been a great contribution to the Australian economy and to the Australian way of life. The book notes:

The annual production of electricity from the Scheme when it was completed was expected in 1951 to be the equivalent of about four million tons of high quality black coal.

The member for Hunter is concerned about Kyoto—a concern that strikes me as strange in someone coming from the Hunter. He is saying we should go against all these coal mines and that sort of thing. Four million tons of high quality black coal is a pretty good outcome for a hydro scheme. Certainly on a world scale, it is no wonder that the Snowy scheme has attracted so much worldwide attention and so many accolades over the years.

I want to move on to the way in which things have progressed with the Snowy hydro. The member for Hunter made a point, saying, I think in more enlightened times, or recently, there have been efforts to take some of the water that goes through the Snowy scheme back and return it into the Snowy River. I have had a look at that because one of the things that concerns all Australians is the health of not only the Snowy but the Murray River as well. There has been a lot of press about the closing of the Murray River mouth and efforts subsequently to dredge it out. I notice that one of Australia’s foremost scientists in the area, Dr Cullen, has expressed concern about the impact of dredging the river mouth. He said that it was a fairly strong measure to be taken when you are measuring up the impact on the environment and the various lakes and freshwater systems down there to the south and east of Adelaide. That area is very sensitive and I think there is concern among people who watch these river systems that a wrong step in relation to the treatment of this problem could result in some very adverse consequences.

Merely dredging out the mouth so that the river can flow might create a short-term feeling of achievement in people from South Australia, and all Australians generally, but if it results in some further ramifications for
the wildlife and the freshwater systems in that area, I think all Australians would be appalled. The channel was put in place on 22 November 2000, and that was the first time that the Murray had flowed out to the sea for 11 months. Going back through the media articles, on 22 January 2003 when the South Australian Premier, Mr Rann, was touring the lower reaches of the Murray he discovered that flows down the Murray had reduced from an average of 5,000 gigalitres a year to 1,850 gigalitres since December 2001, because of three years of unusually dry conditions. Of course, there were major impacts on winegrowers, citrus and stone fruit growers, dairy farmers and all the people reliant on the Murray for water. I also found another article on 12 October 2002 in the Canberra Times headlined ‘Mighty Murray losing battle with the sea’. At the bottom of the article there is this comment:

In 1950, about 3,500 gigalitres of water was diverted from the Murray Darling system each year—they are saying diverted for irrigation uses—now diversions exceed 12,000 gigalitres a year.

I think you will recall my talking about the Snowy hydro—it was measured in acres and feet then, but we converted it to gigalitres—and how much it contributes to the Murray. Back in the 1940s and 1950s, it was expected to generate enough water for the Murray to assist all those farmers and to provide 1,000 square miles of new farming enterprises. Those forecasts were correct, because an average 2,360 gigalitres a year have been added to the Murray-Darling river system. The Snowy scheme has made a huge contribution to the viability of the Murray-Darling system today. The amount of 2,360 gigalitres is a huge addition to the 3,500 gigalitres that were flowing down the river in 1950, and this is something that needs to be endorsed by the parliament. (Time expired)

Mr KELVIN THOMSON (Wills) (7.08 p.m.)—The Snowy Hydro Corporatisation Amendment Bill 2002 makes a change to the Snowy Hydro Corporatisation Act that will allow certain transactions associated with corporatisation of the Snowy Mountains Hydroelectric Authority to be exempt from the application of the goods and services tax.

The original intent of the act was that transactions associated with corporatisation would be exempt from the imposition of Commonwealth and state taxes.

To allow corporatisation of the Snowy Mountains Hydroelectric Authority to proceed in June 2002, the Commonwealth undertook, with the agreement of the New South Wales and Victorian governments, to introduce this bill to exempt the transactions specified under the act from GST. The intent was always there. It was overruled when the GST legislation of 1999 came into force. The amending legislation will ensure that the original intent is restored. The amendment specifically exempts from the application of the GST any supply constituted by the transfer of assets and liabilities of the Commonwealth, New South Wales and Victorian governments, the Snowy Mountains Hydroelectric Authority and the Snowy Mountains Council to Snowy Hydro Ltd upon the corporatisation of the Snowy Mountains Hydroelectric Authority. It does not have any financial impact on Commonwealth revenue or expenditure because, if GST were required to be paid, transactions would be revenue neutral, with GST paid being offset by input tax credits which could be claimed by Snowy Hydro Ltd.

The previous speaker, the member for Blair, noted that the Snowy scheme operated from 1947 through to 1974. It was a massive infrastructure scheme by any yardstick—I dare say the largest infrastructure project that Australia has ever seen. The member for Blair referred to there being 16 major dams set up by the Snowy scheme. The scheme had two primary purposes: firstly, the generation of electricity and, secondly, support for irrigation in the inland areas. The member for Blair also made reference to expressions of concern about the health of the Snowy River and the Murray River. He talked about the recent dredging at the mouth of the Murray in order to keep the river open and flowing into the sea. I believe that these matters are very important and I wish to address some remarks towards them. The previous speaker made reference to Professor Cullen in relation to dredging not being the solution. I would be very surprised if Profes-
sor Cullen’s view was that dredging was not a good idea. The reason for the dredging is that, if the Murray closes and does not flow through to the sea, it would be a recipe for disaster for the Coorong wetlands in particular. The damage to the ecology of that area would be very substantial indeed. I would not be at all surprised if Professor Cullen had said that dredging is not a long-term solution to the problems confronting the Murray-Darling river system—that is exactly right. Dredging is no doubt costly but it is certainly not a long-term solution to the problems that the Murray-Darling system is experiencing. The fact that the river needs to be dredged to be kept open is a sign of the very poor health of the river system. It is that fundamental question of the health of the river system that has to be addressed.

Australia is currently facing the worst drought that we have experienced in decades and, in some parts of Australia, the worst drought for 100 years. There is a national water crisis. If we do not change what we are doing, things will get worse. We are taking too much water from our rivers and our rivers are dying. Because there is not enough water flowing through our rivers, there is deteriorating water quality, native fish are dying and rivers are becoming choked with exotic species and algal blooms. The Murray River closing this year and needing dredging to keep it open is a classic example of that. Scientists estimate that, unless we do something urgently, within 20 years Adelaide’s water will be undrinkable two days out of every five. Those same scientists tell us that, in order to restore the health of the rivers of the Murray-Darling Basin and give them a moderate chance of survival, we need to deliver an additional 1,500 gigalitres of water. The rivers will have less chance of survival if we do not.

This is something that we urgently need to turn our national attention and national focus to. It is also the case that farmers are faced with uncertainty about future water access and there is an urgent need to clarify water access entitlements and provide a national approach that will encourage on-farm investment and innovation in water use. I believe that one of the failures of this government is that it has not been able to provide leadership which would give farmers some certainty to allow long-term planning, which would clarify water access entitlements, which would allow water rights to be traded in appropriate locations, which would guarantee water flows to ensure basic river health as an integral part of any system, which would provide flexibility of water allocation that recognises that natural flows vary seasonally and over time, and which would provide financial assistance to farmers investing in water efficiency improvements and recognise those who have already done so.

It is a very difficult and very complex area of work but it is a very important area of work. On the one hand, we have to ensure that we do not place the entire cost of water reform on the farming sector and, on the other hand, we should not place the entire cost of it on the broader community. It is a shared responsibility. We should not place an unreasonable funding burden on the states or lock governments into uncosted, open-ended compensation payouts. I believe governments can find solutions. The Snowy River is a classic example. The once mighty Snowy River became a trickle, but together the New South Wales and Victorian governments have started putting water back into the Snowy to ensure that it will flow again. It is that same sort of resolve and commitment to action that is necessary to restore the health of the Murray-Darling river system. In my book, part of our approach is that we need a national water policy. It is not a simple matter. It has to involve leveraging private sector investment and providing incentives in recognition of land managers who deliver environmental services such as clean water, fresh air and healthy soils. But unless we do something about these problems the situation will only deteriorate in the future.

In April last year in Corowa, the federal and state governments agreed to a 15-month consultation process to consider three options to increase the water available for the Murray: an environment flow of 350, 750 or 1500 gigalitres. At the time, the federal government hailed this as an historic agreement. In fact, it was simply a decision to make a decision by October this year. In my book, it
was an admission of failure by the federal
government to carry out the necessary con-
sultation over the past five years—five
wasted years for the Murray-Darling. We
cannot afford to have any delays in this proc-
есс, given the situation with the Murray
mouth that I have just outlined. For only the
second time in 8,000 years, the river mouth
has faced closure. Dredging has been a stark
reminder that the Murray has turned into a
basket case and action is urgently needed to
repair it. From 1985 to 1997, the water ex-
ttracted for irrigation from the Murray in-
creased by 76 per cent—a very substantial
increase indeed. Given that sort of situation
continuing, we cannot afford further delays
in dealing with these issues. The price of
delay is the continued demise of our greatest
river system, with all that that means for sa-
linity, water quality and ultimately the
drinking water of Adelaide and quite a few
New South Wales inland towns.

Prior to the COAG meeting in December
last year, the Prime Minister said that water
policy, water property rights and so on were
going to be critical issues at that COAG
meeting. But, again, precious little happened.
The Prime Minister says that he believes
they are important issues and combating sa-
linity is important, but, given the sort of cri-
sis we have with the drought and the health
of the Murray-Darling river system, it is
simply not good enough for the Prime Min-
ister and indeed a number of his ministers to
go around in circles saying that this is
something that the states must resolve. We
need national leadership; we need a national
water policy. We do not need further deferral
going around in circles while the health of
our river system, the basis of our agricultural
prosperity and the health of our environment
continues to deteriorate.

I urge the Howard government to take this
question of water policy and the health of the
Murray-Darling Basin system and treat it
with a great deal more urgency than it has
done to date. We have seen with the Snowy
River that it is possible to do better and it is
possible to find solutions. It is possible to
apply that same sense of resolve to dealing
with the health of the Murray-Darling river
system.

Mr MARTIN FERGUSON (Batman)
(7.19 p.m.)—I rise to address the Snowy
Hydro Corporatisation Amendment Bill
2002 this evening. The bill is unfortunately
directly related to the imposition by the
Howard government of the most regressive
tax ever foisted on the Australian public. I
raise that issue at the outset this evening. In
doing so, I would also like to remind the
House that, in the debate surrounding the
introduction of the GST, we were told on a
number of occasions that the revenue from
the GST would resolve all our revenue
problems as a Commonwealth government
for many years to come. I simply want to
remind the House this evening that the mes-
sage conveyed in the debate about the GST is
far from the truth, as has been borne out time
and time again, especially over the last 12 to
15 months—since the re-election of the
Howard government in 2001. If you have
any doubts about that, then you should not
only think about the pressures being experi-
enced by a significant number of Australians
living from week to week—those in retire-
ment as well as those trying to bring up
young children—as a result of the GST but
also have regard to all the new taxes that
have been introduced since the GST was put
in place. I need only remind the House this
evening that it was the Prime Minister who
actually gave undertakings on a variety of
cases that the Howard government
would be responsible for no new taxes be-
cause he believed that the GST resolved all
the revenue problems confronting the Aus-
tralian community, not only at a Common-
wealth level but also at a state and local gov-
ernment level.

I refer in passing to the sugar levy, the
milk levy and the Ansett ticket tax, just to
name a few of the new taxes that have been
introduced by the Howard government fol-
lowing the introduction of the GST. For or-
dinary Australians merely seeking to raise a
family or to meet costs from week to week,
these taxes have made the impact of the GST
far worse. Such is the potential impact of the
sugar tax, over and above the milk levy. Now
we have the impact of the Ansett tax, the so-
called ticket tax to supposedly meet the cost
of employee entitlements lost as a result of
the collapse of Ansett. It represents an in-
crease in costs to the travelling public and is actually a barrier to jobs in Australia because of its impact on the tourist industry not only in capital cities but also, perhaps more importantly, in regional communities.

Having touched on those taxes, I would also like to remind the House that there is an increase in yet another tax under live consideration by the Howard government. That tax is the passenger movement charge, better known as the departure tax, which is currently at a level of $38. There is an active proposal by the Howard government to increase that tax to something in the order of $50. So much for the Prime Minister’s promises on the issue of the GST and no new taxes!

I raise these issues because the GST did more than seriously affect the standard of living of a lot of Australian workers. In terms of the Snowy scheme, as it is better known, we should also appreciate that the introduction of the GST meant that the original intent of the Snowy Hydro Corporatisation Act 1997 was undermined seriously by the actions of the Howard government. The introduction of the GST effectively meant that certain transactions dealing with the process of corporatisation were no longer exempt from taxation, as was the original intent of the 1997 act. The GST applied to transactions that were meant to be exempt from taxation. For this reason, as has been clearly spelt out by previous speakers on the opposition side, I fully support the Snowy Hydro Corporatisation Amendment Bill 2002 because it maintains the original intent and integrity of the legislation. That is important because the joint owners of the Snowy hydro scheme—namely, the New South Wales government, the Victorian government and the Commonwealth—will be exempted from the GST for certain transactions dealing with the process of corporatisation. This is what cooperative state-Commonwealth relations is about.

As we all appreciate, that is exceptionally important because the Snowy Mountains Hydro-Electric Scheme continues to provide massive benefits to Australia. It is a scheme that continues to operate in the best interests of Australia as a nation. That is exceptionally important to me because the scheme exists as a result of the foresight of the Chifley Labor government immediately following World War II. The scheme was not just about building a new hydro-electric scheme; it also represented, as history shows, a contribution to the dramatic change in the face of Australia. It helped to drive the change in the immigration mix, which resulted in Australia becoming the successful multicultural nation that it is in the 21st century. The scheme effectively meant that we were provided with a reliable, renewable energy supply and with a measure of control for the critical Murray and Murrumbidgee river systems—which has had to be reviewed in more recent times for the reasons outlined by the shadow minister for the environment, the member for Wills, this evening.

Without a doubt, the scheme is directly related to a vision that the Chifley Labor government had for our nation. Their vision was to use the abundant skills that Australia had developed during wartime to build a better future for Australia and, in doing so, to make a vital contribution to a major national infrastructure project of significance to not only Australia but also the world. It was held up worldwide as something that a nation such as Australia could develop in its own right. With Chifley’s leadership, this outstanding nation-building project came to fruition.

The legacy of that vision and leadership, as I have said, is still exceptionally important to Australia in the 21st century. It clearly helped to develop an exceptionally important skills base, across a variety of trades, which then contributed to a range of other infrastructure projects around Australia. We not only got valuable jobs; we also built on what was already a very strong skills base to enable us as a nation to go forward in the 20th century and contribute to our future by undertaking a range of important infrastructure projects at Commonwealth and state levels. But also—and I am proud of this, because it is one of the real legacies of the Chifley Labor government—the scheme contributed to making us a strong, vibrant, powerful, multicultural nation.
The vision and leadership of the Chifley government is, I suggest to the House this evening, in stark contrast to the practices of the current government. By undertaking the Snowy scheme, the Chifley Labor government, with the support of Australia as a nation, made the statement that Australia could be an independent, powerful nation never again beholden to another world power. How different that is today, particularly in the context of the debate that is raging in Australia at the moment about the Iraq situation. Today we have a government that is blindly leading us to war at the bidding of a foreign power, the United States. This is a government that has no vision and is content to sit at the feet of foreign leaders, without proper consultation about what is in Australia’s best interests, and merely tick off a decision of the President of the United States without proper consideration of the potential repercussions for Australia and the neighbourhood in which we live. It is a government that would, in essence, have us as the 51st state of the United States of America.

I raise these issues because they are very important considerations and they take us back to the decision to undertake post the Second World War that huge project known as the Snowy scheme. Our problem as a nation is that we lack a sense of leadership. We have a government that does not have the guts to tell the people of this nation that it has already committed Australian men and women—our young people—to war. This is a government that is not prepared to take the people of Australia into its confidence. What a contrast that is to the vision and leadership displayed by the Chifley government when it chose to build our nation, post Second World War, by undertaking major projects such as the Snowy scheme.

In raising the challenge of the Snowy scheme, I raise a challenge that the Chifley Labor government confronted after the Second World War and that we are confronting now. We have to confront the very urgent need to rebuild our nation’s crumbling infrastructure. It is falling down around our ears. Telecommunications should, for example, catch up with technological change. It is an important infrastructure consideration for Australia in the 21st century from the point of view of not only employment but also—and perhaps more importantly—education and research. As the member for Wills clearly stated in the House this evening, our water infrastructure is hopelessly inefficient and represents serious challenges for the foreseeable future, for example, in the city of Adelaide. Energy cannot keep up with demand.

I reject the member for Blair’s proposition that the shadow minister for resources, the member for Hunter, is opposed to coal fired power stations in Australia. It is about a proper balance in the debate. Labor is right: we should ratify Kyoto, because it is in Australia’s national interest. That is the crux of the debate. Coming to terms with a modern economy and a modern Australia in the 21st century is about having a balance between development and attending to our environmental requirements as a nation.

As the shadow minister for transport, infrastructure, regional development and tourism, I will touch on issues dear to my own portfolio: roads, railways and ports. As I go around Australia on a regular basis, I see them all in need of massive upgrading. In the context of our consideration of the highly successful Snowy scheme, the Chifley Labor government was prepared to lead and to do something, to take on a challenge that no-one in Australia post the Second World War thought we could take on and achieve, after having come through all the trauma and the loss associated with the war; our nation played above its weight in the defeat of fascism. We took on the challenge of the Snowy scheme, and we proved to the world and to ourselves that we can play with the best on any sporting or intellectual field in the world.

Our problem is that we as a nation, because of a lack of leadership at Commonwealth government level, are refusing to take up the challenge of infrastructure development. That is exceptionally unfortunate. The Prime Minister is ignoring the needs of our nation. He is strutting the world stage, basically trying to say what a brave man he is, whilst he ignores his fundamental responsibilities back at home. I suggest that the Prime Minister’s unfulfilled ambition to be
an international statesman is consuming him and that his compliant backbench does not have the guts to pull him back into line. This is not vision or leadership, it is not nation building and it is not taking on the challenge of infrastructure requirements. It is letting our national infrastructure run down and inhibiting national and regional development. It is also contributing to our environmental problems, as evidenced by the failure of the government to seriously confront the problems in our cities of urban development and congestion and to have a debate about how to better use public transport in Australia. I believe there is a role for the Commonwealth in confronting and taking that on. It is about doing the right thing for Australia on a variety of fronts in the 21st century.

Vital infrastructure is being allowed to run down and opportunities throughout the nation for growth and development, and therefore job growth, are being missed. This is a very clear statement of the government’s lack of commitment to building the regions of our nation and to taking on the challenges of the development of sustainable cities. It effectively means that we will walk away from our responsibility to take on challenges like the Chifley Labor government did in years gone by with respect to the Snowy scheme.

That lack of leadership goes to an infrastructure project that I think is important to Australia as a nation, especially to some of our regions in the north. The government has shown a lack of commitment to building the regions of Australia by not confronting the need to ratify the Timor Sea Treaty. Ratification of this treaty would enable development of the Bayu-Undan gas field and the associated LNG processing facility in Darwin. We could do the Snowy; why can’t we come to terms with the Timor Sea Treaty and get on with a major infrastructure project in Darwin—namely, the associated LNG processing facility? It would bring jobs and competitiveness with respect to the supply of energy in Australia, and we would further develop our northern region.

Rather than making the effort to get the required legislation through the parliament this week, the government has unfortunately and unjustifiably delayed the process in an attempt to secure the lion’s share of the royalties from a nation that we owe as a result of the Second World War. That takes us back to the huge achievement of the Snowy scheme in the post Second World War period. We should come to terms with that, pay our debt to the people of East Timor and work out a reasonable share of the royalties. We should get the fledgling East Timor nation on its feet and, in doing so, get major projects under way in Australia.

As a consequence of the delay, the Howard government has put at risk the opportunity for major developments in the Northern Territory that could create more than 1,000 jobs. As a person who represents an electorate in Australia with higher than average unemployment, jobs, jobs and more jobs will always be a priority for me as a member of parliament. When I see projects such as the East Timor gas project being held up, that says to me that jobs are not a priority for the Howard government. This project is a major development that would create many spin-off industries, thereby broadening the industrial base of the Northern Territory and Australia as a nation.

The government dithered on the treaty because it has no vision for our nation and no commitment to projects such as the Snowy scheme—projects that were pursued by Labor when in government, under the leadership of people such as Ben Chifley. The government has no vision for a nation where all regions contribute to our prosperity. A leader committed to our nation and our region would have ensured that the Timor Sea Treaty were ratified in a timely manner as Australia and East Timor would be beneficiaries. It takes leadership to have vision. This was clearly the case when the Chifley Labor government created the Snowy Mountains Hydro-Electric Scheme. Australia has forged ahead as a nation as a result of the leadership of Chifley and schemes such as the Snowy scheme. Now, with the corporatisation of the scheme, it can continue to contribute to our nation.

Transactions related to the process of corporatisation should not be subject to the regressive GST. This bill restores the integrity
of the original legislation, and it is for that reason that I commend the bill to the House. However, I say that it is about time that we did more projects like the Snowy scheme because they are about leadership and infrastructure development. The nation has to say, ‘We are no longer prepared to allow infrastructure to fall around our ears, because it is holding back economic development, holding back skills development and holding back jobs.’ (Time expired)

Mr ENTSCH (Leichhardt—Parliamentary Secretary to the Minister for Industry, Tourism and Resources) (7.40 p.m.)—in reply—The member for Batman would be aware that already there is a very generous offer to the East Timorese with regard to royalties—about 90 per cent of royalties will go to them. There certainly have not been any delays on our part in resolving that issue.

In summing up, I would like to thank the honourable members for their contributions to the debate on the Snowy Hydro Corporatisation Amendment Bill 2002, although there were some on the other side who ranged far and wide from the topic, and at times I had great difficulty in comprehending their relevance to the bill at hand. I would, however, like to particularly thank my colleague the honourable member for Blair for his valuable comments. In particular, he highlighted how this amendment bill has demonstrated how effectively the government’s GST legislation is operating in practice. I remind the House that, under the Intergovernmental Agreement on the Reform of Commonwealth-State Financial Relations, any proposed amendment affecting the GST base must receive the unanimous support of all state and territory governments. All state and territory treasurers have supported the amendment, which, most simply, avoids uncertainties regarding what may have been significant cash flow timing implications for affected parties. I thank the honourable members for their support of the bill, and I commend the bill to the House.

Question agreed to.

Bill read a second time.

Third Reading

Mr ENTSCH (Leichhardt—Parliamentary Secretary to the Minister for Industry, Tourism and Resources) (7.44 p.m.)—by leave—I move:

That this bill be now read a third time.

Question agreed to.

Bill read a third time.
WORKPLACE RELATIONS AMENDMENT (PROHIBITION OF COMPULSARY UNION FEES) BILL 2002 [No. 2]
Second Reading
Debate resumed from 4 December 2002, on motion by Mr Abbott:
That this bill be now read a second time.
Mr McCLELLAND (Barton) (7.45 p.m.)—This is effectively the third time the Workplace Relations Amendment (Prohibition of Compulsory Union Fees) Bill 2002 [No. 2] has been before the parliament. Clearly, much of the debate regarding the competing merits has been canvassed. But at this point in time we in the opposition are entitled to say that the bill is irrelevant, or—as an officer of the minister’s staff said to us when we suggested the need for legislation to protect volunteer firefighters’ employment entitlements—otiose. Surely this bill is now irrelevant, as a result of a decision by the full bench of the Australian Industrial Relations Commission that certified agreements containing a bargaining agent’s fee could not be registered under the act.

As I recall, the minister in his second reading speech said that legal redress concerning this matter had been effectively exhausted. In fact, it had not been exhausted—there was this appeal to the full bench in place. Again, I think the minister acknowledged it in his second reading speech. That appeal has come down in favour of the outcome that the government has been seeking. That is, certified agreements between employers and employees who vote democratically to decide by a majority outcome cannot be registered if they include a provision that non-trade union members are required to pay a bargaining agent’s fee. Clearly, if—in light of that decision—such applications were made, I believe the Employment Advocate, on behalf of the government, would achieve that outcome and there would be no need for this legislation.

This is all about the government seeing this as another attractive potential double dissolution issue. Indeed, we see that most profoundly in the title of the bill—the Workplace Relations Amendment (Prohibition of Compulsory Union Fees) Bill 2002. We have seen that sort of Orwellian speak used by the government, in particular in the workplace relations area, on a number of instances. We have seen the Workplace Relations Legislation Amendment (More Jobs, Better Pay) Bill, we have seen the fair dismissal bill, the fair termination bill—despite removing rights of workers to remedies in both those events—and we are seeing it in this title. There is no suggestion that non-members are being required to pay union fees. There is no recognition that these provisions in agreements could—even assuming the commission permitted registration of the agreements, which, as I have indicated at the very outset, they do not—occur only by a valid majority of workers voting to make the decision. Further, they have to go through detailed provisions to ensure that workers voting on an enterprise agreement have at least 14 days to look at it, that the employer took sufficient steps to explain its terms and provisions and that the Industrial Relations Commission is satisfied that a clear majority of workers supported it.

The minister, in virtually all of the speeches he has made in respect of this issue, has said that the government is about preventing a situation where, say, a painter walks past your house and says, ‘I think that front door needs painting. I’m going to go and paint the front door and send you a bill, even though you haven’t asked for the service.’ We have said that that is a flawed analogy. A better analogy is the circumstances of a unit strata title complex, where strata title members vote in respect of the needs of the unit block. They might vote, for instance, that there needs to be carpet in the common
area. They may simply vote that they need to get someone in to clean out the gutters. Clearly, as often happens in those situations, perhaps not all members of the strata title would be happy with that decision, because inevitably it would mean forking out an additional contribution. Nonetheless, if there is a democratic decision by strata title members for that expense to be incurred, all members of the strata title are required to make a contribution for the acquisition of those services.

Precisely the same thing happens in respect of enterprise agreements—that is, clearly, not every employee is going to be satisfied with each and every provision of an agreement. They may want modifications; they may not even want a provision there at all. They all have the opportunity to contribute to the debate but, at the end of the day, the democratic decision—as it must be, because it applies collectively across the workplace—must prevail. Indeed, it is in relation to that issue that the government’s inconsistency arises. The government’s rhetoric in respect of industrial relations is essentially that of Thatcher’s Britain: a deregulation of the labour market and a winding back of the powers of the independent umpire, the Australian Industrial Relations Commission, on the basis of the government’s philosophy that these workplace matters should be resolved at the workplace with employers and employees being able to agree upon the contents of those agreements which apply to workers working in the enterprise. But there is a proviso in the act that any collective agreement must apply to all employees of the relevant category of work covered by the agreement. That is confirmed in section 170LT, and section 170MDA says that an agreement cannot discriminate between union members and nonmembers.

To enforce that policy, there is a recent example of proceedings commenced by the Employment Advocate, where the Employment Advocate has actually challenged an agreement which provides for particular insurance benefits but only for those members of the union responsible for negotiating the agreement. In a press release giving reasons for his decision, the Employment Advocate has specifically stated that he regards that agreement as being contrary to not only the spirit but also the specific provisions of the act. It is a position in Australian industrial relations that is advocated by all sides of politics, and indeed by both employers and employee representatives, that agreements should apply to all those who are covered and should not discriminate between members and nonmembers, because the effect of discrimination can go either way. In the event of a strongly unionised workplace, benefits substantially better than nonmember benefits could be obtained; equally, there could be an incentive for employers to effectively attempt to deunionise or decollectivise the workplace by offering superior benefits to nonmembers, thereby discriminating against members of trade unions. All sides of the industrial relations debate have said, ‘We don’t want to go down that road. You don’t know where it’s going to end, where it’s going to manifest itself in conflict and, in summary, a collective agreement applies to all employees covered.’

If the majority of employees—and I stress that ‘if’—wants a collective agreement through a trade union, trade unions are required by the legislation to seek an outcome on behalf of all employees. The question of why it is unfair for a contribution to be sought from those persons even though they may not be members of a trade union has been asked. The point has been acknowledged, at least indirectly, by ACCI, the employer peak body, which argued to the government that previous drafts of this legislation were too restrictive because they may have impeded the ability of employer organisations to obtain from individual employers who may not have been members of that particular organisation a bargaining service fee. The reality is that to engage in enterprise bargaining is a tremendously expensive exercise if it is done properly. It is a very time-consuming exercise, and it is in the interests of all concerned to do it properly. In those instances where sound agreements are struck, where everyone ends up being satisfied and included as part of the process, the parties literally sit down, look at the past record of production, the marketing of the products or the service, potential markets, available technology and available skills.
They cooperatively look at the potential for the enterprise, how to maximise that potential and, of course, how to secure a fair slice of the cake for employees.

The more sophisticated trade unions and employer organisations have realised that the best enterprise agreements do not focus simply on how to divide the cake. They sit down and work through how the cake is to be grown and then the mechanisms for dividing it, rather than simply using the form of industrial relations that this government would like to typify trade unions as solely engaging in—that is, disputes over, ‘We want more for our members.’ Clearly, a number of sophisticated enterprise agreements indicate that a tremendous amount of research and work is undertaken by both parties. As I say, it is extremely time consuming and expensive. If trade unions are going to be able to do that properly and assist employees to engage in sophisticated negotiating at the workplace, they need to be able to resource those negotiations. A decade ago, trade unions could get by by having one industrial advocate going along to the Industrial Relations Commission and arguing a blanket proposition that covered all employees in a particular class of membership across an entire industry or related industries. Those days have gone. They were tremendously cost-effective from trade unions’ points of view, but now trade unions literally have to go out to enterprises as satellites and service the membership.

Again, it is a position that all sides of politics supported throughout the second half of the 1990s with the preliminary oversight of enterprise negotiations for the Australian Industrial Relations Commission to approve second-tier wage increases to the 1993 amendments to the Industrial Relations Act which actually secured entrenched enterprise bargaining as the primary means of securing employee entitlements at workplaces through to the government’s provisions. All sides of politics recognise the significance of enterprise bargaining. Indeed, I think it is fair to say that one of the strengths of the Australian economy is the fact that so much effort was put into microeconomic reform, in particular workplace reform, in the late 1980s and through the 1990s. Senator Murray, representing the Australian Democrats in a Senate inquiry into a precursor to this bill, used appropriate terms to explain the argument I have just made. He said it in these terms:

It is hard to see how provisions for bargaining fees should be against the spirit of the WRA and its objects of facilitating agreement making. Agreement making is desirable, and if fee-for-service contributes to that, it is to the good. There is also the issue of ‘free-riders’, by employers on the backs of employer organisations, and employees on the backs of unions. ... We consider it fair that those who benefit from agreement making should make a contribution towards the costs, whether employers or employees. This strikes us as a fair principle.

I think that is a fair analysis by Senator Murray. Indeed, as I will indicate shortly, we supported quite sensible and, we believe, fair and practical amendments that he moved in the Senate setting appropriate parameters and safeguards for the process of enterprise negotiations. Just going back to that quote, there is no doubt that employers obtain benefits from having assistance from employer organisations in negotiating enterprise agreements. They are able to advise them of current norms and best practice models existing in other areas; to generally provide—or, if you like, fertilise—the particular establishment with productive endeavours that have occurred elsewhere. Equally, there is no doubt that employees benefit from assistance from trade unions in negotiating enterprise agreements. It is recognised that the expertise that trade unions have obtained through their experience in negotiating across industries has frequently enabled them to bring expertise to an establishment that has enhanced the overall productivity of the establishment to the ultimate benefit in turn of their members, who are able to take a greater slice of the cake as a result of their contributions to growing the cake in the first place.

The figures are borne out very clearly by data from the Australian Bureau of Statistics which indicates that union members, on average, earn $99 per week or 15 per cent more than non-union members. Union members are far more likely than are non members to be entitled to annual leave: 89 per cent of members against 72 per cent of non-members. They are also more likely to be
entitled to sick leave, 90 per cent against 72 per cent, and long service leave, 85 per cent against 62 per cent. Other benefits, such as paid maternity leave, are provided in 7.9 per cent of union agreements. This percentage is depressingly low. Nonetheless, compare this with the situation for non-unionists: only 2.6 per cent of non-unionists are covered by such agreements providing for maternity leave. According to all available research, trade union expertise in developing occupational health and safety committees and focusing on avoiding deaths and accidents quite clearly is of considerable benefit across the board to union members.

As I said at the outset, if by appropriate compulsion trade unions are required to negotiate—if, say, they are requested to do so by a majority of employees in an enterprise—on behalf of all employees, whether or not they are members, they are entitled to say, ‘Given the expense if we are to do this properly, we should be entitled to seek a contribution.’ At least obliquely, that point was recognised by the Australian Chamber of Commerce and Industry in saying, ‘We want to be able to ensure that employer organisations also are entitled to seek a contribution from non-member employees in instances where those employer organisations assist the employers.’ There are precedents for non-member service fee payments in other jurisdictions. They have existed for some time in, for instance, the United States and Canada. In most of the European countries there is provision for bargaining service fees to be paid by non-members to the trade unions involved in negotiating agreements on their behalf. Recently, the New South Wales Industrial Relations Commission recognised the possibility for agreements to contain provisions requiring payment of a union bargaining fee, and a recent report in the South Australian industrial relations system also indicated that they may be appropriate.

I am already on the record as stating that what many in the trade union movement, who have advocated for the right to charge non-union members a bargaining service fee, have failed to acknowledge—in those jurisdictions where there is provision for these fees to be paid—is that there are inevitably parameters set by legislation requiring transparency of the procedures. For instance, there are the procedures for these agreements to be voted on, to disclose that a fee is being sought, to provide for accounting to those persons as to how their moneys are being used, and generally to provide a safeguard and greater transparency. To those who are advocating for the right to charge these fees, I have said that they should also recognise that it is appropriate to have these parameters. For instance, the New South Wales Industrial Relations Commission said that they needed to be sure before they would approve an agreement that the agreement itself was consistent with the objects of the act. They also needed to be assured that the rules of the union had provision for the union to actually charge the fee, and I surmise from reading that there were appropriate accountability procedures in place in the rules.

That is very much where the Democrats were coming from in the Senate, with our agreement, where we moved constructive amendments to the bill to set those parameters. I suppose the government is entitled to say, ‘What are you talking about? You argued here at the outset that these union bargaining fees are a non-issue because of the decision of the Australian Industrial Relations Commission that says union bargaining fees cannot be included in an enterprise agreement, and if they are included in an enterprise agreement they are not going to register it. Why are you now talking about setting parameters to recognise the existence of these agreements?’ There is a simple answer to that. Clearly, as a result of the decision of the New South Wales Industrial Relations Commission that says union bargaining fees cannot be included in an enterprise agreement, and if they are included in an enterprise agreement they are not going to register it. Why are you now talking about setting parameters to recognise the existence of these agreements? ‘There is a simple answer to that. Clearly, as a result of the decision of the New South Wales Industrial Relations Commission—the state where, still, the greatest number of workers are employed—and as a result of likely developments in South Australia and possibly elsewhere, there will be the facility for agreements containing non-member bargaining fee provisions to be registered in the state systems.

The government and the Democrats are on the record as saying that there needs to be a uniform industrial relations system. We are on the record as saying that there is a need
for greater uniformity in industrial relations, even though we oppose an all-embracing legislative approach through the Corporations Law, for instance. We advocate to the contrary, that a uniform scheme can be developed through cooperative arrangements with the states. However, we all recognise that you do not want greater fragmentation unless the government recognises the reality of enterprise negotiation situations. I have to say, I agree with the general views of those in the trade union movement that it is the first priority of trade unions to secure membership as opposed to requesting payment of a bargaining fee from non-members.

While that is my position, the facts of the matter are that there will be instances where there has been a culture of freeloading and where, despite substantial support for collective agreements to be negotiated by a trade union, there may be workers who have been content to obtain the benefits of that collectivism but not make their contribution—to the ire of the particular employees concerned. There may be instances where the employees in the establishment seek to have a service fee provision included in the agreement. The ACTU has made it clear time and time again that they do not see these non-union bargaining fees as something to be imposed by union executives. They see them as something to be included in enterprise agreements—if that is the wish of workers on the workshop floor or in the office environment or the enterprise generally. These things very much depend upon the feel of the individual workplace.

I think it is the case that very few unions have actually sought to recover bargaining fees from non-members. Anecdotal comments made to me indicate that, in instances where they have been sought, it has been more to stress to those non-members that there is actually a tremendous amount of work provided by unions in achieving these agreements. It has been done symbolically, if you like, to indicate that the union has given them a valuable service in securing these outcomes that are going to bind their employment conditions, usually for three years—indeed how their lifestyles will function substantially, as a result of the arrangement of rosters, time off, rates of pay and family friendly provisions, should they exist. So this is why those in the trade union movement who have advocated non-member service fees to me have said they have been valuable in just stressing the provision of that service.

Coming back to where I started on this particular point: why are we moving our amendments? Because of the reality that there will be instances where employees will collectively, by majority decision, decide to have a non-union service fee included in their agreement. We do not want a situation where there is a separate and distinct agreement simply referring to non-union bargaining fees, or some other dispute resolution matters, being hived off to be registered in the state system. Indeed, we do want to see an attempt to shift the whole agreement making focus to a state system. We think it is far better to recognise the reality and set parameters in place for those agreements.

I will briefly outline the amendments we supported in the Senate and will move in the House. They are basically that fees clearly cannot be charged of someone who has paid a union membership due to a particular union; that the fee must be explained to them in clear language, in writing, in advance of the vote on the agreement; that details of the services to be provided by the fee will be set out; that all employees affected by the agreement will be advised prior to the bargaining what it will be, enabling the Australian Industrial Commission to determine fairness; and that the fee specifically can only be included by a clear majority of members, providing for greater transparency.

I now move:

That all words after “That” be omitted, with a view to substituting the following words: “whilst not opposing a second reading, the House condemns the Government for its simplistic and divisive industrial relations agenda that is failing to address the needs of Australia’s working families”.

That point is made by this legislation, which is unnecessary and which is entirely for the purpose of seeking a double dissolution, again for divisive reasons rather than ad-
addressing those needs of the Australian working community. *(Time expired)*

The DEPUTY SPEAKER (Mr Barresi)—Is the amendment seconded?

Mr Snowdon—I second the amendment.

Debate interrupted.

PERSONAL EXPLANATIONS

Mr DANBY (Melbourne Ports) (8.17 p.m.)—Mr Speaker, I wish to make a personal explanation.

The DEPUTY SPEAKER (Mr Barresi)—Does the honourable member claim to have been misrepresented?

Mr DANBY—Yes.

The DEPUTY SPEAKER—Please proceed.

Mr DANBY—In his speech today in response to the censure motion, the member for Mayo, the Minister for Foreign Affairs, claimed that no member of the opposition had asked him questions about Iraq. Since the passage of resolution 1441 on 8 November 2002, I have mentioned Iraq 52 times in speeches and I have asked the Minister for Foreign Affairs four questions on notice.

WORkPLACE RELATIONS AMENDMENT (PROHIBITION OF COMPULSORY UNION FEES) BILL 2002 [No. 2]

Second Reading

Debate resumed.

Ms PANOPOULOS (Indi) (8.18 p.m.)—I rise to support the Workplace Relations Amendment (Prohibition of Compulsory Union Fees) Bill 2002 [No. 2] and I do so with great pleasure. Before specifically addressing the bill, I would like to pass comment on the member for Barton’s presentation. I was astounded that he drew an analogy between strata title ownership and compulsory union fees. As the Minister for Employment and Workplace Relations has stated before in this place, the member for Barton is a nice bloke with a bad brief. How desperate can you possibly get to draw an analogy between a particular sort of property ownership, which people choose and go into with their eyes open, and something that is a basic need for everyday Australians—that is, to have a job. In other words, if you do not pay your union fees and you do not have the union ticket, you cannot have a job.

The member for Barton went on to applaud the previous Labor government’s term in office and he spoke about the workplace relations reforms in the late 1980s. He did not give us any facts, though. He did not remind us that it was under the previous Labor government that unemployment reached its highest levels since the Great Depression—10.9 per cent. Even under the then minister for employment, who is now the Leader of the Opposition, the unemployment rate was 10.3 per cent. I am very pleased and proud of this government’s record. Currently, the unemployment rate in my great electorate of Indi is only five per cent. Admittedly more needs to be done, but that is an encouraging sign.

The member for Barton said that this government was failing to address the needs of Australian families. If there is anything that can be said about the previous Labor government, it is that their record on growth in real wages was disgraceful. Even the lowest paid Australian workers during the term of the last Labor government suffered a five per cent decline in real wages. Teenage unemployment peaked at 34.5 per cent. That was failing to address the needs of young Australians and of Australian families, and it was absolutely disgraceful. The member for Barton listed the benefits enjoyed by union members as opposed to non-union members. Why doesn’t he give those statistics to the Labor Party’s union mates so they can go out there and convince Australian workers of the benefits of membership?

The principle behind this bill is one we should all welcome, and I certainly do. It is a principle that should be an integral part of every democracy: the principle of freedom of association. The member for Barton spoke about ‘appropriate compulsion’. If that is not a buzzword to hide forcing workers to hand over their hard fought money to union bosses without any good reason then I do not know what is. I do not believe Australians appreciate this doublespeak. It is not appropriate to force people to pay any money to a union. Our democracy, forged by the great pioneers
of this nation and built by subsequent generations, unfortunately has been diminished over the decades by the persistent abuse by unions that force employees to hand over their union fees. At the end of the day we have all seen in black and white that the beneficiaries of this sort of abuse have been the union bosses and the Labor Party.

When I spoke on this bill’s predecessor, which was debated last year, I mentioned the comments of John P. Curran, who stated that eternal vigilance is the ‘price of liberty’. In a similar vein it was Lord Acton, Professor of Modern History at Oxford and Cambridge in the late 19th century, who commented that freedom is the ‘highest political end’. It is this type of hard-fought democratic freedom that we on this side of the House seek to uphold in Australia today and which we strive to defend through this bill. My reference to Lord Acton’s rightly held disposition lies within the democratic rights underlying the principles of this bill—that is, the freedom of association—and upholds the principles needed for a complete overhaul of laws that force Australian workers to pay union fees.

It is curious that we find ourselves again debating this bill. Many times throughout the past year people were perhaps led to believe that the Australian Labor Party had made some difficult and necessary decisions in relation to reducing union influence over its policy structure and members. But it seems that little has changed, because, 60/40 or 50/50 rules aside, the union bloc’s control over the Labor Party has only been strengthened, and its absolute refusal to pass laws prohibiting the payment of compulsory union fees is a brilliant illustration of this. So, once again, we find ourselves in this place debating this bill that, by now, should have been enshrined in legislation. The inability of the Labor Party to stand up to their union bosses who provide the veritable slush fund of donations is the reason why Australian workers are still having to pay a union tax even if they are not union members. Attempts to buttress the financial position of the union movement, which in turn becomes a blank cheque for the Labor Party, are the main reasons that members on the opposite side have so far refused to accept the need for this bill.

Basically, when we look at this issue in detail, we are debating whether a form of conscription of an industrial relations nature should be allowed—and it is clear that the Australian Labor Party fully believe that it should. That is what the militancy inherent in the union movement and the ALP is about. It is a capricious attempt to stymie any freedom of association measures which should be available to any worker in any democratic society. Labor’s greedy and desperate attempt to hold onto ill-gotten financial gains through compulsory union fees underpins their interpretation of democracy. The Labor Party believe that there should be an elite number comprising Labor Party officials and unions bosses who are best qualified to make decisions for Australian workers. To the Labor Party, the working man and woman are just a source from which funds can be sucked.

Why don’t they trust the judgment of individual Australians to make up their own mind about which organisations and what clubs they wish to join? We on this side of the House believe that an individual worker can best decide whether holding a union ticket is in their best interests. It is a decision solely for the worker who will fork out the money to pay for such membership. The Labor Party is really saying that the worker cannot be trusted to make up their own mind about how to spend their own money. Compulsory unionism flies in the face of what it is to be Australian. It flies in the face of the democratic nature of Australian institutional practice and history. The fact that workers are forced or coerced into paying union fees is at best a sectarian anachronism, appeasing only the union movement which speaks—in some instances of the private sector—for less than 20 per cent of the work force.

One major facet of the ground-breaking Workplace Relations Act is the entirely proper notion of freedom of association. We often hear of the benefits of choice, usually most loudly from members on the opposite side. However, it seems that the proponents of choice fall short of imposing their pro-choice precepts upon us only when it comes to issues such as the payment of the compulsory union fee. This sort of selective thinking
entirely undermines the insistence on payment of this futile tax on non-union employees. Indeed, the full bench of the Australian Industrial Relations Commission declared that it is fundamental to the notion of freedom of association ‘that employees should be free to join, or refuse to join, industrial organisations and not be subject to discriminatory action or victimisation on account of their choice’. Such a commonsense verdict underpins the government’s approach to this matter, and I find it somewhat curious that we are here again debating this bill. It is Labor’s inability to move into the 21st century, together with the Democrats’ acquiescence in the Senate, that has held up this bill.

This government’s conviction through the Workplace Relations Act advocates and argues very lucidly the fact that employees have the opportunity for freedom of association. Such a position not only reflects the contemporary, modern-day attitudes to the workplace in Australia but is a fundamental principle that underpins the beliefs of the Liberal Party. We reach a deep chasm in contemporary economic and workplace thought when the union movement simply imposes the union fee upon both unionist and non-unionist. They use this as a smoke-screen, as if such fees are part of an arrangement of fairness where everyone contributes to a mutually acceptable framework of workplace equity. In reality, we all know that is not the case.

Through the imposition of bargaining agents fees, the notion of freedom of association is further abused. Such a fee—and sometimes it can be more than $500 a year—is higher than the level of annual union membership and once again highlights the coercion involved in this outdated and unwarranted practice of union taxation for non-union workers. Last year, the amendments suggested by the Senate would have made this bill unworkable and only achieved more tokenism in prohibiting the union fee. Compulsory bargaining service fee clauses would have been removed from workplace agreements.

No-one can say that this government has not been up-front with the Australian people on this issue. The notion of removing the compulsory union levy has, for a long time, been part of the government’s agenda for giving working Australians greater freedom. Voluntary unionism has certainly been a noble objective that I have ardently pursued since my time at university many years ago. It speaks volumes about the calibre of conviction politics on this side of the House that many of my colleagues, including the member for Casey and many others from previous political generations, were also engaged in the battle for freedom of association while they were on campus. I was fortified then, as I am now, in the belief that no-one should be forced to join a union and no-one should be forced to hand over their hard-earned money to an organisation in which they do not believe. Worse still, they should not be forced to hand over their money to an organisation that uses such funds to campaign on issues with which the forced union membership does not agree.

Australians value the democratic nature of the principles underpinning the concept of freedom of association, even if some within the union movement and the Labor Party believe that giving workers a choice is a bad thing. Freedom of association should not be under attack in any contemporary industrial relations system. Its underlying message should be embraced. Employers and employees alike rightly value the principles of freedom of association, and therefore we must ensure that further spoiling tactics to block this urgently needed legislation are defeated.

Compulsory union levies and bargaining agents fees should not be seen as methods of countering the steady decline in the union affiliation of Australian people. The Australian workplace relations system inherently recognises the importance of registered workplace organisations and, subsequently, confers even greater representational rights than currently exist in many other industrialised nations. However, we see now that Australian workers are voting with their feet
against unionism and rightfully embracing the ideals of freedom of association and voluntary unionism.

The arguments for sustaining the system of compulsory union levies seem even more antiquated than has been obvious in the past. I was recently bemused to read a billboard that soared over the Tullamarine Freeway proclaiming ‘Howard and Abbott—industrial firebugs’. I wonder what reaction such a billboard would receive if the roles were reversed and the government had a free kick against the unacceptable militancy of the trade union movement. This militancy was seen as recently as last week, when close to 5,000 construction workers blocked city streets to support their embattled boss, Martin Kingham.

I began my remarks today with a quote from Lord Acton, and it is fitting that I close with remarks made by him on the exercising of liberty and freedom in society. He said: Laws are made for the public good ... The public good is not to be considered, if it is purchased at the expense of an individual.

The individual worker’s position is indeed strengthened through the provisions of this bill and the democratic certainty inherent in it through the increased conferring of the freedom to associate. Perhaps if Lord Acton had seen the recent militant protests in Melbourne’s CBD and other union activity of late, he may have made similar comments on power and the abuse of power to those he made back in 1887, when he said: And remember, where you have a concentration of power in a few hands, all too frequently men with the mentality of gangsters get control. History has proven that. All power corrupts; absolute power corrupts absolutely.

We need this bill to ensure that democratic principles are upheld and that the powerful arm of union coercion which inflicts the compulsory union levy on Australian workers is eliminated.

Compulsory union fees represent a violation of age-old democratic freedoms and a financial imposition that we could do without. Whilst the union movement has a stranglehold on the ALP, it certainly does not have a monopoly on ensuring fairness for Australian workers. As the workplace relations minister duly noted: I’m not anti-union and nor is the (building industry) royal commission anti-union. It’s about re-instituting lawfulness.

A good start to achieving lawfulness and our democratic principles of freedom and freedom of association would be to pass this bill as it now stands. For this reason, I commend the bill to the House.

Mr BRENDAN O’CONNOR (Burke) (8.34 p.m.)—I rise tonight to speak on the Workplace Relations Amendment (Prohibition of Compulsory Union Fees) Bill 2002 [No. 2]. I am afraid to say that the member for Indi’s speech which I have just listened to is founded in ignorance. That was exemplified most by her comparison of campus politics with workplace matters. It also illustrates the fact that many of those on the other side who like to attack workers or their representatives do so with little understanding of and experience with working people and working families. As I said in my first speech in this place, over the last six years this government has acted in a duplicitous manner when it comes to dealing with unions. Clearly there have been two standards applied by this government: one for unions and their members, from ordinary working families; and another for senior corporate executives and directors. This double standard was on display again today.

Today we saw the Labor amendments to the Corporations Amendment (Repayment of Directors’ Bonuses) Bill 2002 defeated on the floor of the House. Why were they defeated? My answer is that they were defeated because this government has no interest in pursuing those directors. The directors of Ansett, One.Tel and other similar organisations have ruined those companies, in many cases have lied to the shareholders and effectively have lined their pockets at the expense of working people. But the government failed to act and accept the amendments proposed by the Labor Party. This is not only because of their association with many of those directors and executive officers but also because they are more focused upon how they can best diminish employees’ rights and union rights in the workplace.
As I said last night in speaking to the corporations amendment bill, the government let the crooks off the hook while maintaining an unhealthy obsession with unions and the capacity of unions to bargain for employees in the workplace. The Workplace Relations Amendment (Prohibition of Compulsory Union Fees) Bill 2002 [No. 2] is just another attempt to weaken the collective rights of Australian workers. The other matter of relevance that I raised in my speech was the manner in which the government say one thing and do another when it comes to industrial relations. In my first speech I said:

Having lectured to employers and employees on the need to diminish third parties to industrial instruments, the government looms as the greatest meddler of all in workplace matters.

I think it is fair to say that this bill exemplifies the contradiction between what the government say and what they do. When it comes to things that they do not particularly like, they will intervene—regardless of the employers’ view, regardless of the employees’ view and regardless of the views of the employees’ representatives. They will intervene because they are driven by ideology.

Having established the principle that only parties to a certified agreement determine the provisions of that agreement, the government is intervening to seek to proscribe those matters, which should be left to the parties to an agreement. Let us be very clear on what is required to incorporate a bargaining agency fee into a certified agreement, pursuant to the Workplace Relations Act. There were some misleading comments tonight from the member for Indi with respect to determining the provisions of a certified agreement. The title of the bill would have one believe that there is a compulsion to pay a fee.

I do not want to give a lesson to everybody, but it seems that many people are ignorant of the facts about the basic industrial relations system that we operate under. Pursuant to the Workplace Relations Act, all terms of a draft agreement have to be provided to the parties 14 days before a ballot is held to accept or reject the provisions. All terms have to be explained to all employees in order to establish that the contents are well understood. Ultimately, a valid majority is needed before an agreement can be approved or certified by the Australian Industrial Relations Commission.

There are some other tests as well. The agreement needs to pass a no-disadvantage test, although I should note that the no-disadvantage test has been severely weakened since this government came to office. I say ‘severely weakened’ because the no-disadvantage test is a comparison of proposed conditions with award conditions instead of a comparison of the proposed conditions with the current conditions of employment. The no-disadvantage test is there to provide some protection, but there has been a weakening of that provision.

There has also been a narrowing of those matters that can make up an award. This government has introduced section 89A of the Workplace Relations Act, which has limited the capacity for parties to negotiate. So, even if an employer wished to have a provision in an award, this government has made it unlawful. In the government’s last term in office, it has focused its energies on limiting awards that cover industries and removing from awards what have been industrial matters for 100 years. That is the government’s obsession—to remove things from awards. The government always said, ‘That’s okay, because you can negotiate enterprise agreements. You can negotiate matters between the parties in the workplace.’ But that did not suit the government, because it realised that some employers out there are reasonable and want to negotiate outcomes and reach agreement, as do employees and their representatives. Now the government is looking to limit what is allowable in a certified agreement, which is an agreement made between the parties. That is certainly contrary to the rhetoric of the government, but it is also contrary to the spirit of parties to the agreement making decisions for the parties concerned and not for third parties.

There are many processes in place so that employees can fairly determine what they agree to and what they do not agree to, just as there are processes for employers to do the same. It is very important, therefore, to clarify exactly what has to happen with respect to the bargaining agency fee. The proc-
cess that I mentioned has to occur first. If a minority of employees in the process opposed the bargaining agency fee clause, the provision would apply to them, just as it would apply to a minority of employees that opposed changes to penalty rates. On occasions, employees will not agree to changes to penalty rates, because the penalty rates might be reduced in favour of some other benefit that might come to the work force. Those workers have a right to vote for or against the agreement but, if a majority of employees determine that that agreement is to be approved or certified, the majority determines the outcome for all provisions. Therefore, if a majority of employees are not interested in having a bargaining agency fee provision, then it will not be applied to them.

It is not logical, nor is it honest, to say that there is a compulsion to apply this provision to the work force without their agreement. The same mechanism that applies to changing shift arrangements, penalty rates or other matters applies to the bargaining agency fee provision. I consider this principle to be sacrosanct. As a principle it means that, regardless of the type of provision that has been determined, it is determined consistent with every other.

I am aware that there are some legal uncertainties about this type of provision. Indeed, the matter has been considered by the Industrial Relations Commission on a number of occasions, and it has been considered by the Federal Court. There have certainly been some decisions that would suggest that there are some concerns around whether there is a capacity to enforce the provision on the basis that it is not between employees and employers but between two other parties. The fact remains that the way in which this matter is determined and agreed to at the workplace is agreed and determined by the work force and the employer, pursuant to the act. I consider that the right to negotiate enterprise clauses must remain the prerogative of the parties to the agreement.

I read the Senate committee’s report on the bill, which was produced in May last year. I certainly agree with the sentiments expressed by Labor senators: not only is the clause consensual but there is already a capacity under the act to allow employees to employ an agent and pay that agent to negotiate an Australian workplace agreement—that is a fantastic Orwellian term; don’t get me started on Australian workplace agreements! But the fact is that, with respect to individual contracts—AWAs—under section 170VK of the Workplace Relations Act the union can not only negotiate the agreement for employees but also charge a fee for service. That fee for service is able to be charged at present under the provisions of the act but should still be extended to enable the same at a workplace level for employees. As someone who has been involved in negotiating many enterprise agreements, I have heard enough people tell me that they do not want to pay a union fee, but I cannot remember too many employees telling me that they do not want the wage increases resulting from a determination of the agreement. I do not remember one employee saying, ‘On principle, I don’t want to join a union and on principle I won’t receive the moneys that have gone well beyond the award as a result of negotiation by the delegates and the union officials who have been involved in the discussion.’ I have never seen that happen.

I might not agree, but I would have some respect for someone who said, ‘I don’t wish to be in the union. As a matter of principle I won’t, therefore, be a beneficiary of the outcomes of the agreement because I would feel that I was being a freeloader. I would be getting something for nothing if I chose to take the money and accept the conditions of employment but didn’t put anything back in in the same way that the majority of employees are doing.’ It is important to recognise that it is not only a matter of process, which I said I think is fair and transparent and can be applied under the Workplace Relations Act, but an underlying matter that goes to the heart of who we are as a society in terms of the way we operate, whether it is in the workplace or elsewhere.

I know there is enormous resentment in workplaces when people say, ‘I’ve received the money and I didn’t have to pay the union fee,’ knowing that the union, its delegates and other workers have spent all their time negotiating the bargaining agreement. There
is a big issue there. It is certainly an issue that arises in workplaces. I think it is important that, even though there are issues that go to whether this matter should finally be determined legally, this government should not be moving down the path that will prevent the parties at the workplace level determining what they will have in or out of agreements.

The minister for workplace relations should not be introducing legislation to stop what parties have agreed upon. It is also important to note that, given the fact that people are indicating that somehow this is in breach of the freedom of association and International Labour Organisation conventions, this country would be in a minority when compared with many countries that we see as comparable to our own if we did not accept bargaining agency fees. Bargaining agency fees operate in the United States, Canada, South Africa, Switzerland and many other countries. This is not a new phenomenon; this is not something that is outside the provisions or the boundaries of the ILO. This provision is a standard provision in many countries that we in some way compare ourselves with, at least with respect to industrial relations. I also noticed that the Democrat senators in the aforementioned Senate report said:

It is hard to see how provisions for bargaining fees should be against the spirit of the WRA and its object of facilitating agreement making. Agreement making is desirable, and if fee-for-service contributes to that, it is to the good.

There is also the issue of free riders—employers on the back of employer organisations and employees on the back of the unions.

The Democrats—a party that has no union affiliation; they have no pathological hatred of the unions as many on the other side of this House have—have indicated, I think quite rightly, that they believe that it can facilitate better agreement making. They make the point that there is an issue with people riding on the back of everybody else. This notion of freeloaders on your work mates is un-Australian, but I may return to that a little later.

Let us look at what has happened in the last 15 years. Why is it that there has been so much pressure to find resources to bargain at the workplace level? Our system has evolved from a very centralised—many would say inflexible—system to a decentralised one, to a system that has devolved authority. It was a system introduced by a Labor government, not a tory government, that changed the nature of centralised wage fixing. We introduced a system that gave rights to people to make decisions at the workplace level. We introduced a system—and it was a courageous decision—that was not entirely welcome by all in the union movement, because it changed things fundamentally. Certainly, the change itself created some problems but it was there to ensure that there would be productivity improvements and to ensure that there would be more empowering of workers at the workplace level. But it came with protections. It came with protections for workers and it ensured that there was a real no-disadvantage test, comparing proposed conditions with current conditions. It had a decent award system that is no longer in place. The safety net award system is so far below actual rates these days that it is hardly worth having for those covered by a certified agreement.

This government has sought to strip away entitlements. Since its election, the Howard government has grabbed on to this new system. But instead of saying, ‘There is quid pro quo with this decentralisation; we’ve brought it about to produce flexibility but we’ll ensure protection for workers’, this government has said, ‘No, we like decentralisation, but now let’s remove the protections as well. We’ll impose all the requirements on workers to negotiate their own conditions of employment. We won’t give them resources. We won’t allow their representatives to gain resources through the provisions of the act, and we’ll remove as much protection as we possibly can to make their life just that bit harder.’ That is what has effectively happened since 1996. That is what is happening today with the introduction of this bill. This is the third time it has been in this House.

This is about dismantling the mechanisms by which working people, ordinary working
families, have a capacity to negotiate an outcome for their livelihoods at the workplace level. Whilst there has been bipartisan support for the move to a more decentralised, devolved industrial relations system, where we differ is that this government has looked to strip away the protections for working people. It moved to prevent the capacity for unions to charge a fee because it does not want these resources to be at the disposal of working people when they are negotiating with the HR managers and the employers. The fact is that, in reality, under a workplace agreement—if anyone on the other side had actually been at the workplace level as an employee delegate they would realise this; I imagine they have not—

Mr Hardgrave—Is that like being a unionist?

Mr BRENDAN O’CONNOR—the resources that are given to workers are very few without unions. That is the reality.

Mr Hardgrave—You are just a union hack.

Mr BRENDAN O’CONNOR—A few people are getting excited over there. They are not interested in working people. We know that when you attack unions you attack working families. That is what hurts you most. When the government raises the issue of unions, it really means working families. That is what it means. When the government attacks unions, it attacks working families. I actually oppose this bill, but I support the amendments moved by the shadow minister. The amendments are decent. I support the comments made by the Democrats in the Senate. The fact is that working families will identify the motives behind the government’s actions on this issue. I ask all members of the House to support the amendments and, if they fail, to oppose the bill.

Mr LINDSAY (Herbert) (8.54 p.m.)—I rise to speak on the Workplace Relations Amendment (Prohibition of Compulsory Union Fees) Bill 2002 [No. 2]. I have listened carefully to the contribution of my friend the member for Burke. While I understand some of the points he has made, I think he fundamentally misunderstands what this country is about. I am surprised he says that when someone attacks unions they are attacking Australian families. I wonder if he has looked recently at the percentage of workers who have union membership. I do not think you can logically draw the conclusion that he has drawn. My fundamental point to the member for Burke is that I understand that unions can do good things. The government understand that unions can do good things. We are not against unions; we think people should have the opportunity, if they wish, to be a member of a union. But the unions must stand in the market in the same way everybody else stands in the market. It does not matter who you are. If you want to sell your services and your good works, then you have to convince your customer that you can do good things and that it is worth while paying a fee to a union to take advantage of the benefits offered by union membership.

I do not think it is reasonable to say to employees that they must pay a fee, whether they like it or not. It is a fundamental principle that an employee—or whoever else, such as a customer—should make their own decision as to whether they spend their dollars and buy the services that are offered by whatever organisation it happens to be. The unions have to stand in the marketplace just like everybody else. It is also important for members of the opposition to declare a conflict of interest in this debate. The problem many Australian workers have is, effectively, that they do not like being put in a position of paying a compulsory fee which is nothing more than their hard-earned dollars going to the Australian Labor Party. That is unfair. All of the members opposite are required to be a member of a union. The argument that we see, of course, indicates that the opposition is arguing on behalf of the union movement. We are seeing opposition to the Workplace Relations Amendment (Prohibition of Compulsory Union Fees) Bill 2002 [No. 2] because if this bill does not control the compulsory element of this the Labor Party stands to gain income support for the party. That is what it is about, and that is what we all understand.

I will make this interesting observation to the parliament. If the Australian Labor Party
supports the notion that there should be compulsory bargaining fees in certified agreements, then to be consistent with that principle perhaps it should be considering supporting the notion that employers should be able to compulsorily charge fees for the training of employees. That is an interesting notion, and I would be interested to hear a response to it from members of the opposition. I know many employers who spend a fortune training their employees only to see them resign, go out the door and take with them all of the investment the employer has made in them. I invite the Australian Labor Party to consider that scenario, because that is certainly something that is implicit in the Labor Party’s support for tossing out this particular amendment bill before the parliament tonight.

The second reading amendment that has been moved says:

... while not opposing a second reading, the House condemns the Government for its simplistic and divisive industrial relations agenda that is failing to address the needs of Australia’s working families.

I just wonder whether the Australian Labor Party has had a look at the wages that are paid to Australian workers and how they have very significantly increased in real terms in the life of this government. I wonder whether the Australian Labor Party understands that industrial relations reform has probably been the most significant reform in the last seven years—far more significant than tax reform, for example. It has changed the face of this country and it has contributed very significantly to the economic wellbeing of the country. Running a very strong economy—in fact, one of the strongest economies in the world—is the best thing that a government can do for its people. That is certainly something that has been very much demonstrated.

Debate interrupted.

ADJOURNMENT

The DEPUTY SPEAKER (Mr Jenkins)—Order! It being 9.00 p.m., I propose the question:

That the House do now adjourn.

Shortland Electorate: Fernleigh Track

Ms HALL (Shortland) (9.00 p.m.)—On Sunday, 2 February, I attended the official opening of the Fernleigh cycling and walking track in my electorate. The track goes along the old Adamstown to Belmont rail track. It was a very special occasion, as it brought together people from a variety of groups and with a variety of interests. There were representatives of the three levels of government and there were cyclists, walkers, families, local historians, local residents and former workers on the Adamstown to Belmont line. The restoration project was jointly funded by Lake Macquarie City Council, Newcastle City Council and the New South Wales government. The New South Wales government provided 50 per cent of the funds, and it was a joint project with the two councils. The track is very special because it provides an easy, peaceful and safe transport route. The track aims to link people and places, and it does that very effectively. That was very obvious on the day, as there were hundreds of people there. The track provides the opportunity for escape. It is right in the middle of a busy, urban area but, once you find yourself on the track, you are surrounded by nature. It reflects our cultural heritage.

The Fernleigh Track is a former railway line that once snaked its way 15 kilometres from Adamstown to Belmont. It was constructed in the late 1880s and was used to transport coal from Lake Macquarie areas to the port of Newcastle. The Adamstown to Belmont rail line contributed to the development of both Newcastle and Lake Macquarie, particularly the eastern side of Lake Macquarie. The train trip took around an hour and was frequently taken for weekend excursions. The last scheduled steam train ran in 1967 and the last passenger train in 1971. During the 1980s coalmines along the track closed. The last coalmine, Lambton B, closed in 1991. Local historian Ed Tonks was at the opening, and he told of how the first passenger train on the line was unable to get up the incline because there were so many passengers on it and another train had to be sent from Newcastle to help push it up the incline. So it has a steep history! It relates to
the area, to the coal mining history and to the transport corridor. Geographically, it passes through a bushland setting and is exquisite. You could go anywhere in Australia and not find a setting as good as that of the Fernleigh Track.

The restoration of the track included the restoration of the Fernleigh Tunnel, which the train passed through. It became unsafe and was closed about 10 years ago. There has been a great effort by the community on this, with a whole-of-community approach. Everyone has joined together to see that the walking and cycling track and the tunnel are there for everybody. There is great vision for the area. The track links through the Glenrock State Recreation Area, which is managed by the New South Wales Parks and Wildlife Service, and it goes from Kahibah and gently to the highest elevation at Whitebridge. From Whitebridge, it goes down to Redhead and then to Belmont.

We have long-term visions for the track, but the challenge is that we need funds to continue. Unfortunately, to date the federal government has not supplied any funds. There was a wonderful proposal put to the federal government for funding through federation grants. The proposal had support from all elements of the community and all levels of government. I put to the House that the walking and cycling track and the tunnel are there for everybody. There is great vision for the area. The track links through the Glenrock State Recreation Area, which is managed by the New South Wales Parks and Wildlife Service, and it goes from Kahibah and gently to the highest elevation at Whitebridge. From Whitebridge, it goes down to Redhead and then to Belmont.

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Iraq

Mr ANTHONY SMITH (Casey) (9.05 p.m.)—Over the last few weeks, what we have mostly heard from the Labor Party in the debate over Iraq has been not only unbalanced, inconsistent and trivial but also marked by shameless hypocrisy. We have seen a torrent of abuse of US President, George Bush, but a complete silence with respect to British Labour leader, Tony Blair. This is the same Tony Blair that so many in the Labor Party have, until the recent Iraq debate, worshipped as a guiding Labor light. Many Labor Party members, such as the member for Werriwa, have publicly hailed the leadership style of Tony Blair and called on their own party to replicate his actions in a variety of policy areas. The reason you will never hear them mention Tony Blair today, though, is quite obvious: the fact that a British Labour Prime Minister and an Australian Liberal Prime Minister have the same view—that Iraq should be disarmed and that Iraq should obey United Nations resolutions—shines a gigantic spotlight on the fact that Labor’s position is all about cheap partisanship and is totally absent of principle. Simon Crean and Labor have gone so far in their efforts to ditch Tony Blair from the parliamentary lexicon that some are now rightly calling it the ‘Blair ditch project’.

The total eradication of the name ‘Blair’ from the Labor vocabulary is not the only example of base hypocrisy from those opposite. Another important historical example relates to the Labor Party’s very own special history with Iraq. Like references to Tony Blair, this will not be found in any of the speeches of the Labor members opposite. The reason for that is that they would have to address a couple of unsavoury things about their own party history. That history is outlined in great detail in Paul Kelly’s excellent book The Unmaking of Gough. Chapter 23 outlines in great detail how, in the dying, desperate days before the 1975 election, Gough Whitlam sought to arrange a $500,000 donation from a foreign socialist party to bolster his election campaign. It is easy to understand why Labor could not raise funds in Australia in 1975; they were, after all, the most scandal-ridden and incompetent government in history.

If you were asked to name which foreign political party Gough approached, you would probably choose the British Labour Party or perhaps a socialist party in Europe. You would, at the very least, pick a political party that operated in a democracy, wouldn’t you? Well, if you thought any of that, you would be dead wrong, because the party Gough sought a political donation from was none other than the Ba’ath Socialist Party of Iraq—the party of Saddam Hussein. Way back then, Saddam was no boy scout; he was effectively second in charge of the party. As Paul Kelly eloquently outlines, Gough
Whitlam, together with the notorious Bill Hartley and the infamous David Combe, secretly sought a half million dollar donation from the Revolutionary Command Council of the Ba’ath Socialist Party, through intermediaries.

Mr Danby interjecting—

Mr ANTHONY SMITH—I am glad to hear the member for Melbourne Ports confirming this. The reason why Labor members never mention this is that the half that do know the sordid history—people such as the member for Melbourne Ports—are too embarrassed to talk about it and the rest are simply blissfully unaware. For them, I recommend Kelly’s well-researched book. It shows that Gough had no foreign policy objective, just the desperate, unprincipled political objective of trying to fund his election campaign.

As with the Khemlani ‘funny money’ affair, the loan never came through on time. That is the irony; even then the Iraqi government did not comply with its deals. But imagine if it had and imagine if today’s legal requirements for political donations applied. Alongside donations from the CFMEU, you would have a donation from the Revolutionary Command Council of the Ba’ath Socialist Party of Iraq listed in the ALP declaration. This part of Labor history is not taught to the faithful. The faithful are not taught the truth. They are only given the rewritten, fictional version of events, where Gough is the hero, rather than the true version of events, where he holds the dubious honour of being the only leader in parliamentary history in Australia to have sought a financial relationship with the Ba’ath Socialist Party of Iraq.

Tasmania: Child Care

Mr SIDEBOTTOM (Braddon) (9.10 p.m.)—In a recent visit to my electorate of Braddon, the Minister for Family and Community Services, Larry Anthony, publicly acknowledged that there was a high demand for child-care places. As a solution, the minister suggested that more private operators build more child-care centres in the region. The minister was absolutely right in his first statement: there is indeed an extremely high demand for child care in the north-west of Tasmania. But the minister erred in his second statement: the building of child-care centres will not meet the immediate needs of families who are struggling now to find quality, flexible, immediate care for their children. His suggestion does not recognise the fact that families want choices and solutions that fit their very personal needs.

The economy of the north-west of Tasmania, once relatively static, is steadily growing. For example, with the introduction of the two new Bass Strait ferries, Spirit of Tasmania I and Spirit of Tasmania II, the hospitality and service industries have experienced a high demand for staff. The majority of these staff are required to work flexible rosters and casual hours, often at short notice. The demand for child-care places has increased proportionately. The expanding agricultural industry is also impacting on the need for child care. Seasonal workers in the apple orchards, in particular, find accessing child care impossible. The short-term demand is critical to both the families involved and the orchardists who struggle to find labour. Families working shifts as agricultural field workers and processing factory workers often require care from 4 a.m. or 5 a.m. and up to 1 a.m. or 2 a.m., on a seasonal basis.

Family day care and in-home care—two Commonwealth funded services—are quality child-care options that are poised ready to meet the need of the region. However, due to the serious lack of Commonwealth funded places on the north-west coast, these services are unable to go ahead and place children with carers. Both the Mersey Leven FDC scheme and the coastal FDC scheme, along with the Mersey Lyell in-home care service, are currently operating at capacity, with each service at maximum equivalent full-time places. Specifically, the coastal FDC scheme urgently requires 20 to 40 more EFT places to meet demand. The Mersey Leven FDC scheme has an allocation of 230 EFT and is currently working at capacity.

Demand is very high: the waiting list prior to school returning this week had 50 children requiring care and carers available to care for those children. To cope with the constant requests for care from working parents and also to offer some support to families re-
requiring respite care, at least 40 EFTs are needed urgently. The Mersey Lyell in-home care service has a waiting list of 12 families, representing 30 children. The in-home care service has been promised more places but this has not happened yet. The in-home care service is a specialist child-care option that meets the unique requirements of shift workers, rosters and rural and remote situations.

In mid 2002 at a National Family Day Care Council forum, the Assistant Secretary of Child Care Services in the Department of Family and Community Services, Dawn Casey, stated that a national redistribution strategy would be developed to ensure that unutilised places around Australia would be given to schemes experiencing high demand. The theory of this exercise was laudable, but to date nothing of any real substance has been done on a national basis, even though it has been officially stated that there are nationally 17,000 available places to be redistributed—more than enough to meet demand.

However, as a coordinator of the Mersey Leven FDC scheme, Jenny Mountney, has pointed out, the trawl for places in Tasmania has been only within the state and, as Tasmania is experiencing an upturn in its economy, it is the state with the least amount of places to redistribute. Logic tells one that you cannot get more out of less. Indeed, this has been recognised in correspondence on this issue with the minister and the Tasmanian Family, Child and Youth Health Service.

The allocation of additional places is an urgent, immediate solution to the problem of providing adequate, flexible child care in our region. This would provide instant relief to many families—both the working parents, who have priority, and also the families requiring support and respite care. So I ask the minister, just as the shadow minister for child care has demanded and as my region requests: where is the national redistribution strategy for child-care places? We have received no correspondence to the effect that these places will be made up, but they are urgently required. Where will they come from, Minister? We require an answer of you, and we hope that you will be able to satisfy these urgent needs.

Queensland: Horseracing

Mr CAMERON THOMPSON (Blair) (9.15 p.m.)—I rise tonight to condemn a decision by an agency of the Queensland state government that will be economically crippling to three small country communities in the electorate of Blair and many others in country Queensland. I am talking about the decision by the Queensland Racing quango in relation to TAB race dates. It means that the race clubs at Gatton, Esk and Kilcoy in my electorate are losing access to the TAB circuit, a significant and important generator of income for those communities. I would like to highlight the fact that Gatton has gone a long way down the road to developing an equine industry. It has a new equine centre and we are in the process of relocating the University of Queensland veterinary school to the Gatton campus of the University of Queensland. The communities of Esk, Gatton and Kilcoy are very dependent on the horse industry, particularly when it comes to race day.

This decision by Queensland Racing seems incredible to me, in that its result will be to transfer the economic benefit from these country towns to Brisbane. No-one in Brisbane is going to notice if we happen to have a couple of extra race days out at Doomben—it is no advantage at all to the Brisbane community. But as far as these communities are concerned it is absolutely crucial. This is a part of the community that they really cannot do without. In a place like Kilcoy, in wages and purchases alone we are talking about something between $100,000 and $150,000 going into the local community. The only way that these organisations can continue is by asking their loyal supporters to continue as volunteers. Can you believe it? In this day and age, in an industry that is making many people in this country quite rich, the possibility that people would be asked to operate on a volunteer basis to keep their local race club going is absolutely reprehensible. I honestly believe it is a loony decision to transfer that benefit out of a town like Kilcoy and stick it in Brisbane.
I call on the state government to intervene. This is a quango of theirs, and I am sure that it cannot be proceeding in this manner without the approval of the Beattie government—but it seems to be. I call on them to reconsider this decision. It is not only Esk, Gatton and Kilcoy that are going to be hit by this; I was speaking to the member for Forde and she was deeply concerned over the impact on Beaudesert. The fact is that some extra money is going into the Beaudesert Race Club, and they are looking at developing training there. How the hell are they going to continue in the face of a decision to pull the rug out from under them, to take away that TAB access and to leave them to continue on their own?

In the case of Kilcoy, what is really ironic is that Brisbane is transferring a lot more of the racing activity to a Friday. Kilcoy is one of the race clubs in Queensland that pioneered Friday TAB meetings. It is totally reprehensible that we should pull the rug out from underneath it. At present, Esk runs eight meetings a year, with the support of the TAB. There are 12 at Gatton and a similar number at Kilcoy. The monthly events in those towns are significant. They are part of the important infrastructure that supports the town. It is unacceptable to lose something so crucial as a local racing industry in a town like Kilcoy.

The Queensland community has a long and valued association with horse racing. It is something that everyone in Queensland has an interest in because it is part of the character of our state. It is important that we keep country racing alive because country racing is a unique industry which adds to the flavour of what punters look for when they go to the racetrack. Racing events in Gatton and Esk are part of the state’s racing culture, as are bringing on new horses and encouraging trainers to decentralise and spread their activity across the state for the benefit of everybody. Bringing racing down to a little kernel of activity around Doomben in the middle of Brisbane is no way to develop the industry. It is hopeless, and it is entirely a backwards move. I call on the state government to intervene. (Time expired)

Scullin Electorate: Medicare Offices
Scullin Electorate: Order of Australia

Mr JENKINS (Scullin) (9.20 p.m.)—Over several years I have endeavoured to get a Medicare office for the southern urban end of the city of Whittlesea. I have suggested that a likely location for such an office would be the Epping Plaza Regional Shopping Centre. Regrettably, my efforts have been to no avail so far. Last year I received a letter from the Health Insurance Commission indicating that they felt, on the basis that there were offices at Preston, Greensborough and Broadmeadows, that the Epping area was sufficiently covered.

My concern about the lack of a Medicare office was highlighted this week by the complaint of a constituent to my electorate office. This constituent says that he had rung the Greensborough Medicare office to seek information about what he needed to take to the Medicare office. When he arrived, the Medicare officer informed him that he needed another piece of information in addition to the information he had already brought along. This resulted in him returning to his home in Mill Park and then going back to Greensborough. Mill Park is one of the southern suburbs of the city of Whittlesea. He indicated that, if there had been a Medicare office in the local area, he would not have been as inconvenienced.

When talking about the location of those other Medicare offices, the Health Insurance Commission also championed that the way to solve this problem was to encourage doctors in the electorate to join up to Health Insurance Commission Online. As was illustrated by an article in the Australian today, which included a graph in which the line was going downwards at a great rate of knots, bulk-billing by general practitioners is on the decline—and it is on the decline in an electorate like mine.

The other issue that I want to highlight in tonight’s adjournment debate is the Order of Australia awards. 2002 was a bumper year in Scullin—there were actually two people who got awards under the Order of Australia. This year, it was back to nil. I was not surprised when an analysis in the Melbourne
Mr Edwards—How many?

Mr JENKINS—Seven. In the whole of the northern suburbs, there were only seven. In Kew and Kew East, five; in Hawthorn and Hawthorn East, five; in Caulfield and East Caulfield, five; in Malvern, four; in Blackburn and Blackburn North, three. Compare it to the whole of the western suburbs: three. So we have an aggregate in the inner suburbs of 21; in the eastern suburbs, 35; and in the bayside and south-eastern suburbs, 20. I believe that this type of imbalance is not what was envisaged by those who put together the Order of Australia.

There is an imbalance not only on the basis of geography but also on the basis of gender. In 2001 34.4 per cent of all recipients were women. This year it is down to 32.5 per cent. Whilst the article does not go to migrant recipients, I believe there is no evidence that they are on the increase, especially those from non-English-speaking backgrounds. It is indicated that, of course, communities can nominate people on behalf of the community. I understand that but, as the parliamentary secretary indicated in the article, perhaps people were unaware of what was required by the Order of Australia and the nomination process.

But there is another contention that I will make. It is not only the lack of submissions, but it may be that the submissions are judged on the quality of the submission rather than the quality of those who are proposed. I am aware that at least one person from my local area was proposed and, on the basis of that person’s work within the local community, this person seemed an admirable awardee of one of the divisions within the Order of Australia. I think that this is where we have a problem. Is it on the basis of a threshold of achievement that people must reach to get the awards, or is it that there are other things that are taken into account?

I believe that it is incongruous, for instance, that former members of this place might be rewarded for simply doing their job. I have got no problem if, outside their work in this chamber, they do additional things that are rewarded. There is always the problem that people think that people who are just going about their job and being paid for it are also recipients of Order of Australia awards. I hope that the government is fair dinkum in making sure that people are aware that the community can nominate the selfless souls that dedicate voluntary work to their community and that they might go forward to receive such things as the AM, the Member of the Order of Australia, for service in a particular locality, or the OAM, the Medal of the Order of Australia, for service worthy of particular recognition. I believe that, on the basis of some threshold of achievement, there should be more awards based on geographical distribution. (Time expired)

Eden-Monaro: Bushfires

Mr NAIRN (Eden-Monaro) (9.25 p.m.)—Last week, I contributed to the debate on the motion from the Prime Minister with respect to the bushfires and the effect that they have had not only on Canberra but also on other parts of the nation over the last month. In that debate, I spoke about their impact, particularly on my electorate of Eden-Monaro, where it has been quite substantial not only around the ACT but more specifically in the Snowy Mountains. I limited myself in that debate to the actual effect and to talking about various people, such as the volunteers who have been involved in that great fight—the continuing fight. I have to say, because there are still to this day major fires burning in Kosciusko National Park.

But I also foreshadowed at the time that I would say a bit more about this particular topic—and, in particular, raise the issue of land management. There is no way that we can sit back and accept what has occurred over the last few weeks with respect to bushfires and not say that there is a problem with our land management. There is clearly a problem. It is easy for some people to say, ‘Well, this is a one in 100-year fire. You won’t get anything like this for another hundred years,’ but history shows there has been a variety of fires over time. When you start to analyse many of those and many of the conclusions that came out of inquiries fol-
lowing some of those major fires, you have to come to the conclusion that there is a problem with the current system.

Take the Brindabella National Park on the western side of the ACT, where one of the fires which ultimately impacted on the ACT started. Those fires started with lightning strikes—and you cannot stop that—but Brindabella National Park, prior to 1996, was a working forest looked after by State Forests, and you certainly did not see the sort of activity in previous years in that area that you saw only a few weeks ago. But, since 1996, very little has been done with respect to that park. If you look back over the last five or six years, there has been a continuous process in New South Wales of declaring more and more national parks. National parks are wonderful, but there is no point in creating national parks if you do not provide the resources to look after them.

People who have had property on the South Coast for a long time have come to me. They had State Forests as their neighbour for many years with never a problem. They said State Forests were wonderful neighbours. They looked after the firebreaks. They made sure that weeds did not grow in the state forests and end up coming across the boundary fences onto pastoral land. They made sure there were no feral animals in those state forests. But ever since those state forests became national parks, those people very rarely see anybody. The fire breaks are not maintained—in fact, fire trails have been closed over. We heard many times over the last few weeks during the firefighting that often firefighters had to spend the first couple of hours clearing out fire trails to be able to get in to fight the fires.

I do not think there is any question that there are problems with land management—and not only here in New South Wales. Certainly, they have been prolific here in New South Wales, with so many national parks without the resources applied, but it is the case in many other states as well. Consequently, I agree with a number of my colleagues that we should be having a national inquiry into land management with respect to ensuring we do not again have the sort of devastation that has occurred over the last month. I think all states should accept the fact that this needs to be looked at thoroughly. I think it is a national responsibility to have a very close look at that.

The SPEAKER—Order! It being 9.30 p.m., the debate is interrupted.

House adjourned at 9.30 p.m.

NOTICES

The following notices were given:

Mr Williams to present a bill for an act to amend the Family Law Act 1975, and for related purposes.

Mr Truss to present a bill for an act relating to the dairy industry, and for related purposes.

Mr Pyne to move:

That this House:

(1) reaffirms its support for the 30% private health insurance rebate which helps give Australians choice and is financially assisting almost 9 million Australians and their families, including one million Australians who earn less than $20,000 a year;

(2) notes the Labor Party opposed the introduction of the private health insurance rebate and voted against the legislation when its was debated in the House of Representatives and the Senate;

(3) notes that numerous Labor Party members have called for major changes to the rebate; and

(4) calls on the Labor Party to express its support for the 30% private health insurance rebate or urgently release its private health insurance policy.

Ms Vanvakinou to move:

That this House:

(1) condemns the US and UK Administrations for their declaration that they will respond with nuclear weapons against any nation that uses biological or chemical weapons;

(2) calls on Prime Minister Howard to condemn any use of nuclear weapons in the potential military action in Iraq;

(3) confirms Australia’s long-time opposition to the use and proliferation of weapons of mass destruction;

(4) notes the recent report by the Centre for Arms Control and Non-Proliferation on the $1.2 trillion proposed Missile Defence System and raises concern over the effect of nu-
clear and missile technology proliferation as a consequence of the project;

(5) notes reports that the use of nuclear weapons may lead to the deaths of hundreds of thousands of Iraqis in any nuclear attack on Baghdad; and

(6) expresses concern about the probable legal issues related to the use of strategic nuclear weapons and potential charges of crimes against humanity and breaches of the Geneva conventions on war.
Tuesday, 11 February 2003

The DEPUTY SPEAKER (Mr Hawker) took the chair at 4.30 p.m.

MINISTERIAL STATEMENTS

Iraq

Debate resumed from 10 February, on the following paper presented by Mr Howard:

Iraq—Ministerial Statement to Parliament

and on motion by Mr Abbott:

That the House take note of the paper.

upon which Mr Andren moved by way of amendment:

That the following words be added to the motion:

“and insists that in the absence of specific, unambiguous and unanimous support for the five permanent members of the United Nations Security Council, Australian defence forces not be involved in any military action in Iraq”.

Mrs GASH (Gilmore) (4.30 p.m.)—Sometimes I wonder whether people have short memories or whether they prefer denial to dealing with reality. History is littered with events that seem to go on repeating themselves. It seems a particular human trait that we do not learn by history’s lessons.

Today we are debating Australia’s involvement in Iraq. Everyone is talking about Iraq and, predictably, there are as many different points of view as there are people commenting. Because of the high level of interest in the community, I organised a series of neighbourhood forums so that I could listen to those views. I needed to know for myself what people really felt and what the general consensus of opinion was. There is no way that you could respond to each and every comment with any consistency unless you have a clear understanding of the central issues. At these forums, the participants were seeking further information, expressing their fears and hopeful, like all of us, that there would be a peaceful outcome, yet many realised that a stand had to be made.

I was invited to write an article for the Illawarra Mercury recently and I chose to put on record, for the benefit of my constituency, my views on Iraq. I also believe that in an issue such as this it is best to speak plainly and honestly. Some of my views may not be politically correct, but they are intuitive. The article states:

In any world conflict of recent memory there has to be an element of not wanting to get involved because it was really none of our business—not on our territory.

Unfortunately, such an attitude only serves as encouragement for repressive regimes. It is the bully factor, as we see it in our everyday lives with certain types of individuals. Scratch the surface a little and you see a coward. In this case it is happening on a larger scale. The reality is that the world is shrinking and our backyard is getting bigger. We can no longer argue that we can be removed from whatever is going on just because it is happening on the other side of the globe.

The reality of September 11 2001 in New York and Washington, and then last year in Bali, shows that not getting involved is simply not an option. It is on our doorstep and we are in-
involved. East Timor is a case in point. We stood back for 25 years because we wanted to appease Indonesia and, finally, when we decided that enough was enough and sent the troops in, we had to weather similar protests from the advocates of appeasement.

East Timor is now a free and sovereign country. Whenever the debate over appeasement comes up, there is inevitably connection to Neville Chamberlain and his appeasement towards the Hitler regime. History shows us the allusion of pursuing a strategy of appeasement towards a determined dictator. The mix of sentimentality, naivety and fear that drove appeasement in the 1930s ultimately led to the Second World War. How many times in the last century have we seen the world stand back to allow the slaughter of innocents to go on?

In Kosovo and in the Balkans, slaughter continued under an evil regime until the rest of the world took a stand and intervened. With the ready availability of nuclear weaponry, coupled with today’s technology, the face of international relations has changed. With nuclear weaponry potentially available to any extremist group, it really does not matter geographically. A nuclear exchange is just too terrible to imagine and, once started, how do you stop it? Sooner or later we will become embroiled either directly or indirectly unless steps are taken to nip the problem in the bud. It is naïve to think that, when dealing with an obsessed mind, rationality and reason can somehow prevail. The problem is compounded if the threat is not from an identifiable nation but from a shadowy amalgam of zealots such as those exemplified by al-Qaeda, Osama bin Laden’s terrorist group. It is made up of a disparate collection of nationalities with no allegiance to anyone but their cause and not constrained by any loyalty other than toward the ego of its leader. It exists for its own sake, without any consideration for the sanctity of life. Terrorism exists because of the comfort given to it by host nations, whether it be through financial support or sanctuary. The movement has the capacity to shift its bases as much as such support allows.

As was shown in Afghanistan, al-Qaeda is made up of many cells which, while subscribing to an overall ideal, are not subject to the discipline of the overall group. Rogue elements can act on their own. Clearly, to effectively confront this danger we need to deal with those countries that give them support. The only real defence when diplomacy fails is to remove the regime that supports the terrorists. Libya’s Colonel Gaddafi was allegedly such a sponsor until the United States launched a pre-emptive strike in retaliation for Libya’s support of terrorist activities in the 1980s. So you cannot always take at face value what the newspaper headlines are telling you. The facts behind the headlines can often be quite a different proposition. We are vigorously pursuing a diplomatic solution but, if that fails, what is the next step? The next explosion might be nuclear.

Let me turn now to the local scene, local people. The naval air station HMAS Albatross is in my electorate and HMAS Creswell is another naval base nearby. Although it is in the ACT on Jervis Bay, many of the people who work there live in my electorate. Last week, as part of the first contingent from Gilmore towards our commitment to the war against terrorism, we sent a Sea King helicopter with 17 personnel from HMAS Albatross.

Last Saturday the wife of one of the men in the contingent asked me whether I was aware that these men and women who are part of the defence forces had actually volunteered to be the first to go. They wanted to represent their country. She also commented on how upset they were at the comments made by the Leader of the Opposition, who said that they should not be going. She said the men on board the Kanimbla were made to feel ashamed. On top of that,
the organised group of protesters and the media were like vultures waiting to view the most private and vulnerable moments between families. She went on to say that these protesters called her husband and the men and women about to depart ‘murderers’. Is this Australian?

She also went on to say that her husband had trained for this eventuality, had made it his career and was proud of his contribution to Australia. It is a sad day when our service men and women are attacked for supporting their country. I also took the time to make many phone calls to my constituents, mainly those who are prominent in some community groups—particularly the veterans’ community. After all, the veterans have been there before and they could express a candid and honest opinion from an ex-soldier’s point of view. This time it is on their behalf that I speak, not from a personal perspective.

No-one doubts that in Saddam Hussein we are dealing with a dictator, possibly a megalomaniac, who is prepared to do whatever it takes to retain power and to build on that power. We know the history of dictators—just to mention those of our times. We know that they will reach beyond any sense of morality to achieve their ends and that they will do so over the bodies of even their own people. Other people’s lives mean nothing to them. Rationality and reason are not in the equation. Unlike past dictators, this one has weapons of mass destruction—or at least the potential—and has a track record of aggression.

It is prudent to be wary. It is prudent to be suspicious. It is prudent to take action to prevent what could develop into a very nasty affair. But the question being debated today is: should we get involved and, if so, under what conditions? It is not an easy decision to commit other people’s sons and daughters to conflict, and veterans are well aware of the impact of any such decision. Goodness knows it has been done a number of times already in the 20th century. The consequences have been devastating for families who have lost loved ones in conflict—making the ultimate sacrifice. But Australia is a team player, a fair player and a compassionate player. As I see it, there are four options confronting us—do nothing and let someone else worry about it, hasten slowly and see what happens, follow the United States or follow the United Nations.

From the small range of views that have been expressed to me so far, there is a consensus that we cannot remove ourselves from the threat. We are part of the international scene and therefore have a part to play. It is here that there is a divergence in opinion. There is a belief held by many that Saddam Hussein cannot be trusted, but any action has to have wider support than just that of the United States and Britain. Generally, the views expressed to me were that any armed response should only be with the sanction of the United Nations. I am personally heartened by progress so far in allowing weapons inspectors back into Iraq, but I also remember that many of the United Nations conditions had not been complied with since the initial conflict. I also note that this breakthrough came about only after a show of force, which is consistent with the reaction one comes to expect of dictators and bullies.

The veterans I spoke to felt that we should be involved, but not unconditionally. They want us to keep an eye on the situation and to respond only according to the real level of threat. The message I am getting is that we will do our duty, but we do not want to be seen to be kowtowing to another power. In this day and age, with present technology, it should be remembered that reaction times are much quicker, and distance is a relative factor. If this situation in Iraq deteriorates rapidly, it is not just the initial exchange that we should be concerned about but the chain reaction that would follow.
As a democratic nation, we value our sovereignty. We champion the cause of freedom from fear and oppression. Iraq’s acceptance of weapons inspections resuming is encouraging, but it has only come about through a show of determined force. Any contribution we can possibly make within the limit of our resources is token, at best, in comparison with the combined forces brought against Iraq in 1991. We cannot stand alone. From a personal point of view, I do not want war. No-one wants war. But if we do stand alone, we fall alone. Let us not wait for the next atrocity before we realise we should have acted with more determination—the stakes are too high.

Mr ADAMS (Lyons) (4.42 p.m.)—I thank the honourable member preceding me, the member for Gilmore. The only difficulty with her last few lines was that all the other atrocities that occur in the world need to be dealt with as well, and there are a lot of them. We are poised on the brink of a great blunder. If Australia supports the US position without the agreement of the United Nations then we are going to be part of an enormous mistake. Our troops—our children, husbands, wives, sisters and brothers—are the ones who are going to be exposed to the extreme dangers while our government sits back and says that we have to support our allies. The majority of Australians are not happy with the government’s position. They do not believe that they have been told the truth about the deployment of troops.

If the United Nations commits us, we must be able to support our troops fully so that when they return they are able to receive their entitlements for service. We must have confidence that the returning veterans will have better support and services than were available to those who went to Afghanistan. There will be refugees, and they will not go away. If we are partisans to war then we must take our full responsibilities for those displaced people of that war. We must look after the asylum seekers and the refugees. As Jean-Paul Sartre said, when the rich wage war, it is the poor who die. Nowadays, those poor can be the civilians that are used for the first line of defence of their own homes, in the street fighting—and they will be met, no doubt, by our troops, should there be fighting in the streets of Baghdad. When you are poor and there is little to live for, and if you believe passionately in the cause, you are a formidable opponent.

The United Nations was set up as a negotiator, the final arbitrator, the body of like nations who believe that there are other ways of solving problems than using force—problems such as disarmament, human rights, misery and starvation. The United Nations uses force only when there is absolutely no alternative, and even that is limited. We have to believe and work through the United Nations.

A division having been called in the House of Representatives—

Sitting suspended from 4.45 p.m. to 4.58 p.m.

Mr ADAMS—Aren’t we doing exactly what Saddam Hussein is doing to other people? The mantra is that, because we have or maybe have a just cause, we have a right to bomb the hell out of a country and in the process kill thousands of civilians and troops from all sides. Therefore, I must take issue with Andrew MacLeod’s article in the Age on Monday, 3 February, in which he says there is no third choice—talking about a decision that aid workers had to make in Bosnia. The choices he puts in the moral dilemma are not choices at all. Yes, we all get into a situation from time to time where we have to make unpalatable decisions on things that become broader questions, but he has suggested that these are not choices; they are dealing with immediate problems in the best way possible.
I would be interested to hear what choice was made in that real live example. I believe that on that day only one thing could have occurred—the people were moved out of the village. As we have found, there are no choices with this government. It has committed Australian troops without telling the people and without UN sanctions. Moral idealism does not come into it.

Let us put ourselves in another’s shoes. How would we as a nation like it if another country, a major world power, decided that we were harbouring weapons of mass destruction in Canberra? They ask us for evidence that we have nothing. We produce the evidence. They say that they do not believe us and allege that the weapons have been hidden or are in preparation with our scientists all around the country. They state that they cannot cope with our Prime Minister because he is not interested in human rights or the welfare of the nations around his country and, therefore, they have to change our government for us and make it more sympathetic to their way of thinking so that they can take over our resources. We would do what the Iraqi people are doing—rallying around their leader and saying, ‘It is none of your business. We have given you everything we could for your evidence. Our people do not want interference from an outside source to sort out our own problems.’

It is not an excuse for war. The case for war has not been made out. The weapon inspectors have been encouraged. As reported in today’s press, spy planes have been accepted by Iraq. There is more opportunity to not go to war. The Prime Minister should heed the biblical warning:

... why beholdest thou the mote that is in thy brother’s eye, but considerest not the beam that is in thine own eye?

Let us sort out the problems in our own country and give consideration to our own region. None of us like some of the world leaders most of the time, but that does not give us carte blanche to go in and bomb them. We know that democracy is hard won, but some of the Western nations seem to have forgotten how hard it was to become a free and just country. Even now we have our own problems with human rights and understanding. There is no excuse to go and turn over a country because their leader has done what thousands of other leaders have done across the centuries—oppress their people and use them to make as much money as possible, usually for those who are in power. This has nothing to do with Bali or the terrorists of the world. Iraq did not have a role in that tragedy. There are terrorists in every country. That has to be understood. There are al-Qaeda operatives in Australia, too. The terrorists and the war against Iraq should not be spoken of in the same breath. They are different issues.

I do not believe that there is a moral dilemma. The dilemma is one of trying to assist a country by many means to solve its own problems and develop its own future without others benefiting in the process. We are being dragged down the road to war by the Americans. Is this matter with Iraq the area on which we should be focusing, or are there not more pressing areas on which we should concentrate? What about the situation in North Korea? That peninsula is rather significant to us as far as trade is concerned. What about our need for further peacekeeping efforts in East Timor and the Solomon Islands? And what about the need to deal with terrorists—the ones that sometimes distract the Prime Minister’s thoughts—against whom our means of defence in Australia appears to be the fridge magnet?
Too much has been made of Australia’s role running with the dogs of war. We are a small nation. As such, we cannot be seen as a partner in any military action—merely a minor addition to the force. Therefore, our own ability to achieve something meaningful in any action is minimal, if anything, and at the same time we are putting our own relations with many other countries at great risk. We hope that the new French and German peace proposal has some legs and that it will be given good and sensible consideration. I am not anti-American, nor am I against the alliance with the Americans, but we should make our own decisions as an independent Australia. A UN agreement is needed to disarm Saddam Hussein. War does not determine who is right; it only determines who is left.

Mrs Hull (Riverina) (5.05 p.m.)—As I listened to many of the speeches that have been made in the House during the last week, I could not help but think that this is a time when politics or religion should not be foremost in the minds of decision makers. It is a time when honesty is of critical importance: if one is confused or is afraid of what they face, one should be able to articulate that without fear of recrimination.

There have been many accusations of deception on the part of some of our decision makers. There has been much attack on the Prime Minister for not providing evidence of Saddam Hussein’s involvement in stockpiling weapons of mass destruction. There have been accusations of our troops being committed inextricably to the so-called impending war against Iraq.

From the outset, let me say that I am sick to my stomach at any thought of war. I believe that we must exhaust every opportunity available to us to prevent such a war. However, I agree with the process currently being undertaken by the Prime Minister in travelling to the US to negotiate and discuss all of the issues surrounding the Iraq crisis. In my opinion, this is what a leader should be doing. I firmly believe that the United Nations Security Council must be accountable and deliver an acceptable resolution that would see the world being less likely to succumb to terrorist attacks using weapons of mass destruction.

For around 60 years, the United Nations has failed to preserve international peace and has been too cautious in its use of its powers to stop suffering, torture and genocide by regimes in power at the time. We look at the slaughter of innocent civilians in Bosnia and Kosovo. If it had not been for NATO moving in with force, we most surely would have seen even further mass slaughter. I can recall feeling very relieved when finally the terror was lessened by NATO troops in Kosovo. Yet even with my disgust at the lack of UN action, I found myself leaning toward favouring a UN sanction before any action in Iraq, such was my desire to avoid any conflict.

Last year I travelled to the US and saw first-hand the devastation that was inflicted on the American people. I witnessed how their lives had changed so dramatically. I witnessed how every little incident was cause for intense fear—from a delay at an airport to a simple domestic altercation. Their lives will never be the same. I then remember with such sadness the despair of the Mavroudis, the Thompson and the Till families from the Riverina when their sons were innocently taken from them in Bali in October 2002. Somebody did not know that there was a cherished son who had a beautiful soul that was made up of the very best of Colleen and John Mavroudis, a son who gave them so much pride and joy and who was loved with such passion. Somebody did not know that there was a brother who was an extension of his sister Jane, a brother who had protected and loved his little sister since she was born, a brother who was her idol. These words are indelibly printed on my mind because these were just
some of the words that I spoke in my eulogy at David Mavroudis’s funeral, on behalf of his family.

These boys were in the wrong place at the wrong time. Somebody had decided that they were going to commit murder, but in the name of what? How many more of us will be standing in the wrong place at the wrong time simply because somebody looks forward to meeting with God and decides that any action is acceptable in that quest?

During the speeches in the House on the Prime Minister’s statement, some very good facts and figures have been documented. We have heard from the clinical, the academic, the legal and the learned. It would be pointless for me to repeat much of this information, which is available to us all. I would prefer to articulate some of the feelings of a mere backbencher and a member of the government responsible for making the decision on any future action on Iraq—a member of a government that is currently being accused of such things as warmongering. I do not want to enter into the whole debate on human rights other than to say that the record of atrocities and abuse of human rights by Saddam Hussein speaks volumes. Here is a dictator who uses torture and brutality on his own people. Would this man have any conscience about committing mass destruction on civilisations in the Western world? No, I do not think so.

Then there is the question of how do we know that Saddam Hussein has access to weapons of mass destruction? How do we know he doesn’t? I guess we can all hope that he does not have these weapons, but is hoping good enough for the leadership of this country? I ask myself the question: why do we move on Iraq now when, over the past 12 years, the Security Council has passed nine resolutions condemning Iraq for not cooperating with weapons inspectors? When I look into the history of this I recognise that perhaps the world has been too trusting for too long and that in hindsight this was almost irresponsible of us.

Is it right that we should only support a war in Iraq, providing that it is with UN sanction? Does that mean that war is okay but that we need someone else to initiate it so that our conscience is clear? So it is not okay to kill innocent people with a pre-emptive strike but it is okay to kill innocent people if the UN gives us the okay—even if they themselves have a very poor track record. Is it good enough that the Prime Minister dismisses the threat of terrorism and says, ‘We hope that it is not possible,’ when much evidence points to the fact that it certainly is possible? Is it good enough that I, as the member for Riverina, should want to avoid a position on war without addressing the real threat to the Australian people in the long term?

Is it possible to prevent war by displaying stickers saying ‘No war’ in office windows, or by demonstrating at events and saying ‘No war’? Should it be possible to provide the Australian people with more confidential information supporting the current position against Iraq and the reasons for decisions? No, I think not. It would definitely be more desirable but, for obvious security reasons, it is just not possible.

What is possible is that, by the Prime Minister being accepted behind the closed doors of the negotiating rooms, we are able to be fully informed of all of the confidential and secure intelligence surrounding this issue. I think everyone would agree that the ultimate nightmare for us all would be for weapons of mass destruction to fall into the hands of people who would have no hesitation in using them for whatever misguided reason. The more we avoid confronting the issue in the hope that it will go away—as was said in question time today—the more likely it will be that disturbed people will acquire and utilise these weapons of mass
destruction. I realise that, if the government were to support similar actions to those advocated by the Leader of the Opposition, Australia would be alone, completely in the dark and virtually paralysed—unable to make decisions should we ultimately have to and with absolutely no allies.

I have a choice here, right now, and it is a difficult one: do I believe Saddam Hussein—that is not a difficult choice; of course I do not—do I believe the Leader of the Opposition, Simon Crean, or do I believe the Prime Minister, John Howard, and his cabinet colleagues? In my mind, there is no contest. My hope is with John Howard and the cabinet team. The Prime Minister has denied the charge made by the Leader of the Opposition that we have committed our troops to war. Kate Lackey, the New Zealand High Commissioner, has confirmed that she believed that the Minister for Foreign Affairs was speaking on the Multinational Interception Force when the Leader of the Opposition claimed that the minister had indicated that we were inextricably committed to a war with Iraq. I believe that this government’s current actions are much more honest than the Leader of the Opposition is accusing them of being.

I believe that we have not committed Australia to a certain war with Iraq but that, if we do go to war, it will have been ultimately with the sanction of the United Nations, which is certainly not known for its premature intervention in world affairs. I believe that, if we do go to war, it will also be with the very best of intelligence that says we must act in the best interests of the world’s peoples and ultimately in the best interests of all Australians. We must support the members of our defence forces, for our actions and deeds can cause the brunt of criticism to fall on their shoulders—thus we have a nightmare of guilt as a reward for bravery. As Charles Schwab said:

I have yet to find the man, however exalted his station, who did not do better work and put forth greater effort under a spirit of approval than under a spirit of criticism.

This past week has been one of huge mixed emotions, and every time I contemplate my position on this issue I am taken to a day in the life of John, Colleen and Jane Mavroudis, when we farewelled an innocent, cherished son who was guilty of nothing more than having a holiday with his friends. It is then that I know that I cannot be neutral in this decision. I must, and do, support the current position of the government. I recognise that there are many in my electorate of Riverina who will be disappointed with my decision and who will most definitely not support me. However, there are times when unpopular decisions have to be made, and this is one time. It is also important that I display the courage of my conviction and stand by my decision.

Ms ROXON (Gellibrand) (5.15 p.m.)—I rise to speak on a matter that is a very difficult one for many members of this House to deal with. As the member for Riverina, who spoke before me indicated, the personal decisions that we are required to make in expressing our views are amongst the most difficult that we will have to make and this issue is among the most difficult we will be expected to deliberate on in this House. But this is also a time when the public, particularly each of our electorates, want to hear what it is that we as their representatives believe, what it is that we are convinced of and why, if we are going to support or oppose Australia’s participation in any future war, we have formed that view.

My starting point was to be appalled at what I thought was a hasty enthusiasm for war, although I think that the reality is that no-one in this House would want us to be in a position where we are engaging in any sort of military action where our young people would be put at
risk. I have found the debate over the past weeks very frustrating from my perspective for the lack of information that we have been given and for the lack of argument and articulation about what Australia’s interests in, or reasons for, being involved might be. I am of the view that there may be plenty of good reasons why we may need to participate in some form of military action, and I would like to take the time to explain why I believe those reasons might exist, but I am not yet convinced that they do.

My personal view is that I would never want us to participate in war. I do not believe that war delivers, and I find it very hard to see how war does deliver, anything much to anybody other than a lot of hardship and suffering, usually for thousands of people and mostly for our young people. But I am also a realist. I do not think that you have to be a specialist in history to see the terrible things that can happen, and have happened, around the world or to see the extent of the damage that is caused when nations have sat on their hands for longer than they should have. We do not need to look much past the Second World War, when most of my father’s family were killed. It was a period where, had we perhaps acted more quickly, thousands and thousands of Jewish lives may have been saved, amongst others. So, whilst I have a natural abhorrence to participating in war, I can see that there are circumstances where we need to.

Certainly, there has been some mention in the House that the record Saddam Hussein has against his own people is not a kind one. I do not think anyone disagrees with this. Certainly, there are reports of abuses against women and minority groups. I have an extremely diverse electorate where many political opponents of the current regime in Iraq have settled, having come here as refugees—being the lucky few that have been accepted and been able to remake their lives here. It is an issue where we cannot avoid the fact that this is a terrible regime, and it is an issue that none of us wants to avoid. The question that we have to face is: by putting our own people at risk by participating in some sort of future military action, will we actually be saving many more lives further down the track?

The reason I have been frustrated by this debate is that I do not believe that those who certainly have more information than I do, as a frontbencher but with no direct responsibility for this issue, have really put on the table the arguments of what is in Australia’s interests. Those interests may be that we want to live in a world where the rule of law and respect for people’s diversity and political views are respected, and that may be sufficient reason for us to want to intervene. But we have not made those arguments. I believe that the Australian people are smart enough to understand those arguments and should have them put before them.

I am concerned that we have not spent sufficient time in this debate arguing about what Australia’s regional interests are. If the US alliance, which has been so important to us over so many years, is actually a fundamental reason for us participating then we need to make the argument that the reason it is in Australia’s interest is that we want the US alliance to deliver something to us in the future. We need to look at the content of it. As the Leader of the Opposition has often said, that alliance specifically says we should look at the decisions of the United Nations. So I want us to have that debate.

I particularly want us to have the debate about our regional interests on behalf of our young people—who will very quickly see that their future, many of their job opportunities, much of their travel and much of their working lives will be in the Asian region around us—who want to know what the consequences will be for our relationships with many of our neighbouring
countries if we participate in any sort of military action. We are not having that debate and that is what I find very difficult.

I guess the only way ultimately for us to judge the Prime Minister on this is to understand his reasoning. There is no argument but that many of the actions that he has taken in recent times have left a question for people in the community about whether his interest is some sort of sycophantic approach to the United States or whether it is driven by a genuine belief that our relationship with the US is important enough to put above all other things. But the argument my community wants to hear is why that is so: what is it about the relationship with the US that makes it necessary for us to jump on this enthusiasm for war so quickly? I do not think we are seeing enough of that argument.

In a situation where it is increasingly difficult for any member of the public to assess what is really happening in Iraq, what is really in Australia’s interests and what the US alliance delivers to us, one of the few options that we have is to look at the multilateral system that is in place. This is why so many on this side of the House are interested in what the United Nations are going to decide. We want the United Nations to make a decision about action that should be taken. Even if people believe that the United Nations is an imperfect body—and certainly it has a structure and a history which raise some questions—it is the only system we have. Without it we risk international lawlessness, which does not assist us or our nation’s future security. The United Nations is the only forum left to us to try for some diplomatic resolution, and we must use all efforts that we can to achieve some sort of peaceful result.

We are mindful of the fact that we want also to be able to provide some assistance to those people who are suffering so greatly in Iraq. Many on this side of the House have indicated that there are plenty of people suffering in a lot of other countries which we should turn our attention to as well. That is why I believe that the process of the United Nations is one of the few ways that, as ordinary citizens, we and the members of our community can make an assessment about whether or not Australia should be participating in some sort of action which meets international obligations. I think that is an important thing for us to consider.

In thinking about this debate and doing some research, I pulled from the Hansard record a speech given by the Prime Minister when he was the Leader of the Opposition. He gave a speech in 1986, which was the International Year of Peace. It is very interesting, particularly the comments he made to the young people of Australia. He said that the Liberal Party and the National Party wanted to identify themselves with the ‘profound yearning and desire of young Australians for peace’. He said:

We associate ourselves with it, and we will identify ourselves with bona fide attempts to marshal the concern of young Australians for the cause of peace around the world. In doing that, we identify ourselves with a realistic approach to the cause of peace. We counsel against belief in simplistic slogans. We counsel against the unnecessary use of fear.

It might have been worthwhile for the Prime Minister to re-read the comments that he had made at this time. Most interestingly, he said:

We counsel against any kind of misplaced faith in the doctrine of unilateral disarmament. We remind the young, as we are all reminded by history, that the path of unilateralism invites only a false peace and a peace ultimately of totalitarianism. The history of the twentieth century is strewn with lessons to those who seek refuge in acts of unilateral disarmament.
They are quite telling words from our Prime Minister some 16 years ago. Something that may be worth him remembering at this time is the concern that many in the community have about the course of action that we seem to be taking.

My electorate, as I have mentioned already, is particularly diverse. We are home to many thousands of people of non-Australian background. I see the minister at the table. He has visited my electorate and spoken with many of those who come from other parts of the world.

Mr Hardgrave—And I will again.

Ms ROXON—No doubt he will again—without a visa as well. It is particularly within the Muslim communities that there is great concern that the reasons for which we would be involved in any action are clearly articulated. I must urge the Prime Minister to take seriously these concerns. We need to know—and they have a right to know as much as anyone else—why we would participate in an attack which can so easily be painted as a battle of the West against the Muslim world. We need to ensure that those people of Muslim faith, who are peaceful and who have sought to make Australia their home, do not feel that they are the subject of an attack, when often they are the very people who have fled from the vicious regime that exists in Iraq. I am very concerned that we must separate in our minds the actions of extremists, who should be dealt with with the full force of the law, from those who—by our ignorance in the community—might look like them by virtue of the religion that they practise. It is very important that we do not fall into that mistake.

I am very concerned—along with everybody else, particularly in those communities but across all of my electorate—about the prospect of our soldiers travelling halfway around the world potentially to embark on a US led pre-emptive strike. People in my electorate are particularly concerned because many of their friends and family are still in the region, particularly in the broader Middle East. We want to make sure that those families and friends understand why it is we would participate in any action and why Australia has a role to play. I believe we must also make clear what action we will take as a country to support the inevitable flow of refugees who will arrive from any military action that is taken. It cannot be avoided by this government. If we are going to participate, we must also look at the humanitarian impact.

Finally, I am particularly concerned on behalf of young people, who, when Australians have participated in military action in previous times, often led the debate about whether or not we should be there and have felt very much at the edge of any potential risk of conscription and those sorts of things. Our young people are not silly. If there are good reasons for us to participate in some sort of military action, they will understand that. But they, like everyone else, are entitled to have a full and frank explanation about why—not this positioning, secrecy and unnecessary enthusiasm to respond to every statement that the US makes. Let us not forget that our young people and children can be affected by this. Young people and children in Iraq can be affected just as much, as can those in neighbouring countries if there is any escalation of military action.

I would like to put on the record my view that we should not take any action unless we have UN support for that military action. I hope that we will be able to participate in finding some peaceful resolution through the UN process. The Prime Minister is currently on a so-called peace mission, but he is not talking with any of our neighbouring countries about how they can help deliver peace; he is just going to explain what decisions he has already made—
and that is not good enough. Australians deserve more. They are not silly. We should have a full argument from our Prime Minister about the reasons why we would participate in any military action before we do so.

Mr HARDGRAVE (Moreton—Minister for Citizenship and Multicultural Affairs) (5.29 p.m.)—I am pleased to join this debate. It is an important debate at a historic time in the world. In a lot of ways it is a frustrating debate because, as each minute goes by, the circumstance in which we are operating could well be changing. I note a number of the comments from the member for Gellibrand, and I welcome her concern, which I share: we do not want to see people in this country branded by any form of stereotyping by the media or indeed by their own community leaders at this time. It is critical that Australians of all backgrounds turn to each other and not allow things happening outside our borders to turn us on each other.

I note the member for Gellibrand quoted a Cold War era speech of the Prime Minister. I guess the notion of this debate so far is such that people are trying to create for themselves general moments of history, looking back on history and trying to find parallels in history to see if we can learn from it so that we do not make mistakes. I think that is an understandable part of this debate, but the fact of the matter is that this is a fairly frightening moment in the world’s circumstance. We do not have the perverse stability of the Cold War era that the member for Gellibrand quoted operating in the world and we have not for a decade or more.

We have a circumstance where a rogue state can in fact get out of control. The world, we hope, is able to bring it to book. The world, we hope, is able to do all it can to bring this about. We do not want to see a rogue state continuing to snub its nose at world opinion regarding the proliferation of bad weapons: weapons that have the capacity to maim and injure indiscriminately and that, by any measure of decency, have no place in this world.

I think there are few in the world who would understand this better than those who have fled the Iraqi regime over the years. It is worthy in this debate to put on the record some of the circumstances that many people in Australia understand all too well, circumstances they have lived through and circumstances which their own family members are continuing to live through in Iraq. The Minister for Foreign Affairs has outlined a series of horrendous abuses of human rights that have taken place and continue to take place under the Hussein regime—a regime which has no real popular support in Iraq, no real popular support at all.

The only way Hussein can enforce his will is at the end of a gun—by using terror within his own population. This will continue, no doubt, no matter what happens over the next few weeks—whether tomorrow he moves again his position that he says he has today or whether next week he changes it back to what it was three weeks ago. This man is into ‘pea in the shell’ type games on a day-to-day basis. I note the latest news is that he is going to allow U2 spy planes to fly over. What will his position be next week? But what is constant is the way he has treated people within his own nation.

Here in Australia there are 24,819 members of the Iraqi community, according to the 2001 census. That almost doubled from 14,027 in 1996. It is one of the smaller but fastest growing groups in Australia. Migration to Australia from Iraq has been influenced particularly by the events through the 1990s. During the Gulf War the community numbered only 5,200. They live in all states and territories. There are 15,000 in New South Wales and 7,000 in Victoria. I
know several hundred in my federal electorate of Moreton—people who live around Yeronga, Fairfield, Moorooka, Eight Mile Plains, Sunnybank and Upper Mount Gravatt.

Many of these people are Kurds, people who fled a regime knowing all too well that family members were still in Saddam’s Iraq. They fear for their circumstances. They fear because, if Saddam finds out that those people have family members here in Australia, this man has the capacity to use them first for any sort of human shield just to get at Australia. That he would in fact make use of Iraqi citizens who have family members in Australia in that way is something he has done in the past.

The Iraqi community in Australia includes Muslims—mainly Shia, with smaller numbers of Sunni. There are Christians—Assyrians, Chaldeans and Protestants—and Sabian Mandaeans. It also includes a small number of Jews and Bahá’ís. These people live in this country. I guess it is also worth noting, as the member for Gellibrand did, that it is not right or fair to target any one of those Iraqi citizens in Australia for any views people may happen to have regarding this crisis that we are in at the moment. Nor is it indeed permissible, reasonable or lawful for anybody to target Muslims in this country in that way.

It is always worth reminding members that the Muslim faith is a multicultural faith—just as the Christian faith and the Jewish faith are multicultural. There are a variety of people from a variety of cultural backgrounds who have particular religious adherences, which is their business. In this country they are able to celebrate and demonstrate that commitment to their faith and their culture—of course with an overriding commitment to Australia—and that is a key part of why they live here.

People from Iraq who want to migrate to Australia, or stay temporarily in Australia for long periods, must undergo comprehensive examinations to ensure that they meet Australia’s health standards and they must prove they are of good character. So people who have come from Iraq to settle in Australia are well-qualified additions to this nation. Of course, those who have come here through unlawful processes, but have proved their case as refugees or asylum seekers and are granted protection visas, also undergo these checks before they are granted visas to stay in our nation.

It is worth noting that the Arab-speaking Muslim community in Australia, which is about 280,000 people, have shown themselves to want to engage with, and offer respect and concern to, Australia and Australians in general. They have redoubled that effort after what happened over the last couple of years. Since September 11 and since the atrocity in Bali last 12 October this part of the Australian community have gone more than a little out of their way to show themselves connected to Australia. I think it is a critical time in our nation’s history when Australians of all backgrounds must go out of their way to embrace those of the Muslim community and those who have come from Iraq to settle here for whatever reason and on whatever basis, because they have gone out of their way to show themselves to be part of our country. They are looking for that hand of friendship. No matter what happens over the coming days, weeks and months, it is critical that Australians find new ways to energise that Australian sense of a fair go and put out the hand of friendship, to offer that sense of comfort and that sense of understanding.

It is important for the leaders in these communities not to contribute to the creation of the stereotypes that they will later complain the media try to reinforce. It is important that leaders of communities and religions do not make outrageous statements suggesting that all Muslims

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think something or that all Catholics think something. We do not need those sorts of generalisations in the media. I think it unfairly portrays sections of our Australian society, because in this country people are able to come to their own views about matters. Providing they get full access to the facts, they are able to do so.

I have known the Muslim community to demonstrate a concern for people who have been hurt by bushfires here in Canberra. And indeed they have demonstrated a concern about other atrocities in other places. That the Australian Federation of Islamic Councils was able to generate some $22,000 to help the Bali victims and present that cheque last year, proves again that they are very much a part of this country and deserve our support, particularly at this critical time.

On 4 February the Prime Minister, in the speech which we are taking note of in this debate today, said, ‘Australia is home to several hundred thousand people of Middle Eastern background. We welcome them and appreciate their contribution to our nation.’ He said:

During this time, they will need our compassion and our support, and I hope that all Australians will ensure that this is offered.

I welcome again the leadership of the Prime Minister on this matter because he rightly pointed out that Australia’s view and Australia’s actions are not directed against the people of Iraq or Muslims; they are directed against the regime of Saddam Hussein. I certainly can understand the additional pressure that people who have come from Iraq—and Muslims—are under at the moment. I know that our Prime Minister has met with members of the Australian Arabic Council. He has assured them that the Arabic community in Australia has a rightful place in our society. He has followed it up with an open letter published in Arab language newspapers.

These sorts of initiatives are critical at this time. While in this debate we may be looking out at what is happening in another part of the world we must also look after our home base. We must ensure that all Australians, while exercising legitimately a right to debate and a right to contrary views on almost any subject, do so in a way that is respectful of a variety of views that might be contrary to their own. It is critical that we are able to organise our views and concerns, for or against this matter, in peaceful and harmonious ways.

It is important to note the government’s overall initiative the Let’s look out for Australia booklet has been translated into 31 languages. It offers real information to Australians from a variety of backgrounds, so that they can have a sense of confidence about their role in this country. Through my own department, we are making good use of the long established and close relationships that we have with a range of multicultural organisations. In addition to this ongoing community liaison task, we have established a specific community relations strategy to address community harmony if a war does break out. I do not mind reporting to the parliament that this will follow a pattern similar to the actions taken after the Bali bombing. It will include ministerial media releases and letters of support to communities affected by incidents of community disharmony—if and when they occur.

I must say that most Australians treat other Australians well most of the time, but we all, as members of parliament, have a role to play. Ministerial and departmental meetings with relevant organisations, consultations, information sharing on community harmony issues with federal, state and territory ministers and officials, ministerial visits to Islamic sites—all of these things were set in place years ago in the 1990-91 period under the previous government
when the Kuwait invasion occurred. A similar pattern of conduct will occur if and when the matter reaches that form of escalation. We all hope and pray that, at the end of it, the United Nations will do all it can to bring about a peaceful, nonviolent resolution to this.

I implore all members of this House to get on with the important business of offering a sense of outreach and support to, in particular, those people from Iraq but also to those from the Arab-speaking communities and, indeed, the Muslim communities in this country. It is critical that we offer them a sense of support and welcome, and all Australians have a role to play in this regard.

Dr LAWRENCE (Fremantle) (5.41 p.m.)—The justifications being offered by Bush, Blair and the Prime Minister for attacking Iraq are constantly changing. Most Australians have, I think, rightly concluded that they are pretexts—arguments of convenience—that have been served up to garner public opinion. Nothing is more certain, however, than that the publicly stated reasons are not the real reasons. A sudden commitment to democracy worldwide, the protection of human rights and the elimination of weapons of mass destruction are not at the heart of the Bush administration’s rush to create a new killing field.

The United States has form on all of these fronts, and many of its own citizens have had the temerity to remind the Bush administration of the US government’s dismal record to date. As Lewis Lapham says bluntly in his essay ‘Road to Babylon’:

We’re good at slogans, but we don’t have much talent for fostering the construction of exemplary democracies; we tend to betray our allies, dishonor our treaties, and avoid the waging of difficult or extensive wars.

As Lapham put it:

A Government that must hold Senate hearings to discover whether it has a reason to go to war is a government that doesn’t know the meaning of war.

We have been told that anyone who expresses such views is somehow suspect. ‘You’re either with us or you’re with the terrorists; you either support the virtuous United States or you are with the evildoers.’ September 11 is being used to justify ‘the reconception of America’s correct role in the world as one of initiating and waging virtually perpetual war’. It is also being used to forcefully silence critics in the US and elsewhere. As Laura Rediehs has argued, Bush and his apologists draw a sharp line between good and evil, assigning people and nations to one side or the other. Neutrality or complexity is not possible. In this world, she says:

... every attitude, action or person must be assigned to one side or the other. Therefore, to question the official interpretation of these events (Sept 11) or to question the appropriateness of a military response is to remove oneself from the side of goodness ... the questioner must be regarded as evil—questioning goodness itself, apparently. Apparently, this is all good enough for our Prime Minister, who simply parrots Bush’s assertions about Iraq and the war on terrorism, imitating the pre-emptive strike rhetoric, to the alarm of many of our neighbours. The Prime Minister appears to be unembarrassed by Bush’s petulant impatience, by his whining complaint that he is fed up with watching what he describes as a B-grade movie, by his childlike reasoning that things will be so because he says so. ‘I’ve made up my mind that Saddam needs to go,’ he says. Or he trivialises what is at stake, as he did when he said, ‘The game is over.’

There is no doubt that the United States is about to attack Iraq with or without UN endorsement—but certainly with British and Australian troops in tow. Our troops are joined
with the massive US contingent and a significant British force. They are poised to attack Iraq. They are being readied to rain down bombs on the Iraqi people in what one Pentagon source described as the ‘shock and awe’ strategy. The New York Times reported on 2 February:

The Pentagon has disclosed its plan to maintain peace by carrying out an opening blitzkrieg on Iraq, more than 3,000 bombs and missiles in the first day of the U.S. assault … so that they can have this simultaneous effect rather like the nuclear weapons at Hiroshima, not taking days or weeks but minutes.

Even if this is nothing more than a crude device to scare Saddam Hussein into fleeing the country, that such a strategy could be articulated at all is grotesque. Depleted uranium weapons, whose use during the last Gulf War is already linked to increases in childhood cancers, will almost certainly be used again. Indeed, the United States has not ruled out the use of nuclear weapons. Why is our government supporting these actions? Recent reports from the United Nations and Medact estimate that, if the threatened attack on Iraq eventuates, between 48,000 and 260,000 people could be killed. Civil war within Iraq could add another 20,000 deaths. They estimate that later deaths from adverse health effects could add a further 200,000 to this hideous total. Estimates of the toll of death and misery that might result from an attack on Iraq do not include the use of nuclear weapons, which we know the US is contemplating.

We are entitled to ask: why are Australians being sent to kill Iraqi people? The burden of proof and argument must always be on those who argue for war. We should not have to argue against the use of violence. Peace and non-violent means of conflict resolution should be the starting point of any discussion. That, after all, is why the United Nations was founded. It is why we have helped devise and have adopted so many conventions and treaties: to prevent war and human rights abuses, including torture and persecution.

It is easy for all of us to be distracted by the minutiae of the arguments. But we sometimes forget to ask whether the arguments or the evidence in support of the war justify the killing of tens of thousands or even hundreds of thousands of Iraqi people, or the flow-on effects, including greater instability in the region and the probable generation of a new wave of anti-Western extremism, including in our own region. The Prime Minister is being reckless. Our Prime Minister’s statements to the parliament were simply a pale echo of the US propaganda and, in my view, were no more convincing. Saturday’s Australian carried a letter I am sure many saw from Major-General Alan Stretton—a former deputy director of the Joint Intelligence Bureau—saying he was unconvinced by the Powell evidence to the Security Council and the Prime Minister’s use of it. More damningly, he concludes:

Even if these US intelligence reports are true, there is still no valid reason why the Australian Government should be sending young Australians to be embroiled in a war in the Middle East where the consequences and duration are unknown.

It is often those, like Major General Stretton, who have seen war who most revile the use of force. A war correspondent, who had seen the end result of ‘orders from far away’, described his experiences in Vietnam and anticipated the likely effects of the waves of B52 bombers which will be used in Iraq. He remembered that the ‘children’s skin had folded back, like parchment, revealing veins and burnt flesh that seeped blood, while the eyes, intact, stared straight ahead’.

This raises the question: what is the actual imminent threat posed by Iraq to the United States or any other nation which would justify this war? Mere possession of weapons, even if established, is not evidence of an aggressive threat. The United States falls back on the ‘some
day’ argument to justify a strike without threat, against international law. The most obscene suggestion is that the United States now has to go to war because it threatened to; otherwise it will lose face. ‘Our credibility will be badly damaged,’ one official said.

We desperately need a peaceful resolution to this and to conflicts like it. We have to ask: if containment and surveillance have worked until now, why abandon them? Have we really explored all the means less terrible than war? Is it really beyond human imagination and intelligence to devise other diplomatic and security solutions, such as those proposed in recent days by France and Germany? Is killing Iraqis really the only course of action open to us?

Killing people should not be considered until all alternative means have been tried and have failed. We cannot in good conscience say that this is the case. I have heard members on the other side justify an attack in terms not dissimilar to those of the Bush administration: that because they do not intend to kill children they can somehow be exonerated. Even if Bush and Howard claim not to intend to kill innocent civilians, they are still using military techniques which they know with certainty will result in the loss of innocent lives.

Like many in the community, I have tried to make sense of what is happening; to read and think and talk; to gain some sense of control over the dark chaos we are confronting. Like many, I cannot help but return again and again to the images of children dying. The face on the poster advertising the rallies this coming weekend is that of a child, and rightly so, because children are already the most likely victims of an attack on Iraq. Of the approximately 25 million people living in Iraq, 12 million are children. Four million are under the age of five. Every time a bomb hits, on average we can expect half of the victims to be children.

Writing in the Guardian, Jonathan Glover tells us how, in discussing medical ethics with his medical and nursing students, it is clear that everyone agonises over life and death decisions—for example, when discussing whether to continue life support for a severely disabled child—never rushing the discussion. He, like me, is struck by ‘the contrast between these painful deliberations and the hasty way people think about the way in which thousands will be killed’. Decisions for war seem less agonising than the decision to let a girl in hospital die—but only because anonymity and distance numb the moral imagination.

We know that Iraqi children are already suffering as a result of the last Gulf War and the sanctions that have been imposed since 1991. There are several meticulous reports which I commend, including one from the UN and a most recent one titled Our common responsibility from the International Study Team, which looks at the vulnerability of children in Iraq today and forecasts a ‘grave humanitarian disaster’ should a war occur. The International Study Team went into Iraq and interviewed a great many children. They concluded that ‘Iraqi children are more vulnerable to the adverse effects of war than they were before the Gulf War of 1991’, in part because they are more dependent on food distribution programs and because of the breakdown of the medical and health systems.

These children are particularly vulnerable to infectious diseases because of the breakdown in water supply and sewage treatment. The United Nations itself estimates that an attack on Iraq could force more than 1.4 million people to flee Iraq and another two million to move within Iraq, away from their homes. It is clear that no-one is prepared for such an exodus, least of all the Australian government. As journalist Mike Seccombe pointed out this week, the new-found concern—which I viewed with some amazement—by government ministers
and MPs for the plight of Saddam’s victims has not been much evident in the last few years. Ask the poor bastards who are still being brutalised on Nauru. Ask the more than a thousand Iraqis who are still being held in detention. Ask their children who are locked up in contravention of every relevant UN convention to which Australia is signatory. These are the same people for whom the government felt such compassion that it systematically denigrated them as ‘greedy, wealthy queuejumpers’, as ‘illegals’ who were prepared to manipulate the Australian people with their hunger strikes and desperate acts of self-harm.

These are the people described as unworthy future citizens because they threw their children overboard—a claim we now know to be a calculated lie of political convenience. The government so well understood the trauma that these people had already experienced at Saddam’s hands that it refused them aid altogether, marooning them on remote islands and trying to deny any responsibility for their wellbeing. They sent over 600 desperate Iraqi people to rot on Manus and Nauru, where many of them are still being held. The government felt such pity for their plight that it turned its back on the foundering SIEV-X and allowed 353 people to drown—victims of either indifference, a deliberate strategy of sabotage or, in the chillingly clinical language of this government, a ‘disruption’ program. The majority of these poor souls were Iraqis—142 women and 146 children trying to join their husbands and fathers here in Australia on temporary protection visas which cruelly deny them family reunion. There are an estimated 4,000 Iraqis here on temporary visas, many now up for review and renewal. Like the Afghani man who committed suicide this week rather than face return, many will now be under enormous strain. They know that some of their compatriots have already been either forcibly returned to the region or coerced into agreeing to their own deportation, although even Syria is now refusing to take them.

To return to the children of Iraq, the most disturbing reports contained in the report I mentioned earlier called Our common responsibility were those of the psychologists on the team. They followed up children who were interviewed after the last war and found, unsurprisingly, that children ‘continued to experience sadness and remained afraid of losing their family’. They described the increased stress on parents from the effects of the last war and the sanctions and the subsequent difficulty parents have in providing a caring and supportive environment for their children. We all understand that losing people we love, particularly children, causes long-lasting grief and depression. These experiences can be devastating for children.

During the early part of the sanctions regime, childhood mortality in Iraq escalated at an alarming rate to reach 131 per thousand children below the age of five years—meaning, as the report puts it, that every second family runs the risk of losing a child. Think about it—and this was before the planned attack on Iraq. When these deaths are caused by shelling, bombing or shooting, the loss is even more traumatic and will lead to lifelong mental suffering. Is it really a surprise that the researchers found that the imminent threat of war was adding to this stress and preoccupied many of the children they interviewed? Even the preschoolers—these children are under five—were afraid and, as the researchers said, possessed concepts of real physical threats of bombs and guns, destruction of houses, burning of homes and killing of people. In the end, referring to their own family, they said, ‘We will all die.’ One five-year-old boy, Assem, said of the threatened US attack:

They have guns and the bombs and the air will be cold and hot and we will burn very much.
Older children, also fearful, were found to be in a state of fatigue, resignation and sadness, many experiencing sleeping problems and nightmares, severe concentration problems at school and, in some cases, feelings of extreme detachment. Nine-year-old Hana said, ‘Often I feel nothing; nothing at all.’ This same feeling was starkly revealed in the finding that almost 40 per cent of the teenagers interviewed thought that most of the time life was not worth living. It seems that Bush, Blair and the Australian government are about to confirm their fears and grant their implied wish—many of them will surely be killed.

FRAN BAILEY (McEwen—Parliamentary Secretary to the Minister for Defence) (5.55 p.m.)—As I rise to speak in this debate, Hans Blix, the UN’s chief weapons inspector, is again back in Iraq, attempting to identify if Saddam Hussein has destroyed or where he has stockpiles of chemical and biological weapons. This is the core issue. The world knows that Saddam Hussein has weapons of mass destruction. We know, for example, that prior to 1998 Iraq had 6,500 chemical bombs that included 550 shells filled with mustard gas; 360 tonnes of bulk chemical warfare agent, including 1½ tonnes of deadly nerve agent VX; 3,000 tonnes of precursor chemicals, of which 300 tonnes can only be used for the production of VX; over 30,000 special munitions for the delivery of chemical and biological agents; and 8,500 litres of anthrax, of which a single gram is enough for millions of fatal doses. This, I stress, is what we know Iraq had over four years ago.

Saddam Hussein says Iraq has destroyed this arsenal. Why then not provide Hans Blix with the evidence, proving that these deadly stockpiles have been destroyed? The answer, sadly, is of course that they have not been destroyed, and that is the reason why Iraq puts every obstacle in the path of the UN weapons inspectors and why it has continued to refuse to comply with UN resolutions demanding the destruction of its weapons of mass destruction—in spite of agreeing to do just that as part of the terms of the cease-fire agreement of the Gulf War in 1991.

Yesterday we learned that Baroness Nicholson, a senior member of the European parliament, Vice-President of the European parliament’s Foreign Affairs Committee and its investigator on Iraq and human rights, has stated that she has evidence that Saddam Hussein used chemical weapons to attack a Marsh Arab village in 1998. Baroness Nicholson has stated that she will provide Hans Blix with evidence of this 1998 attack as well as another chemical attack on the Marsh Arabs in 1992. These attacks followed unsuccessful attempts by UN weapons inspectors to locate supplies of these chemical and biological agents and protestations of innocence by Saddam Hussein. As well as using chemical warfare against the Marsh Arabs, Saddam has, according to Baroness Nicholson, used irrigation systems to dry up the marsh lands and drive out of the Marsh Arabs, forcing them to become refugees.

Like so many members of this House, I fervently hope that a solution to this situation can be reached without the use of military force and without sending men and women into conflict. But the fact is that we would not be facing this possibility but for the belligerence of Saddam Hussein over the past 12 years. The reality today at this very moment is that Iraq does have weapons of mass destruction that it has developed, manufactured and stored over the past 12 years. US Secretary of State Colin Powell has now presented to the UN satellite and taped evidence of the systematic and blatant actions of Iraq in removing this evidence prior to the UN weapons inspectors’ visits.
Iraq has deliberately and flagrantly thumbed its nose at every effort made by the UN to disarm and remove this truly awful capability. During the past 12 years, Iraq has not only refused to dismantle her arsenal of weapons of mass destruction but also has continued chemical, biological and nuclear programs and has not complied with 24 out of the 27 provisions contained in UN Security Council resolutions. Iraq has systematically and routinely disregarded UN resolutions and has placed every obstacle in the path towards achieving peace.

Saddam Hussein must accept responsibility for his actions. As the Prime Minister stated, it is his decision. He can make the choice for peace. It is Saddam Hussein’s ongoing development of weapons of mass destruction, his disregard for UN resolution 1441, his support of terrorist groups and his appalling human rights record that have led us to this situation. The international community recognises this; the UN Security Council unanimously voted for UN resolution 1441. We have heard a lot of talk about this resolution. I would like to read into the record some of the aspects of resolution 1441 adopted by the Security Council on 8 November 2002. While there are a number of parts to this, I intend to highlight three very salient points. The first one is that the Security Council:

... decides that Iraq has been and remains in material breach of its obligations under relevant resolutions, including resolution 687 ...

To remind the House, that was agreed by the UN Security Council way back in 1991. The second one is that the Security Council:

... decides, while acknowledging paragraph 1 above—
the aforementioned paragraph—
to afford Iraq ... a final opportunity to comply with its disarmament obligations under the relevant resolutions of the Council; and accordingly decides to set up an enhanced inspection regime ...

Paragraph 5 says:

... decides that Iraq shall provide UNMOVIC and the IAEA immediate, unimpeded, unconditional, and unrestricted access to any and all, including underground, areas, facilities, buildings, equipment, records, and means of transport which they wish to inspect ...

I repeat that the onus remains with Iraq. Iraq must cooperate fully and actively within this process. We have a right to know what has happened to the arsenal of weapons of mass destruction that Saddam has hoarded since 1991. This is precisely what the UN resolutions over the past 12 years have been designed to discover and what the current resolution 1441 is all about.

Australia has a strong record as an international peacekeeper. We cannot sit by and watch Saddam Hussein continue to defy Security Council resolutions. Saddam Hussein has continued to disregard his obligations for far too long. This is not acceptable and it continues to pose a real and present danger. Australia has played a continuing role in attempting to curtail his non-conforming activities. Australians continue to be involved with the UN Monitoring, Verification and Inspection Commission and with the IAEA weapons inspectors. Since 1990, Australia’s Defence Force has played a role in curtailing Saddam’s attempts at smuggling through the Gulf with a contribution to the Multinational Interception Force. In 1998, Australia deployed troops to the Persian Gulf to address Iraq’s refusal to comply with UN resolutions. That was with bipartisan support when the member for Brand, Kim Beazley, was the Leader of the Opposition. He recognised the value of that strategy. I am going to remind the
House of that by quoting exactly from the member for Brand’s commitment then. The member for Brand said:

... part of the reason why we have supported the Government in giving our approval to the steps that they’ve taken thus far, has been to assist in putting pressure on Saddam Hussein. And there’s no doubt in my mind if there had not been pressure coming in from those who are prepared to be part of a coalition, the energising of the UN Security Council and the energising of a couple of members of the UN Security Council—Russia and France—to try and find solutions simply wouldn’t have occurred.

In fact, what the member for Brand stood for and openly stated then stands in stark contrast to the current Leader of the Opposition’s refusal to provide bipartisan support in continuing to apply the same pressure on the same tyrant.

Our commitment to the Middle East and our friends and allies in the Gulf has been demonstrated in our active and immediate willingness to participate in the liberation of Kuwait in 1991 and again in our deployment, as I have said, in 1998. The Prime Minister’s decision to predeploy Australian Defence Force elements in the Persian Gulf is consistent with past policies and efforts by former governments of both political persuasions to pressure the Iraqi regime. The UN Secretary-General, Kofi Annan, has recognised the value of this strategy by publicly stating that, in his opinion, if military pressure through the build-up of forces in the Gulf had not been implemented, the weapons inspectors would not now be in Iraq. It is this military and diplomatic pressure exerted through the UN that is our only hope to force Saddam Hussein into fulfilling Iraq’s international obligations.

Like the people I represent, I hope that Saddam Hussein genuinely accepts the disarmament that is being demanded of him and that he complies, because the ramifications of Saddam Hussein’s actions stretch beyond Iraq’s borders. Iraq’s actions present dangers not only to Iraq’s nearby neighbours but also to countries around the world. The proliferation of either Iraq’s weapons of mass destruction or Iraq’s technology across the globe could bring these awful and diabolical weapons into our backyard. The flouting of UN resolutions will only make it easier for other rogue states to believe that they can develop these weapons. The longer Saddam Hussein ignores the UN Security Council resolutions, the greater the potential for this to occur will be.

It is Saddam Hussein’s production of weapons of mass destruction and his support for terrorists that provides opportunities for proliferation and the potential for these weapons to be used right around the world. It is also evident that Saddam Hussein’s support for terrorist groups could see these weapons used to cause catastrophe way beyond the borders of Iraq. Saddam’s sponsorship of terrorism has included payments to Palestinian suicide bombers and the provision of shelter and training facilities to terrorist groups. With these actions, the potential that the Iraqi regime could provide the means for delivering these weapons into our backyard simply cannot be ignored. We must hope that disarmament can occur to prevent any potential for the use of these weapons or any potential for the repeat of the devastation that occurred in New York on September 11.

We share a regional concern in the Asia-Pacific to avoid the proliferation of weapons of mass destruction. The terrorist attack in Bali in October last year was a horrifying wake-up call for Australians. Allowing the continuing development of weapons of mass destruction capability in Iraq could provide terrorist networks with more deadly means of pursuing their agendas. Diplomatic pressure and military pressure are vital to draw this matter to a peaceful
conclusion. We have the means to create greater pressure, and we are doing this through the predeployment of ADF elements to the region. Our forces are joining our friends and allies in the Middle East. Australia is part of an international coalition. Unlike the opposition leader, I support the predeployment of our forces—not only to increase the pressure on Saddam but also to give our defence personnel the best chance to familiarise themselves with, and acclimatisé in, a very different and difficult environment so that, if they are called on for military action, they are well prepared.

We live in a world where a despot who has contempt for, and continues to persecute, his people remains in power. Saddam Hussein consents to the torture of his own people by his Iraqi security forces, and many have detailed the horrendous acts of terrorism that he has perpetrated on his own people. It is not only the threat Saddam Hussein poses to the rest of the world but also the continual abhorrent human rights abuses that cannot be overlooked. The UN and its member nations, including Australia, cannot ignore Saddam’s long record of persecuting ethnic and religious communities like the Kurdish population and the Shiite Muslim community, which he continues to persecute. Hopefully the pressure that we are applying will be successful and hopefully the UN Security Council will be firm in demanding that Iraq comply with its resolutions. We all need the UN to be strong. (Time expired)

Ms ELLIS (Canberra) (6.11 p.m.)—Iraq is the question on the lips of the majority of Australians. In my electorate it is being discussed in workplaces, shopping centres, sporting fields and over back fences. This is an issue of enormous concern to all of our communities. Like other people in this place, I have received a large number of emails, letters and phone calls from my own electorate. I do not recall one of them supporting the actions of the Prime Minister or his government. All are very worried at the possibility of this country involving itself in a war of the United States’ making. The majority of the comments I am receiving call very strongly for the involvement of the United Nations. People see a role for the United Nations in our global world. Any action like that proposed by the United States simply must have the support of the United Nations. It cannot be a unilateral decision to go out and behave regardless.

Some people in my electorate have gone further with their comments. I received an email two days ago from a teacher in Canberra who writes:

Dear Annette,

This week I ‘welcomed back’ students to my classes at X High School. For some they had been affected by the tragic and traumatic events of the fire that ravaged this area of Canberra. I cannot help but feel that the memories of these times will stay with many of these young people for many years to come. In relating these events, my similar thoughts run to the current crisis which exists within the wider Australian community. I am particularly concerned about similar aged children in Iraq.

Just as I empathise with my students, my thoughts are now constantly occupied with the welfare and safety of the children of Iraq.

Annette, I believe that military action undertaken unilaterally or by the United Nations will cause horrific and massive casualties to a defenceless and vulnerable section of the Iraqi population.

He concludes:

... I ... ask you and your parliamentary colleagues to pause for one moment and identify the differences existing between my students who may live in Duffy, Kambah or Uriarra and those children who live in Iraq.
It seems to me that, once President Bush made up his mind to go down this path, everything else was set up to fail. If the weapons inspectors do not find any evidence, they have failed. If they do find evidence, they have failed because they have not found all of it. Instead of offering support to empower the UN, the Prime Minister, President Bush and those opposite are now saying that the United Nations will fail if it does not call for military action against Iraq.

Ms ELLIS—Make no mistake: I do not need convincing that Saddam Hussein and his regime are abhorrent, that he inflicts unimaginable cruelty upon his own people. The Minister for Foreign Affairs has made the point recently of listing in question time the shocking practices of Saddam Hussein. I do not question the legitimacy of any of those lists. But after today’s performance I must question the reason the Minister for Foreign Affairs is determined to do this.

For instance, today he concentrated—tragically, I might add—on the list of cruelty inflicted by the Saddam Hussein regime on women in Iraq. No-one could ever debate the abhorrence of those practices. But what I would question is the sincerity of a minister who does that while there was a debate in that very same chamber yesterday—brought on as a private member’s motion—relating to the government’s refusal to sign the optional protocol to CEDAW, the Convention on the Elimination of all Forms of Discrimination Against Women. In that debate, not only was it exposed yet again that the government is reluctant—and in fact has refused so far—to sign that optional protocol; we heard member after member get up and defend their reasons by outlining their opposition and their lack of trust in the UN system. So one really has to say that you cannot have it both ways. You cannot, on the one hand, get up and read a list of such atrocities and, on the other hand, disregard an opportunity you have to put on the world record how, as a government, you feel about that through the optional protocol to CEDAW.

The practices of Saddam Hussein are unquestioned. What we are questioning is the wisdom of the Prime Minister and his government in seemingly agreeing to support President Bush long before the work of the United Nations was given a chance and before a full debate was conducted in this country. I am not of the view that to question these actions is treasonable, makes me a communist or threatens the Australia-US alliance. Last year when we on this side of the House were calling for United Nations involvement the foreign minister accused us of being appeasers to Saddam Hussein. More recently, some opposite—who offer interjections that to have a different view is to support Saddam Hussein—display tragic disregard for the importance of free and open debate in this parliament. If we cannot have an open and honest debate in this country on an issue of such massive importance then we do not live in the true democracy I believe we do. Unfortunately, in recent days that right of ours has also been questioned by others outside of this place.

It has been said that this war will be unlike other wars in history, that this time there will not be carpet bombing but more strategic and targeted bombing. Either way, civilians will be killed and injured—innocent people; the elderly, people attempting to live with a disability, children and families. The thoughts to me are horrendous. I have not heard the Prime Minister or the government outline for us what steps they have in place to assist the agencies which
will be given the unenviable task of dealing with this human tragedy. How will the government react if we see boats of refugees on the horizon?

The United Nations came into being during a troubled time in the world, when a means of settling disputes was seen as essential. I am proud of Australia’s role in that piece of history. If ever there was a time for the United Nations to define its role in the world, it is right now. Those who choose to criticise the UN would be much better advised to put their support behind it. The United Nations simply must be allowed to do its work. When a powerful country like the United States decides unilaterally to step in and change the regime in another country, it sets the world down a questionable path. The Prime Minister has taken this country down that path with him by his actions so far.

President Bush has made it clear that ‘nothing other than military confrontation’ is how he sees it. The attack on the United States on September 11 was shocking; there is no question about that. However, there has been no case made of a direct connection between that atrocity and Iraq. The attack on Australians in Bali on 12 October last year was equally shocking. The Prime Minister talks about Bali when he talks about the need to invade Iraq but, again, I do not believe a case has been made.

Our troops, as we know, are on their way, and I give them my full and utter support. We can be justly proud of the reputation Australia has through our military. I have no doubt at all that they can and will perform the tasks given them. We offer all our support to their families and loved ones during this challenging time. But that is not the question at hand. I do not believe they should have been sent in this pre-emptive way. There are so many questions. Under whose command will they operate? It appears they will be under United States command, not ours. It already seems apparent that the Multinational Interception Force on patrol in the gulf will be caught up in the war, which was not the reason they were sent and not the reason they were believed to have been sent in the first place.

The general convention is that this will not be a long or drawn-out war. Try telling that to the people on the ground in Iraq. The Prime Minister is now saying he will not reconsider his future until this war is over. I thought his birthday was in June. If that is the case, and war breaks out in the next two or three weeks, that does not seem like a short war to me. The ‘peace’ word has only very recently emerged in the Prime Minister’s vocabulary—probably, and sadly, too late. We must put all of our efforts into working through the United Nations and finding an alternative outcome to war. Our community must be informed in an open and honest way by this government—something that has not been done to date.

The duplicity of the government’s actions, which were outlined so very clearly today by the Leader of the Opposition and by our foreign affairs spokesman during the censure motion debate in the House, lies at the base of this whole issue. Our community is worried. We are not talking selectively here. As I said at the outset, my community has not been backward in letting me know how they feel. Overwhelmingly, they have huge questions about exactly where the government is leading this country by its actions to date. I believe very strongly that the words of the US President today, in conceding that we are in fact one of the 12 in that little group, fly in the face of the evidence put before us, until today, by the Prime Minister. There is no doubt in my mind whatsoever that the United Nations must have all of the assistance open to it to find an alternative. Any actions considered in this conflict or any other conflict in the future simply must go through the United Nations process.
Mr TOLLNER (Solomon) (6.34 p.m.)—A member of this House should reflect the views of his constituents. Like many others in this debate, I have been emailed, telephoned, lobbied and counselled by many constituents in recent days and weeks. Nearly 100 per cent have been against war. Almost 100 per cent have been for disarming Saddam Hussein. Some believe the conspiracy that Saddam himself promotes—that the war is about oil. Others believe that Australia should have no part in a war halfway across the world. Everyone fears the loss of life and wounding of Australian young men and women in our defence forces and fear for the people of Iraq. I share those fears, but I do not share the view that US-led action against Iraq is about oil, or is only about oil, or that disarming Saddam Hussein has nothing to do with Australia. From among the many people that have contacted me, there are three whom I believe cover the spectrum of community opinion. The first has sent a letter that I will read out:

I am an Australian by choice. I came to this country because I believed it was a country where Social Justice and Human Rights were high on the agenda. I was wrong. In the last few years, I have often been very ashamed to be a naturalised Australian. It started with the Tampa incident, and I went from bad to worse.

If you support Australia’s involvement in the planned US invasion in Iraq, I want you to know that you don’t speak for me, and you don’t speak for the millions of decent Australians who have been excluded from participating in the decision making on Australia’s involvement!

That letter is signed ‘Beryl Mulder, Vice President, Multicultural Council of the Northern Territory Inc’. The letter worries me. It worries me for two reasons. The first is that the writer believes that she and millions of other Australians are being left out of the debate, a view that is simply untrue. The debate is occurring now. It also worries me because Beryl Mulder, declaring that she has often been very ashamed to be a naturalised Australian, signs off as ‘Vice President, Multicultural Council of the Northern Territory’. Beryl Mulder should resign her position on the Multicultural Council. It is totally inappropriate that she should attempt to associate these unrepresentative views with the Northern Territory Multicultural Council.

This letter is emblematic of a vocal minority. Such people are clearly living in a fool’s hell. They seem to think that Australia is a terrible place inhabited by terrible people, and that just about any other place in the world is a better place than Australia. I think that most Australians would quickly tell Beryl Mulder and others of her ilk to go back to wherever it was she came from for declaring herself ashamed to be a naturalised Australian.

Let me move on. A few days ago, I was having a beer and a game of pool with a bloke called Barry. Barry is in the 1st Brigade at Robertson Barracks in the Northern Territory. He said he was going to put his name down to go to Iraq and help put Saddam in his place—‘six feet under’, he said. He said he had been trained to do a job, and now he wanted the opportunity to do that job. He was a true Australian—part Aboriginal—and a true-blue home-grown boy. Barry is typical of Australian military men and women. In the past few months, I do not think I have received any correspondence from ADF members or families, even though there are some 6,000 uniformed and public service defence personnel in the electorate which I represent—about 14,000 people, counting their family members. The Larrakeyah army base, HMAS Coonawarra, Robertson Barracks—home of the 1st Brigade—and Darwin air force base are all within the electorate. It is expected that members of the 1st Brigade will be deployed to the Middle East within the next 10 days. From Darwin RAAF Base, and just down the track at the Tindal air base, F18 Hornets departed last Saturday for the Middle East and
also seem likely to play an active role in the Middle East if what we are all trying to avoid becomes unavoidable.

These constituents are more directly affected by the decisions of government on deployment to the Middle East and the possibility of a war in Iraq than their civilian counterparts are. However, I am not surprised that members and families of the ADF members are not amongst those who have written, emailed and telephoned me with their views. In my experience, defence personnel do not involve themselves with politics. They are trained to do a job. They go where their country sends them. They do what they are trained to do. They are a magnificent body of men and women who have a deep sense of duty and a well developed sense of realism. Barry is typical of this breed of Australian.

The third person whom I will mention is not a constituent, but he is someone very well known to me. He is my father. His views, I think, are broadly representative of the Australian majority. Last week, he wrote a letter to the Prime Minister and forwarded a copy to me. He wrote:

I do not believe that Australians have forgotten, or ever will forget, the horrors of the indiscriminate Bali bombing, where so many innocent lives were lost and so many dreams shattered. With this vision so fresh on our minds, I do not believe that Australian Mums and Dads will support the indiscriminate bombing of Baghdad and the terrorizing of civilians, especially men, women and children, from planes or by long range missiles against which they have no defence. It would be an affront to our nation of ‘fair-go’ people if our leaders would stoop to such tactics and commit this honourable nation to terrorize other nations who have been our trading partners, just because there are sick individuals in the world who kill and maim indiscriminately for their cause. Let Iraq strike the first blow against us or threaten to strike us, then we will rightly take up arms. Don’t let us fall to their level.

Yours Australian,

Chris W. Toller

My father was born in Germany in 1936, three years before the outbreak of World War II. As a child, he saw the incendiary bombing of his country and experienced the starvation, deprivation and disease that follow war. He grew up in a land occupied by foreign powers amongst the debris of war. I understand why he writes what he writes. I do not agree with him, but I understand absolutely the reasons he would have for Australia to avoid war at all cost. He is proud to live in a country in which he can write to the Prime Minister openly expressing his opposition to war. In Iraq palace, receipt of such a letter would see the writer arrested, tortured and possibly executed. My father, like Beryl Mulder, is an Australian by choice. He signs his letter ‘Yours Australian’. He would not think of renouncing his citizenship. He would never say he was anything but proud to be an Australian. I believe that goes for nearly all Australians, particularly in the uncertain times that we confront now.

It is on this note of realism that I will conclude. I am asked by my father and many of my constituents to oppose war at all costs. My father even suggested that Australia should not take up arms unless a direct threat is made upon his adopted land, Australia. In answer to people who hold that view, I say that the only way to avoid war is to convince Saddam to disarm, and do so publicly. While he has these weapons, he is a major threat not only to Australia but to all peace-loving people on the face of the earth.
The majority of constituents who have contacted me do not support Australian involvement in a war without the sanction of the UN. I support that, and that is the Prime Minister’s position. I sit with a government that is putting every effort into winning from the UN a resolution that leaves Saddam Hussein no choice but to divest his country of weapons of mass destruction or face the most dire consequences.

I have no hesitation in speaking of my absolute, utter abhorrence of war. I join with all members of parliament in saying that. If it can be avoided, then it must be. But I have read and heard the reports of Saddam Hussein’s record of terror in his own country, of his sacrifice of hundreds of thousands of Iranians, Iraqis, Kurds and Kuwait citizens. I have read of his grants of money to the Palestinian families that have lost their children in suicide bombings. I have read of his torture and the execution of his own family members. I note the lies, his deliberate deception of the UN and his continuing construction of weapons of mass destruction, brewing cocktails of chemical and biological destruction and testing such weapons on villages within Iraq and the armies of Iran. I am convinced that this man will stop at nothing in his quest for power—that he does and will support terrorist acts that could make September 11 and Bali look like preliminary skirmishes in a worldwide war of attrition and suffering over the coming decades. I believe that he and others like him must be stopped. I wish that he could be stopped by UN pressure, but after 12 years of deceit that seems to be a forlorn hope.

I know that the Prime Minister and other leaders in the international community will work as hard as they can to make this fight one that is sanctioned by the UN Security Council. I conclude, as reluctantly as any other Australian, that the likelihood is that Saddam must be stopped by direct military action. If that must be done, then it must be done speedily, with resolution and with the support and commitment of every citizen of Australia and the free world. The free world may have to cut out this cancer to save itself from a future chaos in which no-one, anywhere, can be confident of their safety and the safety of their children and their loved ones. Let us hope and pray that it does not have to come to that.

Mr McCLELLAND (Barton) (6.45 p.m.)—At the outset, I note that the member for Calare has moved an amendment to the motion before the House. If that amendment is put, I foreshadow an amendment to the Andren amendment, which I will detail to the House now. That amendment is:

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

(1) condemns the Government for forward-deploying Australian troops to a potential theatre of war with Iraq in the absence of any United Nations authorisation and without revealing to the Australian people the commitments on which that deployment was based;

(2) declares its opposition to a unilateral military attack on Iraq by the United States;

(3) insists that the disarmament of Iraq proceed under the authority of the United Nations;

(4) expresses its full support and confidence in our servicemen and women, while expressing its opposition to the Government’s decision to forward-deploy them;

(5) expresses its total opposition to any use of nuclear arms and declares that Australian support should not be provided to any operation where such weaponry may be used; and

(6) declares that it has no confidence in the Prime Minister’s handling of this grave matter for the nation.
This is indeed a grave matter for the nation. It clearly involves issues of life and death and issues of attempted disarmament of weapons of mass destruction. These are matters of great moment to the Australian parliament and to the Australian people.

The position of the Australian Labor Party is clear. It has been clear for at least nine months since these events started to unfold—that is, if the United Nations Security Council resolves that the resolutions of the United Nations calling for the disarmament of Iraq should be enforced by military means, then the Australian Labor Party would support such action. If not, the Australian Labor Party would not.

Going back to the reasoning behind that decision, let me point out to the House that the Australian Labor Party has been passionately committed to the principles of the United Nations and the importance that institution can play, and has played, in the security of mankind. We need only to refer back to a speech of Dr Evatt when he returned from the great debates establishing the United Nations. He introduced the Charter of the United Nations Bill in 1945. On page 5,017 of *Hansard*, he said that the central organ of the United Nations was to be, as we know, the Security Council. He said:

The Council has the responsibility of composing disputes between nations, of dealing with threats to peace and of quelling aggression should it break out.

He spoke of the powers that it was contemplated the Security Council would use, and he referred to the powers in these terms:

Such action could include complete or partial economic sanctions or the severance of diplomatic relations. If these measures are deemed inappropriate to the situation or prove ineffective, the security council may take any military action necessary to suppress the aggressor.

Clearly, we have seen sanctions in place in respect of Iraq, and it must be said that the Security Council certainly has to give consideration to other enforcement action that may be necessary. However, that action does not need to be war. Nevertheless, should the Security Council resolve that armed intervention is necessary, the Labor Party will support it. Such a question was put directly to Dr Evatt at the time he made the above comments. Mr Harrison is recorded as asking:

Is there any substantial obligation on member states to take such action?

Dr Evatt replied:

There is a direct obligation on all member states to place forces at the disposal of the Security Council when called upon.

The Australian Labor Party acknowledges that history and acknowledges those words from someone who was a pacifist and a great promoter of human rights. We say that, if the international community, through the United Nations, resolves that force is required in order to enforce the international rule of law, then the Australian Labor Party would support the use of that force. But, if the United Nations does not make such a resolution, then clearly we would not support the use of military force and would not support unilateral action by the United States, or any other nation for that matter.

While indicating our support for the United Nations processes, we sincerely want to explore all other alternatives, to ensure that all other alternatives are exhausted before armed conflict is considered. I note that the conservatives here in Australia and elsewhere—indeed, in the United States—tend all too frequently to regard the processes and committees of the United Nations as a nuisance. For instance, we have seen the Attorney-General, the minister...
for immigration and the Minister for Foreign Affairs appear jointly on stage to condemn re-
ports of UN committees when the reports have criticised certain aspects of Australia’s policy
from a human rights perspective, and we have seen press releases condemning United Nations
committees when they have raised human rights points. These things are regarded as a nui-
sance by the conservatives. All I can say is that, if the choice is between having armed con-

flict where innocent people lose their lives and living with such a nuisance, let there be a nui-
sance. Mankind should have such a nuisance so that these issues can be properly explored and
we can exhaust all other alternatives before committing to war.

We must recognise that the United Nations has had tremendous success since it was estab-
lished in 1945. Yes, it has been slow to act in respect of a number of conflicts in the 1990s,
such as Rwanda, Bosnia, Kosovo and Northern Ireland. Clearly, there was a need for a greater
involvement by the international community at an earlier time. Nevertheless, since its estab-
lishment in 1945, United Nations diplomatic efforts have effectively brought about 172 peace
settlements that have brought an end to regional conflicts. These have included the hastening
of the end of the Iran-Iraq War, the end of the civil war in El Salvador and the withdrawal of
Soviet troops from Afghanistan. Its diplomatic efforts have also been credited with averting
more than 80 imminent wars. It has helped with the self-determination and bringing to inde-
pendence of more than 100 countries, allowing them to participate in relatively free and fair
elections through the provision of electoral advice and the monitoring of results. The more
recent examples include Cambodia, Namibia, El Salvador, Eritrea, Mozambique, Nicaragua,
South Africa and East Timor.

Through the International Atomic Energy Agency, the United Nations has had an active
role in minimising the danger of nuclear proliferation. The agency operates a program of in-
spection of nuclear reactors throughout some 90 countries to ensure that nuclear materials are
not diverted for military purposes. The United Nations Human Rights Commission has been
equally diligent in monitoring abuses and generating international pressure to have them ad-
dressed. Again, Labor is committed—and I wish to emphasise this—to the United Nations
and to the need to enforce the United Nations resolution insisting that Iraq disarm itself of
weapons of mass destruction. But we want that result to be achieved without war. We want
there to be a genuine attempt at satisfying the international community that all other alterna-
tives have been exhausted. Why? Quite simply because warfare means bloodshed—bloodshed
not only of troops who have committed themselves to serve their countries knowing of that
possibility but also of innocent civilians.

In the last decade, two million children have died in armed conflicts. Warfare is terrible;
terrible primarily for citizens. Labor recognises—and we have been criticised on a number of
occasions for not recognising this, so the Deputy Prime Minister said today—the evils of the
regime of Saddam Hussein. That regime is totally indefensible. He is a brutal dictator. There
is no doubt he is responsible for invading neighbouring countries. He has killed thousands of
Kurds and Iranians with poison gas. He has turned his country into an impoverished police
state and he has developed, unquestionably, weapons of mass destruction. We have seen in
recent times the repulsive funding of Palestinian terrorists who attack Israeli civilians. We
cannot ignore the horrific prospect of Iraq becoming armed with nuclear weapons. What ef-
fect would that have on the region? Would, for instance, Iran see it as being necessary to also
develop a nuclear weapons capacity?

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**REPRESENTATIVES MAIN COMMITTEE**

Tuesday, 11 February 2003

MAIN COMMITTEE

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We cannot underestimate the potential revenue of the resource base that exists in the region through the sale of oil. If the sanctions were removed from Iraq, for instance, I understand the oil revenue would be in the order of $10 billion a year. We cannot let the situation go unresolved. Clearly, the international community must act, but we need to explore all alternatives, we need to exhaust all alternatives, before we commit our troops to being engaged in a war, in particular a war that is in the nature of a pre-emptive strike. It is not a war to defend human rights, as existed in Kuwait, where Australian citizens and members of the world community saw bodies being hung from traffic lights in the cities of Kuwait. This is clearly a pre-emptive action and I think we are entitled to say that before that is authorised we need to be satisfied of a higher onus.

This is a criticism which I make of the Prime Minister and other government members in their language. When they speak of a strike, they speak of a strike on Iraq. If you read the Prime Minister’s notes, he talks of Iraq and he used the term ‘she’ as a nation state. It is very easy for leaders to point to us being good and the others being evil, but who are we talking about when we talk about the others or Iraq as a nation state? What we are talking about is about 16 million people being subjugated by an horrific, violent, brutal dictator and his clique. That needs to be recognised. There is a need to ensure that that dictatorship is dispossessed of its weapons of mass destruction but we have to look at those civilians.

What was ironic today in question time was the Minister for Foreign Affairs detailing the human rights abuses that occur repulsively in Iraq—quite clearly occur and we recognise have occurred and still occur—but wanting to now commit Australian troops to warfare that is going to result in those same civilians who have suffered abuse being bombed and suffering yet further tragedy. Clearly, we need to identify that this is a country that is not a nation state as we know it. It is people who have been subjugated by a terrible regime. Yes, there needs to be action against that regime. We need to explore action that does not involve conflict. The international community needs to be satisfied of that before we are committed to war.

Regrettably, all the indications from the Prime Minister, who has predeployed Australian troops, are that there has already been a commitment made to the United States. That is unacceptable. It was made without consultation with the Australian community and it was made without satisfying the international community that all other avenues have been exhausted.

The DEPUTY SPEAKER (Mr Lindsay)—Order! The member for Barton foreshadowed an amendment. Is it his intention to move the amendment?

Mr McCLELLAND—I thank the Deputy Speaker. I understand that the Andren amendment has been moved in the House. In those circumstances, I therefore move:

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

(1) condemns the Government for forward-deploying Australian troops to a potential theatre of war with Iraq in the absence of any United Nations authorisation and without revealing to the Australian people the commitments on which that deployment was based;
(2) declares its opposition to a unilateral military attack on Iraq by the United States;
(3) insists that the disarmament of Iraq proceed under the authority of the United Nations;
(4) expresses its full support and confidence in our servicemen and women, while expressing its opposition to the Government’s decision to forward-deploy them;
(5) expresses its total opposition to any use of nuclear arms and declares that Australian support should not be provided to any operation where such weaponry may be used; and

(6) declares that it has no confidence in the Prime Minister’s handling of this grave matter for the nation.

The DEPUTY SPEAKER—Is the amendment seconded?

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

The DEPUTY SPEAKER—The original question was that the motion be agreed to. To this the honourable member for Calare moved as an amendment that certain words be added to the motion. The honourable member for Barton has now moved, as an amendment to that amendment, that all words after ‘and’ be omitted with a view to substituting other words. The question now is that the words proposed to be omitted from the amendment moved by the member for Calare stand part of the question.

Mr JOHNSON (Ryan) (7.01 p.m.)—I rise to speak in support of the Prime Minister’s statement on Iraq presented to the parliament on Tuesday, 4 February 2003. At the heart of the issue of Iraq is this question: is Iraq such a rogue nation state within the international community that her disarmament is essential to the security and stability of world affairs? That is the core question. That is the central issue for all of us, inside and outside this parliament, to consider. That is the threshold question we should be addressing on the floor of this chamber. Clearly, the answer to the threshold question is that Iraq poses such a clear and present danger to the international community with its weapons of mass destruction that it must be disarmed, and must be disarmed sooner rather than later.

Given the enormous significance of this debate for our country, it is important to outline once again the background and context of the enormous challenge that now confronts us. Following the Gulf War in 1991, Iraq made promises to the United Nations that it would permit the UN to supervise the destruction of its chemical and biological weapons as well as its developing nuclear capacity. This was the basis for the withdrawal of the international forces that had been assembled to evict the Iraqi troops that had invaded the tiny nation of Kuwait—an invasion, let us not forget, that was totally unprovoked and totally unjustified.

In short, the UN Security Council compelled Iraq to renounce weapons of mass destruction. However, as the evidence has shown, to this very day Iraq has thumbed its nose at the world body charged with pulling into line rogue states and facilitating international security measures. In 1998 Saddam Hussein refused UN weapons inspections teams the right to remain in Iraq. When the UN weapons inspection agency left Iraq in 1998, the inspectors were unable to account for a significant number of items related to weapons of mass destruction. Between 1998 and 2002, no UN monitoring or inspections occurred in Iraq at all.

As we can see, for more than a decade Saddam Hussein’s Iraq has ignored successive resolutions of the UN Security Council and defied the will of the international community. The evidence speaks for itself. Despite countless resolutions, intense UN diplomacy and even targeted sanctions, Iraq has continued to flout the international will and has failed to disarm itself of its weapons of mass violence. Despite all this, with UN Security Council resolution 1441 the Iraqi dictator was given yet another chance to make the decision to peacefully disarm. Passed on 8 November 2002, resolution 1441 was a unanimous request of all 15 mem-
bers of the Security Council—not, as some would have us falsely believe, an imposition of only the United States or Britain.

The comprehensive Blix report, presented in January 2003 by the UN weapons inspection team headed by eminent Swedish diplomat Dr Hans Blix, demonstrated that the suspicion of Iraq’s development of chemical, biological and nuclear weapons and their means of delivery is well founded. In his report to the United Nations, Dr Blix found that there were still serious unresolved questions about Iraq’s efforts to produce VX nerve agents—one of the world’s most lethal chemical agents—serious questions about Iraq’s failure to explain discrepancies in the accounting of 6,500 chemical munitions, serious questions about unaccounted for biological growth material which could be used in the production of up to 5,000 litres of Anthrax and serious unresolved questions about Iraq’s efforts to produce missiles of a range exceeding limits allowed for by the United Nations.

It is frightening to contemplate these powerful deadly agents falling into the hands of rogue states or brutal dictators and the terrible consequences that could flow from their evil application. Indeed, the rise of indiscriminate terrorism adds a frightening and unprecedented dimension to the existing threats posed by the proliferation of chemical, biological and nuclear weapons. The British Prime Minister, Tony Blair, spoke eloquently on 31 January 2003 of international terrorism and weapons of mass destruction as two of the great issues confronting and challenging the world’s resolve today. Prime Minister Blair stated:

I think both those issues come together because they threaten the peace and the order and the stability of the world. And what is essential is that in every respect, in every way that we can, we mobilise international support in the international community in order to make sure that these twin threats that the world faces are dealt with. And I have no doubt at all that we can deal with them, but we should realise that those two threats—terrorism and weapons of mass destruction—are not different, they are linked, and dealing with both of them is essential for the future peace and security and prosperity of the world.

The coexistence of weapons of mass destruction and other agents or instruments of mass violence in the hands of terrorist or other fundamental organisations is a new paradigm in international relations that the world confronts today. We no longer live in the Cold War era; we live in the age of global terrorism. Old ways and old solutions are no longer relevant. Terrorist groups operate today in ways that make conventional responses meaningless. They cannot be deterred. They cannot be negotiated with. They cannot be persuaded to be rational because what they seek to achieve is irrational and not within the gift of those upon whom they inflict terror. How to successfully combat the marriage of weapons of mass destruction in the hands of terrorist bodies is an unprecedented challenge for the United Nations. It is an unprecedented challenge for the world’s leading democratic nations to overcome. But it is a challenge that the world must overcome decisively, simply because the consequences of failing to do so are too unimaginable to comprehend. Regrettably, it appears that the leader of the Labor Party in this country and his party simply do not grasp these global dynamics.

In terms of a response, the first point that needs to be made in absolutely clear language is that it is the clear preference of the Australian government that military confrontation should be avoided and, in the event that it is required, such conflict is carried out under the umbrella of the United Nations. Everyone in their right mind wants the full authority, the full legitimacy, the full prestige of the United Nations at the heart of any military engagement against Iraq. For my part, I want to place on the record very strongly and very genuinely my support
for the importance and role of the United Nations in world affairs. It is an institution that the world does need. It is a body that does have a vital role to play in facilitating the security and stability of the international community.

I had the pleasure, and indeed the privilege, of holding the position of president of the Cambridge UN Society during my time as a graduate student at Cambridge University in 1997-98 and the opportunity of learning at close hand all about the tremendous work of the UN. I have visited the UN building in New York and felt very much the esteem of this world body. So, for my part, I certainly count myself as a strong supporter of the United Nations. Equally, I appreciate that the UN must not be anchored in the past and in old mindsets. When the world changes, so too must the UN. In short, the UN must produce results when it matters. The UN must deliver outcomes when the big issues of statecraft and diplomacy come to its attention. It has to make the big calls, even in the face of popular opinion that advocates a position to the contrary of what is clearly right.

Clearly, war is not the desirable solution to Iraq’s refusal to disarm. War is the last option—the very last call. The Prime Minister made it clear in his speech to the parliament on Tuesday, 4 February that there is only one nation that will determine whether force will be necessary or not, and that nation is Iraq. But surely there is a grave danger in standing by and doing nothing. Surely there is a grave danger in merely being a spectator, when we know action must be taken. Surely there is grave danger in just being a passenger, when we know that if we act in union and with strength we can make a real difference. The time to address the threat Iraq poses to the Middle East and to the world is now. After 12 long years of deceit by the Iraqi regime, the time has come for action to be taken against a brutal dictator whose capacity for evil and terror, even against his own citizens, knows no boundaries.

We have come to learn of the horrific events taking place in the daily life of Iraq by those who have fled from the country. A report released by the Bureau of Democracy, Human Rights and Labour in December 2002 gives account of the types of abuses Iraqi citizens are subjected to. The Iraq of Saddam Hussein has a long history of systematically executing, torturing, imprisoning, raping, terrorising and repressing its own people. It is horrific to read the accounts of those who have witnessed and been subjected to the types of barbaric practices of this totalitarian regime. There is evidence that Saddam Hussein’s regime has experimented on human beings. Evidence points to the likes of 1,600 death row prisoners being transferred to a special unit for such experiments. Reports also point to prisoners being tied to beds and experiments conducted on them with blood oozing around the victims’ mouths and of autopsies performed to confirm the effects on the prisoners. We also know of thousands of Iraqis simply disappearing without trace. It is crucially important for all Australians to be reminded that the UN Special Rapporteur on Iraq to the Commission on Human Rights has documented 16,496 cases of disappearance. Human Rights and Amnesty International place the number of disappeared people between 70,000 and 150,000—something that we in this country simply cannot comprehend.

In response to genuine questions from the Ryan electorate about Australia’s specific involvement, let me say to those of you who live in Ryan that, whilst it might seem that our interest in what happens in the Middle East or in relation to Iraq specifically is remote, the reality is in fact very different. The world exists in a very different prism in this the early part of the 21st century. More than ever, we are connected to what happens elsewhere in the world.
More than ever, what happens in one corner of the world can resonate in our own backyard. We hope that whatever happens in some distant place will always be in our best interests; often, however, it will not be. And when it is not, we must be bold enough to acknowledge this and capable of overcoming it. In particular, what happens almost anywhere in the world today is capable of importance or relevance to this country’s strategic, security or economic prosperity. Increasing globalisation, rapid technological advances and a more informed world citizenry all ensure that we cannot ignore the domestic policies of our close neighbours and the decisions of international organisations. The rise of fundamentalism in national governments as well as the ever present and ever daring brutal despot adds to our need to be vigilant.

It follows therefore that what happens in Iraq, such as the stockpiling of biological and chemical weapons and the manufacturing of nuclear capacity, stands as a real threat to Australia’s own national interest. This is one occasion where Australia needs to acknowledge the dangers involved and be prepared to stand up and be part of the solution. Therefore, if Australia can be a stakeholder in the decision making process, we should be. This is nothing to do with being so-called handcuffed to the United States; it has everything to do with being an exceptionally good international citizen. We have a part to play in world affairs. We are very much a part of the international architecture. We have a deep and abiding interest in achieving positive outcomes. We cannot just leave the affairs of the world to others alone.

In taking the position I do of supporting the Prime Minister’s statement on Iraq, I fully accept that I am taking a position that is contrary to the views of some of my fellow Australians. I also accept that many of the residents in Ryan, which, as a local of 22 years residency, I proudly represent in the Australian parliament, will feel deeply upset. Let me say, however, very clearly and very genuinely, to the residents of Ryan who disagree with the Australian government’s position and my own position, that I fully respect your own opposition stance. I respect the views you hold because I believe in your right to express them against your government and against me as your elected representative. I respect the views you hold because I believe passionately in everyday citizens being permitted to gather peacefully and to speak against their duly elected government. I respect the views you hold because I believe in the majesty of our democracy and the precious freedoms we enjoy in this country.

Indeed, democracy and freedom, the right to protest peacefully and to tell one’s politicians how vehemently you disagree with them are the hallmarks of our great country. These are the characteristics which define us as a truly great nation and set us apart from the monstrous regime that exists in Iraq. These are the elements, of course, which are contrary to all that exists in Saddam Hussein’s brutal Iraq.

Today’s international community owes it to future generations to stand firm against regimes such as Iraq, against brutal dictators that mock and defy the collective voice of international organisations such as the UN. I compliment the leadership of the United States government, the British government and the Australian government at this defining time in world affairs. Our world needs strong and decisive leaders at times like this. It needs leaders of courage and conscience to make decisions that might be unpopular with a domestic audience but which are profoundly in the world’s long-term interests. The lessons of history speak loud and clear to those who care to listen. They also speak a cruel and tragic truth for those who would choose to ignore them. I commend the Prime Minister’s statement on Iraq to my colleagues in the House, to the people of Ryan and, indeed, to my fellow Australians.
Mr JENKINS (Scullin) (7.16 p.m.)—The Prime Minister’s statement failed in engaging the Australian public in the government’s reasons for its involvement, alongside America and Great Britain, in deploying forces to the Middle East region in preparation for a military strike on Iraq. Nothing contained in the statement could convince me of any justification for Australia being involved in a pre-emptive strike on Iraq led by the United States, alongside what is now called ‘a coalition of the willing’. Debates of this nature are of course very difficult. They are the most important debates that a parliament of this kind can have, and I welcome the opportunity to debate the issues that surround the happenings of the Middle East.

I commend a number of those opposite who, at least in their contributions, have acknowledged that constituents have a differing view, that they have engaged in a discussion on the conclusions which the government have come to. I disagree with those conclusions. From the outset of my parliamentary career, I indicated that Australia should have great confidence in itself to develop an independent view of the world. I talked about it in my first speech as Australia approached its bicentenary—we are a few years on from then. I believe that in the 21st century Australia should have confidence to adopt its own position and should neither directly nor indirectly slavishly follow powers with which we engaged throughout the 20th century.

Also throughout my parliamentary career, I have indicated that the way in which Australia could best advance the interests of our nation on the global stage was through the multitude of international fora that are open to us. I believe that still holds. In the case of Iraq, because of the events over the last 12 years, the United Nations is the appropriate body that we should engage to reach a proper solution—the ultimate disarmament of Saddam Hussein and his regime in Iraq. I believe that this can be done in a peaceful way. I believe that we should not be dismissive of the diplomatic solutions being talked about and that we should acknowledge the work of UNMOVIC and the work of the International Atomic Energy Agency and their inspection teams and allow their work to continue, because through that process we can achieve the ultimate outcome. This is not just about proper process for the sake of proper process; it is about achieving an outcome. I believe that the potential for a peaceful resolution of the disarmament of Iraq should not be dashed by the hasty and pre-emptive resort to a military option.

If we look at Hans Blix’s report to the Security Council and do not isolate just one sentence or paragraph, we see that Dr Blix is confident that the inspection teams that have been established—and let us remember that we are talking about a period of months, not years, since UNMOVIC was reactivated—mean that he is now in a position to continue the work of that agency. Of course he has expressed concern about the lack of Iraqi cooperation. Whilst that is of concern, and whilst that is something resolution 1441 goes to, it is not an excuse for military action. It is an observation that is pertinent.

The interesting thing is that—now that we have the advantage of being seven days on since the Prime Minister’s statement and now that a number of things have happened, including Dr Blix’s return to Iraq—Dr Blix has acknowledged that there has been a change in Iraq’s attitude. I am not in a position to know whether that change is slight or great. The point is that we should not throw away the potential and the opportunity that arises for UNMOVIC to continue to a successful conclusion of its endeavours.

I go to Mohamed ElBaradei’s report as Director-General of the International Atomic Energy Agency—without falling into the same trap I might have accused others of: quoting
something out of context. I believe it is important to underscore the comments made by El-Baradei. He says in his report:

… in addition to the new authorities granted by Resolution 1441, I believe that the unified resolve of the council—that is, the Security Council—to support an inspection process has been a vital ingredient and must remain so if we are to achieve a peaceful resolution of the situation in Iraq.

He went on to say:

I trust that the council will continue its unified and unequivocal support for the inspection process in Iraq.

He then goes on to say how he sees that developing over the next few months.

It does concern me that, when we have a discussion about what is happening in Iraq, we do so without really discussing what might happen in the Middle East as a region if in fact there is a military incursion into Iraq. Whilst of course the Prime Minister in his statement indicates that it would be positive for the Middle East region if Iraq were disarmed, the method of that disarmament is very important.

On balance, one would have to be concerned that precipitate action by the so-called coalition of the willing—and at the moment, whilst it is alleged that there are others, it appears that the coalition is only the United States, Great Britain and Australia—has the potential to cause even greater harm. I think we should act in recognition of that. That is why we should be supporting a course of action that involves our using the processes of the United Nations to achieve an outcome. That will mean that we will gather together a greater international coalition. That is the course of action the opposition has consistently supported since April of last year.

In the seven days since the Prime Minister’s statement, we have heard that France and Germany are putting together an alternative view within the Security Council about a way in which we can achieve an outcome based on beefing up the inspection teams and giving them the support of peacekeepers in their endeavours. I am disappointed that the United States administration has dismissed this out of hand. This parliament is in no way able to influence the United States administration’s view of the world, but I am more disappointed that the Prime Minister should be so dismissive of the potential that such a resolution coming out of the Security Council might have for bringing this issue forward.

We now see that another important international body, NATO, is in disarray and tension because of differences of opinion as France and Germany have exerted their option not to involve themselves in deploying troops to Turkey. These things have to be thought through because these institutions are important. They should not be brought asunder simply because in this case there are a number of people who want to follow the United States administration, which seems hell-bent on involving itself in military action.

As I said in the earlier debate on Iraq, it has been indicated—and it was apparently clear—that in the lead-up to the election of George W. Bush as President there had been discussion about a regime change in Iraq. September 11 and other events gave greater impetus to his address in 2002 where he coined ‘axis of evil’. There was further impetus, and we are now in this position today. We have also expressed concern on this side of the House that Australian
troops have been deployed to the region without the government really being forthcoming about what they believe those troops will be involved in. This is a large deployment, by Australian standards, and there is a need for the government to come clean and indicate what use will be made of these troops in the event that there is not a United Nations resolution that endorses military action.

There has also been criticism of the position that the opposition leader put, on behalf of the opposition, at the farewell of the *Kanimbla* where he indicated to those assembled that the opposition did not support the government’s decision to send the troops. But he underscored that those troops had our support in their endeavours. I think that that is an important understanding that should be out there in the public domain. As is stated in the amendment moved by the honourable member for Barton, the opposition is calling upon the House to express its full support and confidence in our service men and women, while expressing its opposition to the government’s decision to forward deploy them.

Late last year, after an article appeared in one of the local papers in my area, I was taken to task by a Vietnam veteran. I was quoted as saying, amongst comments expressing my opposition to any pre-emptive strike, that we do not want to make the mistakes of the Vietnam years. When this constituent wrote to me I had to reply to him because of some of the accusations he had made about my position. I said on that occasion that there were many lessons from Vietnam—not just the folly of political leaders making decisions to involve us but also the lack of respect and understanding shown to veterans of that conflict upon their return. I went on to say that, if, God forbid, Australian troops were committed to a conflict in Iraq, one of the lessons of Vietnam is that service people of any new conflict must not be treated in the manner that my constituent described.

It is clear that in any eventuality all members of this House support our troops in their endeavours on behalf of the government. We would have clearly in our hearts the hopes and expectations for their safe return. There can be no greater decision made than to send troops into battle on behalf of a nation.

In conclusion, I hope that those types of diplomatic solutions that are being suggested will be successful—that a willingness by the United Nations processes to find a peaceful solution will lead to disarmament in Iraq and that then there can be a discussion going forward about how we can help the Iraqi people in ensuring that Saddam Hussein and the types of human rights violations that he undoubtedly carries out can be countered. It is only by constructive dialogue within international forums that this will be achieved. I believe that the military solution is the wrong solution.

Mr ANDREWS (Menzies—Minister for Ageing) (7.31 p.m.)—No-one who is elected to this parliament is so foolish as to prefer war to peace; nor does anyone have a mortgage on the desirability of peace. The weight of responsibility on all members of this parliament is enormous, because the horrendous nature of waging war is so grave. No more serious dilemma exists for a democratically elected authority.

The choice before parliamentarians is not a choice between any longstanding alliance and a more independent foreign policy; it is not a choice between unilateralism and multilateralism as moral categories; it is not a choice between indiscriminate total war in the name of national pride and a negligible threat to distant states. The choice is between the threat and possible
use of military force with an awareness of its horrible consequences and the ramifications of inaction.

In coming to my own conclusions, I have sought insight from the intellectual traditions around the subject of war and peace—thinkers as diverse as Aristotle, Augustine, Herodotus, Hegel, Thucydides and Tolstoy. Just-war thinking begins with a basic moral judgment that legitimate public authorities have a moral obligation to defend or pursue the peace of order. The view expressed by some parliamentarians that the threat of military force, let alone its use, is always unacceptable is one I reject. In this argument, there is no room for self-defence, and it invites the appeasement of real aggression. Modern democracies have waged wars in many circumstances that have demonstrably advanced and expanded justice, freedom and peace. The choice before us, therefore, is this: is this one of those precise circumstances?

Hussein’s Iraq is one of the world’s worst human rights offenders in both scale and depravity. More than 200,000 persons annually disappear because of institutionalised killings, assassinations and military experiments. Political prisoners are more often than not tortured and mutilated. In one instance 100 prisoners were buried alive in a pit. The regime punishes the children of suspected enemies of the state by denying them food rations. Some are forced to watch their parents endure torture. Food and medicine are stockpiled or diverted for the aggrandisement of Hussein’s henchmen. Hussein’s Iraq serially persecutes ethnic minorities. Religious oppression of the Shia Muslims in the south includes arrests, bans of religious practices and the killing of clerics and their families. Repulsively, Kurdish communities have even endured attacks with chemical weapons. Some 900,000 people are estimated to be internally displaced.

Saddam Hussein sponsors international terrorism, shelters terrorist groups and operates a secret training facility within Iraq. Perversely, he entices with financial inducements Palestinian adolescents to suicide bomb Israeli civilians. The Iraqi regime provides $US25,000 to each family of suicide bombers, with bonuses for different levels of casualties. Estimates put Iraqi reward money at some $20 million. International terrorism is one of the root causes for the violent estrangement between Israelis and Palestinians, and Hussein’s Iraq is one of its chief financiers.

Hussein has invaded two sovereign countries, Iran and Kuwait, in order to control the supply of oil to the world market. With callous indifference, he has deployed missiles into Saudi Arabia, Qatar and Israel. Containment and deterrence have not improved the humanitarian situation in Iraq, and the export of terror has deteriorated.

Waging a war in the interests of common humanity by effectively removing the sources of terrorism and expanding human rights can make the action intentionally purposeful and even righteous. In this regard the United Nations has set contemporary precedents in its endorsement of military action against terrorism and unstable states and for humanitarian causes—notably Taliban run Afghanistan, the world’s first terrorist sponsored state; Yugoslavia; East Timor; and Somalia. To my mind, the moral risk in not confronting Hussein is similar to the humanitarian failure in not intervening in Rwanda in the early 1990s where the consequences of inaction were horrific. Some have said that there are other regimes as bad as, if not worse than, the one the Iraqis have to endure. However, past inaction in Iraq or elsewhere does not make further inaction right.
In April 1991 Iraq unconditionally accepted, 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. It also agreed then to a system of ongoing monitoring and verification of Iraq’s compliance with the ban on these weapons and missiles. Meeting these conditions would also lead to the lifting of economic sanctions against Iraq.

Since 1991 more than 20 United Nations Security Council resolutions have been passed. The threat and use of military force had been employed in order to enforce these resolutions. For example, in July 1993 France, the UK and the US conducted air raids on sites in southern Iraq because Iraq prohibited the use of UNSCOM aircraft, an unacceptable and material breach of the 1991 resolution. In 1998 United Nations inspectors were expelled from Iraq while the Western powers and Russia were preoccupied by the humanitarian and military crisis in the Balkans. Iraq has progressively outmanoeuvred the international community. The great powers have allowed Hussein to recognise them as militarily unwilling and avaricious.

On 5 February Colin Powell, the United States Secretary of State, gave declassified intelligence to the United Nations. Among the evidence were mobile laboratories designed for developing chemical and biological weapons and avoiding the detection of United Nations inspectors. Just a few days before, Germany’s secret service informed German MPs that Bagdad had bought components for those cited mobile laboratories from German firms. In the future, historians will illustrate how the West almost lost the peace at the Cold War’s end and how it left collective security vulnerable to weapons of mass destruction with these kinds of examples.

The September 2002 Security Council resolution 1441 set out a process by which disarming Iraq of weapons of mass destruction could be achieved peacefully. Our pre-deployment contributes to that process and is therefore welcome. Iraq should cooperate fully. It is Hussein’s unambiguous responsibility to avoid war, yet Iraq is in material breach of the resolution, with unaccounted stockpiles of nerve agents, anthrax and smallpox. This is the opinion of Hans Blix, the chief UN inspector.

International discipline in halting Iraq’s rearmament had progressively faltered. The eye was taken off the ball, particularly by the great powers of the world. Just as al-Qaeda was emboldened by the rapid exit of peacekeepers in Somalia after US troops were fatally assaulted, Hussein had been encouraged by the diminishing international efforts to foil his lethal ambitions in the last five years of the past century. So far, the psychopathology of the regime has only responded to the tragic destruction of military force.

In these circumstances, building a coalition of support for dismantling Iraq of lethal weapons is an international imperative. The large-scale use of armed force is only being seriously considered because legal, diplomatic and economic options have been unavailing. The disarmament of Iraq has been an elusive, 12-year-old objective; consequently, world opinion is shifting towards the conclusion that the armed force assembling in the Middle East is proportionate given Saddam Hussein’s regime.

The toxic and deadly nature of biological and chemical weapons is incapable of discriminate use, unlike the kinds of conventional weapons that Western powers have today. Neither are these weapons defensive by nature. It is simply disingenuous, I believe, to contend that only appropriate force is merited as an Iraqi missile carrying chemical or biological weapons
had been launched or is being readied for that launch. To my mind, Iraq’s failure to disarm weapons of mass destruction, an appalling record in human rights and the lack of respect towards the territorial integrity of its neighbours establish a threshold for the use of proportionate and discriminate force. This is on the condition that all other options are reasonably exhausted.

Contemporary just-war thinking is embodied in the UN’s precedents, shaped by the events leading up to and during the Second World War. It is reflected in articles 2 and 51 of the United Nations Charter. These self-defence articles limit just causes to ‘defence against an aggression under way’. When an evil regime has not hesitated to use chemical weapons against its own people and against neighbouring countries, when a tyrant has no concept of the rule of law and flagrantly violates its international obligations, when a regime founded on totalitarian principles works vehemently to obtain and deploy further weapons of mass destruction, then there is a persuasive case that aggression is in the offing.

The commitment of democratic states like Australia is important. Lending Australia’s legitimate public authority to defend peace of order is a significant contribution to collective security. Australians acknowledge that they have special strategic and humanitarian interests outside of their immediate region. Our broader interests are well served by challenging the export of instability by rogue states in the Middle East. Iraq, as an uncontested aggressor, provides the impetus to other or future rogue states to circumvent collective and regional security. Soviet expansionism was successively and successfully challenged by a system of alliances of democratic authorities. A similar level of commitment should meet the twin threat of rogue states and international terrorism. Under these conditions, this hydra-headed menace to the liberty and freedoms of all citizens will recede. No country is an island. Nations of the world are entitled to defend their broader interests by militating towards a safer and more humanitarian international order.

There are members of the opposition who are genuinely weighing up the strengths and weaknesses of the use of force against Iraq. Honest differences are to be encouraged. Positions for and against military force, with or without UN support, are neither disloyal to Australia’s alliances nor unpatriotic. However, there is in some of the contributions that have been made opposite the display of a rampant anti-American rhetoric and a failure to acknowledge the views of other Labor leaders, such as Tony Blair and Jack Straw, or world figures like Vaclav Havel.

As Leader of the Opposition, the member for Brand supported the 1998 ADF forward deployment of 150 Special Forces and two 707 midair refuellers in response to a request from the United States to apply further pressure on Saddam Hussein. There was no specific UN directive. The member for Brand was a leader who was tied to the significance of the geopolitical leadership Labor leaders such Curtin, Chifley and Hawke had demonstrated as prime ministers. It is the finer part of Labor’s tradition. Clarity of judgment is demanded of the current Leader of the Opposition and the opposition foreign affairs spokesperson. It is their responsibility as the nation’s alternative government in a time of uncertainty—a responsibility in which, I believe, they have been found wanting.

I commend the Prime Minister’s judgment in the predeployment of Australian forces in the Gulf and his support for the United States and the United Kingdom in advancing collective security. The decision to wage war may yet be averted diplomatically, but not without the
threat of force. As the United Nations Secretary-General, Kofi Annan, acknowledged, it was the threat of military action by military states that has allowed the return of weapons inspectors to Iraq without conditions. It is the same threat that has seen more concessions by Saddam Hussein even in the past 24 hours. Peace therefore may yet be achieved.

In commending the Australian government’s efforts to support satisfactory outcomes in the Middle East, the old Roman saying seems representative of its good intentions: ‘Si vis pacem, para bellum’—’Let him who desires peace prepare for war’. I hope and pray that these preparations have the desired outcomes: full cooperation by Saddam Hussein with the desires of the international community, the prevention of further development and use of weapons of mass destruction, and peace of order in the region.

Ms BURKE (Chisholm) (7.45 p.m.)—Some debates in this place are cause for great concern, and this is certainly a debate which concerns me and my electorate of Chisholm deeply. When I rose to address this issue in the House last September, I stated that I was not pleased to contribute to the debate—and that sentiment is now ever more potent. I do not want to be talking about a war, about contributing our young men and women, with the prospect of laying down their lives, especially as there is no imminent threat to Australia and no determination by the United Nations Security Council that military action in Iraq is required to maintain global security.

The absolute futility of this debate is also causing me despair. Regardless of the eloquence of all the speakers from both sides of this House in this debate—their passion, their research, their heartfelt views—nothing is going to change. My words today will not alter the course that the Prime Minister has sent us hurtling down. The Prime Minister has already committed our armed forces and our country to this war. The PM’s decision has already been made. The assertion today by the President of the United States that Australia is one of the coalition of the willing puts paid to all the Prime Minister’s assertions that he has not committed our troops to war. We are part of the coalition of the willing and we are bound for war.

Each speaker in this place has repeated ad nauseam that they do not want war. If that is the case, why are we having one, and why are we having it now? Nobody disputes that Saddam Hussein is a despotic leader who has wreaked terror on his own people since 1979, who has killed, maimed and terrorised. He has suppressed any resistance or democratic movements in his country. He has used poisonous gas against the Kurds and has almost wiped out the Marsh Arabs. Nobody in this House is an apologist for Saddam Hussein. Tim Colebatch put it eloquently in the Age today:

A firing squad would be too good for the creep. But it involves more than that.

We might not like a lot of the world’s leaders but we are not proposing currently to invade and overthrow their sovereign states. George Bush, in an address to a joint sitting of the US Congress, outlined an axis of evil: Iraq, Iran and North Korea. Yet the war on terror is only extending to Iraq. Why? Because Saddam Hussein leads an evil regime? Yes. But many have argued that the tyrannical rule in North Korea may be even more brutal than Saddam’s. Is it because of known links to al-Qaeda and Osama bin Laden? No. As yet there is no published evidence, despite numerous allegations, which links Saddam to this group or the events of 11 September. Osama bin Laden has condemned Saddam as an infidel.
Most recent assessments of the operations of al-Qaeda have suggested links with groups in many countries. The ones most often mentioned include Pakistan, Yemen, Somalia, Iran, Syria, the Philippines, Indonesia, Malaysia, Saudi Arabia and some former Soviet Union republics. Are we going to bomb all these states? Are we going to attack Saudi Arabia, where 15 of the 19 people involved in the 11 September attack came from, who many in the US describe as the kernel of evil and who also do not operate a completely democratic state? No. This government and our Prime Minister are talking of invading Iraq. Is it because of Saddam’s appalling human rights record? You only need to look at the Amnesty International annual report of 2002 to see that Saddam is not alone. Australia even rates a mention in Amnesty International’s report as committing human rights violations. The Amnesty International Report 2002 details human rights violations performed in 2001. It records:

Confirmed or possible extrajudicial executions in 47 countries in 2001.
People “disappeared” or remained “disappeared” from previous years in 35 countries.
People reportedly tortured or ill-treated by security forces, police or other state authorities in 111 countries.
Confirmed or possible prisoners of conscience in 56 countries.
People arbitrarily arrested and detained, or in detention without charge or trial in 54 countries.
During 2001, people were sentenced to death in 50 countries and executions were carried out in at least 27 countries. These figures include only cases known to Amnesty International; the true figures are certainly higher.
Serious human rights abuses by armed opposition groups committed serious human rights abuses, such as deliberate and arbitrary killings of civilians, torture and hostage-taking, in 42 countries.
Are we going to attack all these countries listed? You need to remember that there are 190 countries in the UN. Are we going to go and invade the 111 countries that have been noted by Amnesty International for abuses of human rights? No. The Prime Minister wants us to wage war only on Iraq. Is war with Iraq on the agenda because it has breached United Nations resolutions? Iraq is not alone on this score. A conservative look at the available information reveals that there are currently 91 Security Council resolutions about countries other than Iraq that are currently being violated. Countries in breach include Israel, Turkey, Morocco, Armenia, Russia, Indonesia, Sudan and several others. Is John Howard supporting a war on these countries?

Is war in Iraq on the Prime Minister’s agenda because of the war on terror? Many have argued that Iraq is a side issue. It diminishes our capability to engage with our region to ensure that we are protecting Australian citizens against acts of aggression. Where is our engagement with Asia, our support for moderate Islam and our ability to deal with the systemic causes of terror—poverty, oppression and injustice? Is war against Iraq going to ensure that these issues are addressed? Where is our plan to secure peace in Iraq—the long and costly haul post any military action? Where is our plan to protect the countless refugees that will flow from this terror, and what will be the next target?

If the US and our Prime Minister get a taste for unilateral action, where will that lead us? Military action by Australian troops should only be undertaken to guarantee our national security if it is directly threatened or following a Security Council determination that such action is in the collective interest of all who inhabit our globe. Should Saddam Hussein disarm? Yes. Should the UN resolutions be enforced? Yes. Is there any justification for unilateral war
against Iraq? No. There is no justification for the slaughter of tens of thousands of Iraqi people and for the likely casualties from the coalition of the willing. There is no basis for this action. We can gain an idea of the scale of possible losses in a military campaign in Iraq when considering that the US military is purchasing additional body bags, taking the stockpile of these most grisly items to 77,000.

It is essential that the United Nations is principally involved in determining any action that may be required in Iraq, and the United Nations Security Council is doing just that. Weapons investigations are continuing. The Security Council’s primary responsibility under the UN charter is for the maintenance of international peace and security. Surprisingly, on the web site of the Australian permanent representative to the United Nations, next to a very pretty picture of the foreign minister shaking hands with Kofi Annan, is the statement:

Australia is firmly committed to the UN system. As a middle-sized nation, we have substantial interests in functioning, effective mechanisms for multilateral cooperation that complement our bilateral and regional relationships. The UN’s importance to Australia can be seen in core areas, such as international peace and security (including arms control and disarmament) and the development of international legal instruments and norms.

The Australian Labor Party has led this debate since April last year, when we clearly articulated our stance that action could only be countenanced through the UN. It is essential that the United Nations is able to do its job to ensure international security. The Prime Minister’s actions of committing Australia precipitately are not in Australia’s interests. The question posed by Irene Khan, Secretary-General of Amnesty International, in her 2001 report should give food for thought to all of us:

“You role collapsed with the collapse of the Twin Towers in New York.” This blunt statement to AI delegates by a senior government official captured the challenge faced by the human rights movement following the events of 11 September 2001. Did the attacks on the USA and the reaction of governments and public opinion indeed make human rights and their advocates irrelevant? Has the “war against terrorism” meant a significant shift in states’ obligations and interests to respect human rights and international humanitarian law?

As the “war against terrorism” dominated world news, governments increasingly portrayed human rights as an obstacle to security, and human rights activists as romantic idealists at best, “defenders of terrorists” at worst. But precisely because of these pressures, the role of human rights activists, far from diminishing, gained new urgency and importance.

My constituents, like all members who have spoken, say that they do not want war. And they say, like Labor members of this parliament, that if there must be military action it must be sanctioned by the UN. I would like to read a few letters which have been sent to me by constituents.

Dear Anna
I live in your electorate and wish to express my concern with the Federal Government’s wish to support the USA against Iraq. I agree with Simon Crean’s stand and would appreciate if you were able to continue to oppose the sending of troops before any UN resolution.
I believe that we should have learned from the Vietnam experience.
Sincerely
Liz Neilsen
Another constituent writes:
As a constituent I feel that I should make known my belief that Australia should not be involved in any war in Iraq unless any decision to go to war is consistent with principles of international law, which rules out of course any support by Australia for US unilateralism.

Fergus Farrow

Donna Bourke writes:

Dear Honourable Member,

It is with frustration and a feeling of powerlessness at the impending war with Iraq that this constituent asks that you do all in your representative power to communicate to the Prime Minister, Mr Howard, that this war with Iraq is unjustified, that the case for war has not been made and that this Australian citizen deplores such action.

Yours sincerely,

Donna Bourke

I have been stunned in this debate by the silence of the moderate Liberals in this parliament— not only in this House but in their party room. Where is the conscience of the Liberal Party? Has it been silenced with the loss of Peter Nugent from this place? The Minister for Veterans’ Affairs, representing the Minister for Defence in this House, has not yet spoken, and her decision to speak at all in this debate appears to be an afterthought.

My heartfelt thanks and thoughts go to our service men and women who have been predeployed to the Gulf. They do our country proud, and I want it clearly and unambiguously understood that our military personnel have my full support. My disquiet is not with them but with the Prime Minister, who has sent them off without a clear understanding of the commitments that he has given.

There is only one sensible action that the government should be taking with regard to Iraq, and that is to be working through the UN and solely in Australia’s national interest. That can be achieved only through continuing our longstanding commitment to international security through the United Nations and rejecting the intentions of the coalition of the willing to attack Iraq regardless of the determinations of the United Nations.

Mr John Cobb (Parkes) (7.58 p.m.)—The government does not have the luxury that is being exhibited by the opposition of treating the current situation as a political rather than a security situation with Iraq that affects not just our country but countries right around the world. With the UN weapons inspectors due to hand down their final report at the end of this week, we wait and hope for a positive outcome. The Prime Minister has placed his hopes in the hands of the United Nations. He has always maintained, both domestically and internationally, that the UN process must be given a chance to work and that inspectors need more time to provide comprehensive evidence that could justify any possible conflict. He has conveyed these wishes to President Bush and to the international community as a whole.

I do question the strength of the United Nations and its ability to resolve situations where human rights abuses occur. I will come back to that later. When a body such as the United Nations is bound up in ideology and symbolises the will of the majority, we as a government must afford it every opportunity to do its job. That is exactly what our government has done and will continue to do.

So far no commitment has been made with regard to military action. Certainly, we have deployed troops and, to this point in time, supported the United States. But that is about put-
ting pressure on a regime that none of us would want to live under. It is about putting pressure on Saddam Hussein and the Iraqi regime; it is not a commitment to, or a decision to be involved in, war. History tells us that only by applying pressure and real threats to Saddam Hussein and his regime can real results be achieved. I wonder at the opposition’s attempts to lower that pressure and make it easier for Saddam Hussein to resist. I wonder: do they realise that what they are trying to do is save Saddam Hussein rather than save the world from the threat he represents?

We keep hearing that Saddam Hussein has been allowed to carry on ignoring the international community and the disarmament agreement for 12 years, but I think we have to stop and see what that means. He had an agreement. He broke it. He made a promise. He broke it. He has had chance after chance to comply with the rest of the world’s resolution and he has blown it every time. Appeasement is not a theory that will apply to this situation. I wonder sometimes about some people, especially the opposition, who are in a position to know better: do they think this is all just going to go away?

You may criticise the United States—and, in some respects, sometimes that criticism may be warranted. But the one thing that cannot be ignored is the fact that its continued efforts and continued pressure on Iraq have resulted in Iraq’s agreement to let the weapons inspectors back in after four years. I say again: do Labor want to take away that pressure from Saddam Hussein? Do they want to take away the pressure that has been on Iraq? That is the way they are headed. It was the opinion of the UN Secretary-General, Kofi Annan, that if the Americans had not applied that pressure the inspectors would not be there. Australia added to that pressure by predeploying troops to the Gulf, along with the UK and the US—a very clear message to Saddam Hussein that the democratic nations of the world would not put up with his desire for power at all costs.

I have heard many arguments for and against waiting and applying a diplomatic approach, and it is something I have considered long and hard. But the one thing I keep coming back to is history, and history tells us that Saddam Hussein is not a man who is patient. He is not a man upon whom the delicate touch has any effect. He does not respond to negotiations and he has certainly not responded to economic sanctions. They punish the people who least deserve it and they have no effect upon a leader who has proved he cares nothing for his people. He has shown this through horrific human rights abuses and his complete disregard for the desperate situation many of his people are in. He has all the luxuries and comforts in the world, and he knows nothing of the suffering around him. History tells us that Saddam Hussein thumbs his nose at democracy. Anyone who has read anything about Saddam Hussein or studied him at all would know that the man is nothing but a thug. Any ideology he has is simply that of maintaining power at all costs.

When UN weapons inspectors were dismissed from Iraq in 1998, several items were unaccounted for and remain unaccounted for. This is the issue the opposition will not mention and fail to address. They seem to think this thug is a good man at heart and that if we forget about this—if we do a three wise monkeys trick, and do not see, do not hear and do not speak—it will go away. He has 6,500 chemical bombs, including 550 shells filled with mustard gas; 360 tonnes of bulk chemical warfare agent, including 1½ tonnes of the deadly nerve agent VX; 3,000 tonnes of precursor chemicals—300 tonnes of which could only be used for the production of VX; and over 30,000 special munitions for the delivery of chemical and biological
agents. These are not new figures, and we have heard them before, but I do not think we can forget for one second that that is what this is all about.

I cannot get over how frightening these weapons and chemical agents are. I cannot sit back and assume that they have been banished into insignificance, never to be seen again. I accept that many of the people who oppose any action against Iraq do so with what they see as good intentions. But I say to them: what do you want us to do—do nothing and simply hope that what is happening is not really happening, that the man is going to have a change of heart? He will not.

The term ‘weapons of mass destruction’ has been used so much that it is almost a cliche, but think about what it really means: weapons that can wreak mass destruction on Iraq’s neighbours, on members of the international community and, most importantly, on totally innocent people. Many of these weapons do not cause instant death; they cause prolonged suffering, physical defects, birth defects and cancer. They contaminate food, soils and clothing and they stay around for years. Do we just pretend all of this does not exist?

The Kurdish people are witnesses to what the world can expect from the proliferation of chemical and biological weapons. They have had chemical and biological weapons used against them, both covertly and in open aggression. They have experienced death, long-term suffering, vicious cancers and birth defects. Saddam Hussein is without doubt nothing more or less than a brutal dictator who suppresses and tortures his own people and deliberately brings women to be raped in public so that their families can witness it. The only ideology that can be attributed to a man like this is the ideology of wiping out any and all opposition to himself at home and abroad.

We are not talking about a man who responds to rhyme or reason. If he has so little regard for his own people, his neighbours and the oppressed, then he has absolutely none for the rest of the world. The threat may not be that Iraq will use these weapons against us in the future; it may be that they will supply them to terrorist networks who will undoubtedly use them. The United Nations has a duty to protect innocent people and prevent human rights abuses. We know it has happened in Iraq and we know it will happen in Iraq again. Do we want it to happen here or elsewhere around the world?

The facts speak for themselves. Every illegal weapon successfully created under his regime has at some time or another been used at least once. It is a fact that he has used these weapons on peoples of other nations as well as his own, with ghastly results. He invaded unprovoked a neighbouring country, Kuwait, with the purpose of obtaining its natural resources and power. It is a fact that he was only driven out of Kuwait by a United Nations coalition which warred against him. If he had not been removed, he would still be there. It is a fact that he caused an environmental disaster by burning and destroying Kuwait’s oilfields during his retreat. More than one billion barrels of oil were burnt in fires set by Iraqi forces in their retreat from Kuwait in 1991. It is also a fact that he did this after agreeing to a cease-fire and agreeing to curb his aggressive activities.

This man murders, tortures and imprisons all Iraqis who oppose him. He insults the free peoples of the world and enslaves his own people. If the opposition do not see that as an issue to be dealt with, only as a process to talk about, perhaps to them the fact that he has an election where he is the only candidate and gets 100 per cent of the vote is a more appropriate thing to stand against. This is a man who has shown that he has no respect for anybody. Why
would you suggest for one second that he will not hand these things to the terrorists who exist in the world today?

I hope and pray that the United Nations do their job and do it properly and that the peoples of the world combine to deal with Saddam Hussein if he refuses to be dealt with. But, when I think about the United Nations’ reluctance to deal with Kosovo and the massacres that happened in the Balkans, I wonder if they will have the resolve to deal with this. We saw ethnic cleansing and the total massacre of villages—not only in Kosovo but also in Bosnia—where the United Nations did get involved but still refused to stop sieges of cities, towns and villages, and I wonder whether they will have the resolve to act here. I certainly hope they do. Neville Chamberlain thought he prevented war, but in the late 1930s he probably caused it by appeasement. Simply appeasing dictators does not stop them; it encourages them. We all wish it was not so, but I think we have to face reality and the responsibility.

Our government is the government. We do not have the luxury, as I said earlier, of simply saying this is a process, this is a political point—it is not. We are responsible for the security of this country. This is the prime reason that we have national governments: to look after our physical and our national security. How can any government, faced with somebody such as the person I have just described—which anybody, whichever side of this argument they are on, cannot do anything but agree is a fact—simply assume that he will not give to terrorism that which he has given to his own people?

Ms HOARE (Charlton) (8.11 p.m.)—This debate is named ‘the Prime Minister’s statement on Iraq’. The Prime Minister came into this parliament last week, on the first sitting day of the year, to try to explain to the parliament and to the Australian people why he sent Australian service men and women halfway around the world—away from their wives, their husbands, their children, their mothers, their fathers, their sisters, their brothers, their other family members and their loved ones—to a war which has not yet started. Today we heard that the Prime Minister has already committed Australia to the United States ‘coalition of the willing’—that is, the willing to support the US in a war against Iraq without any United Nations sanctions; a unilateral action by the US against Iraq.

While we debate this case in the parliament, the US and the UK continue the build-up of military forces in the Persian Gulf region and in nearby areas. There are now approximately 150,000 US troops, including three aircraft carrier battle groups in the region. A fourth carrier battle group is currently on exercises in Western Australia and is expected to arrive in the Gulf within weeks. Troops and aircraft have been deployed in Turkey, Kuwait, Bahrain, Qatar, UAE, Oman and Saudi Arabia. In addition, approximately 30,000 UK forces are being sent to the region. The UK has also dispatched HMS Ark Royal.

On 10 January, following a national security meeting, the Prime Minister announced cabinet’s decision to forward deploy approximately 2,000 Australian military personnel to the Gulf region. The deployment includes 150 SAS troops and support staff, the Kanimbla, a squadron of 14 FA18 fighter aircraft, C130 aircraft and Chinook helicopters. This is in addition to the two P3C Orion aircraft and two Navy frigates already sent to the Gulf as part of the war on terrorism but subsequently diverted to a sanctions enforcement role as part of the UN Multinational Interception Force. The Prime Minister has so far evaded the issue of how these troop deployments will influence the outcome of the weapons inspections or the disarmament process. However, in statements last month, Colin Powell said:
We continue to reserve our sovereign right to take military action against Iraq alone or in a coalition of the willing.

And a Pentagon official revealed a plan to rain as many as 800 cruise missiles on Iraq in two days. The official said:

There will not be a safe place in Baghdad. The sheer size of this has never been seen before, never contemplated before.

Saddam Hussein is one man in Baghdad—a city of three million people, half of whom are children.

I return to the well-documented and substantiated facts about war. In January and February 1991, for 42 days the Americans conducted 110,000 aerial sorties, dropping 88,500 tonnes of bombs. This bombing killed tens of thousands of Iraqi citizens; it destroyed the economic viability of the nation; it destroyed Iraqi water systems, electric power transmission, communications, transportation, manufacturing, commerce, agriculture, poultry and livestock, food storage facilities, markets, fertiliser and insecticide production, business centres, archaeological and historical treasures, apartment houses, residential areas, schools, hospitals, mosques, churches and synagogues.

The civilian death toll rose to 111,000 people after the bombing had stopped. Of these deaths, 70,000 were children under 15 years of age. These deaths were caused by damaging health effects resulting from the destruction of Iraq’s civilian infrastructure—especially electricity generating power plants, which led to a breakdown in water purification and sanitation. This breakdown caused outbreaks of infectious diseases such as cholera, typhoid, malaria, polio and hepatitis. UNICEF has reported that over a decade of economic sanctions has resulted in the deaths of 500,000 children due to malnutrition, diarrhoea and other preventable diseases.

Nearly 400 US and allied military personnel were killed in the Gulf War and some 25,000 veterans are still suffering from Gulf War syndrome, including the effects of depleted uranium used in munitions. If the US even considers using a ‘mini-nuke’, it would be an act in violation of international law. If the target were a bunker in Baghdad, there would be roughly 20,000 innocent people in the one kilometre radius of total lethality of the explosion. It is likely that this war would be fought in urban areas rather than in the desert, which increases the probability of large numbers of innocent civilians dying from direct bombing hits.

The former chief of the ADF, General Peter Gratton, supported a report, which was launched by the Medical Association for the Prevention of War, on the health and environmental consequences of new war against Iraq. He says of the report:

It is coldly factual by health professionals, who draw on the best evidence available ...

The Report first catalogues the human and environmental costs of the 1991 Gulf War.

Further, the report:

... postulates a credible hypothetical scenario from which to estimate the impact of a new war.

General Peter Gratton’s statement concludes:
I thoroughly commend this Report, and its call for humane and wise global leadership. By reminding us of the likely monumental human and environmental costs of a new war with Iraq, it has made a major contribution to the debate at a critical time.

The report is titled *Collateral damage: the health and environmental costs of war on Iraq*. I seek leave to table it.

Leave not granted.

Ms HOARE—General Gration has joined with peace activists; environmentalists; workers and their unions; local governments; churches; community groups; scientists, doctors, lawyers and other professionals; students; Gulf War and Vietnam War veterans; parliamentarians; and millions of other Australians voicing our opposition to war. In my local area, there were resolutions passed unanimously by both the Newcastle City Council and the Lake Macquarie City Council opposing a war in Iraq.

A group of the Hunter’s most senior medicos has opposed any war in Iraq, saying the devastation it would inflict on the country’s civilians would be a thousand times worse than the recent Bali catastrophe. A survey of Hunter residents published in the *Newcastle Herald* on Monday, 3 February indicated that 87 per cent opposed war without United Nations backing and only 51 per cent supported war with United Nations backing.

We have also seen the evolving of the Liberals Against War, as well as a letter published in the *Australian* newspaper on Wednesday, 17 January 2001 signed by, among others, Malcolm Fraser, Elizabeth Evatt, Peter Garrett and Chris Sidoti. In that letter they pointed out another Security Council resolution, No. 687 of 1991, which referred not only to Iraq’s disarmament but to the goal of establishing a Middle East zone free from weapons of mass destruction. In that letter, they say:

> It is time for a change of direction. In particular it is time to allow the people of Iraq to re-build their society, to create a future for their children, and to engage with the international community. Economic sanctions should be lifted, but strict sanctions on military materials must remain. And it is time to work for a zone free of all weapons of mass destruction in the Middle East.

There have been many alternative peaceful proposals put forward, the most recent being the Franco-German proposal for a peaceful resolution in Iraq. We saw the Prime Minister position himself firmly behind the President of the United States in dismissing out of hand that proposal for a peaceful resolution in Iraq. I call on the Prime Minister not to dismiss it out of hand but to study the detail of it, wait until it is presented to the United Nations Security Council and then make a judgment on all the facts that are presented to him.

As I said, over the years there have been many alternative proposals put forward in relation to arms control, in relation to economic sanctions, in relation to human rights issues in Iraq, in relation to the no-fly zones in Iraq, in relation to the Iraqi opposition and in relation to depleted uranium and other health and environmental concerns in Iraq. The leaders of the world need to find the commonsense to sit around and discuss these issues without resorting to war. War has dreadful immediate and long-term human consequences. People die in wars, children are killed in wars, and war is something we must take every possible step to avoid. Diplomacy, not war, is the answer.

The objective in Iraq is disarmament in compliance with United Nations Security Council resolution 1441. Labor policy on Iraq remains firm and clear. As we said in April last year,
diplomacy must be our first response. We said that the UN should pursue a two-step approach: one resolution formalising the return of weapons inspectors to Iraq and a second resolution to consider what further action may be needed. Labor will not support unilateral military action by the United States or military action outside the authority of the UN to disarm Iraq. The Australian people are entitled to the facts. They are not getting the truth from the Howard government.

I am a member of the Parliamentarians for Peace group. It is a cross-party forum dedicated to the nonviolent resolution of conflict. It comprises parliamentarians from all levels of government and it is steadily growing. The majority of Australians would prefer to see a diplomatic solution to the current crisis over Iraq, especially as an invasion becomes more and more imminent.

We have remained committed to pursuing the international peace and security outcomes through multilateral cooperation. This has consistently been Labor’s approach—unlike the Howard government, which only uses the UN system when it suits its agenda. As with so many issues that currently pose a threat to global security, Australia cannot respond to these threats alone. It continues to be fundamental to our national interest, and to the interests of our region, that we support the United Nations system and respect the rule of international law, equality and justice. Mr Deputy Speaker, I apologise for my discourteousness before when I sought to table a document. I seek leave to table the Statement by General Peter Gration, which supports that document.

Leave granted.

The DEPUTY SPEAKER (Hon. L.R.S. Price)—I thank the member for Charlton, the member for Gray and the opposition whip, the member for Melbourne Ports.

Ms Hoare—I thank the member for Gray and the Deputy Speaker.

Mr SECKER (Barker) (8.27 p.m.)—I wonder how many of my colleagues have taken the time to read resolution 1441 of the United Nations Security Council. It was adopted on 8 November 2002. I have heard many members in the chamber mention this number but I am not sure that many of my colleagues, especially from the other side, have actually taken the time to read the resolution. I will not read it all out, or ask for it to be tabled, because I think it has already been tabled in parliament at some stage. But there are some very important points—

Honourable members interjecting—

Mr SECKER—I do not feel the need for it. It is nearly five pages long and includes a copy of the letter that was sent to the foreign minister of Iraq. But I think it is worth pointing out many of the things that were brought about as a result of that resolution of some three months and three days ago. It recognised the threat that Iraq’s noncompliance with council resolutions, and proliferation of weapons of mass destruction and long range missiles, poses to international peace and security. It also recalled its resolution 678, which authorised member states to use all necessary means to uphold and implement its resolution 660 and all relevant resolutions subsequent to resolution 660 and to restore international peace and security in the area. It further recalled that resolution 687 imposed obligations on Iraq as a necessary step for the achievement of its stated objective of restoring international peace and security in the area.
It went on to deplore the fact that Iraq had not provided accurate, full, final and complete disclosure and to deplore the fact that Iraq repeatedly obstructed immediate, unconditional, unrestricted access. It deplored this and deplored that. It determined that we must have full and immediate compliance. That was three months and three days ago. It said that it was determined to secure full compliance with these decisions. It is worth going to the end of this resolution:

... the Council has repeatedly warned Iraq that it will face serious consequences as a result of its continued violations of its obligations.

I would like to suggest to members opposite that facing serious consequences can only mean that, if they do not comply with this resolution, we actually forcefully disarm them. It is interesting to note that UNMOVIC and IAEA may conduct interviews with any person in Iraq whom they believe may have information relevant to their mandate. Yet three months and three days later, we still have had no interview with Saddam Hussein himself, who has refused to comply with this resolution.

I have listened to many of the speeches made thus far on one of the most important subjects that I will have to address as the member for Barker. There is no doubt that the situation facing the world is as a result of one man in Iraq—Saddam Hussein—who cannot be trusted, who cannot rule by ideas but who rules by terror. In his poor excuse for a speech on Tuesday last week, the opposition leader said that Saddam Hussein must be disarmed. There was no qualification. He said that Saddam Hussein must be disarmed, but his answer was to say on Tuesday that it must be through the United Nations. We would all prefer it if the United Nations lived up to its obligations. But certainly the Leader of the Opposition has not, and the opposition backbench may not have, twigged to this apparent weakness in his argument—I noticed quite a few of them with decidedly heavy eyelids during much of his tirade.

What if the United Nations Security Council will not take the right decision? How does the opposition leader suggest we disarm Saddam Hussein if the UN Security Council gets a veto from one of its permanent members, for example? How would he do that? How will he disarm them if the United Nations does not take the right action, as it did not in Kosovo? We know that Saddam will not do it voluntarily, as the last 12 years have shown. We know he will not do it because the United Nations tells him, because he has not done it for the last 12 years. We know he will not do it through diplomatic channels. How does the Leader of the Opposition think we can disarm Saddam if the United Nations fails to do what the opposition leader says is the only way to do it?

Let there be no mistake. We are a proud nation, a proud democracy, with freedom of speech, freedom of ideas and freedom of trade. Iraq is not. We are right and he is wrong. They do not rule by ideas; they rule by force. Saddam cannot rule by ideas, because he has the wrong ones. We have the right ones. We are right and he is wrong. It is as simple as that.

We are faced by this crisis in international relations because Saddam has not disarmed his weapons of mass destruction. It is not because President Bush is a warmonger, as some of those opposite would suggest; it is not because Prime Minister Blair is a warmonger, and most of those opposite are not prepared to even raise his name; it is not because Prime Minister Howard is a warmonger. It is because Saddam Hussein is an evil tyrant who will not obey world opinion and who continues to terrorise his own citizens as well as his neighbours.
To suggest, as many of those opposite have done, that Saddam has some sort of moral equivalence is utter nonsense. There is an idea that the death of civilians in a war is to be avoided if possible. I have no disagreement with that. But how many have already died under Saddam and how many more will die if we do not act against this despot? When I listened to the previous speech, I found that the member for Charlton had suddenly become an expert on defence. She told us how the war will be fought. I found that very interesting. She is an instant chair expert. We all know that that would not be possible with the member for Charlton.

Let us go to the speech made by the opposition leader on Tuesday. One thing you can say about the opposition leader is that he has no shame in what he is prepared to say in this chamber—and sometimes out of it, as was shown by his disgraceful behaviour towards our troops that have been deployed overseas. He could not help but tell them that they should not be going. But let us come back to the speech that the opposition leader made last Tuesday. Straightaway, in the first paragraph, he misled this parliament by implying that the Prime Minister has already committed our troops to war. Plainly this is nonsense and, apart from a few diehards on the far left, no-one would believe him and not the Prime Minister. The opposition leader in his speech then suggested that our action with the United States and Britain was unilateral, which surely brings a new definition to the term ‘unilateral’. ‘Unilateral’ is the latest buzz word. I almost thought it was groundhog day again and we were still arguing the unilateral disarmament debates of 20 years ago. Obviously the opposition leader’s speech writer is a throwback to those old, discredited ideas of unilateral disarmament of 20 years ago.

The opposition leader then said that the only path to peace is through the United Nations and that, whilst it would be better if the whole world were united in its stand against Saddam Hussein, it is not the only way to achieve peace. There was no UN backing in Kosovo, and peace was achieved—and, interestingly enough, that action was taken to stop the persecution of Muslims. In fact, it can be argued that this action in Iraq will stop the persecution of Muslims who oppose Saddam and it will stop the persecution of the Kurds, his own people. There was no United Nations backing for the US actions in Cuba, and peace has prevailed. There was no United Nations backing for the Falklands war. So to suggest that the only path to peace is through the United Nations is total poppycock.

It seems as though the opposition leader has sniffed the wind and seen that there might be some short-term political advantage in playing this cheap political game. Thank God he is not the Prime Minister—and, frankly, I do not believe he ever will be because he cannot seem to put the national interest above his own short-term political expedience. He has shown this with the GST, he has shown it by opposing reforms to health and the PBS and now he has shown it by his cheap political actions over Iraq. What this country needs is leadership and conviction, and they are sadly lacking in the opposition leader.

A few silly arguments are being put about out there about this crisis, including the most false of all: this is simply about oil. If it were about oil, then surely President Bush Sr would have taken over the oil reserves in Iraq in 1991. If it were about oil, then surely the easiest and cheapest way to get access would be to lift sanctions to allow increased production and cheaper prices. But this simple logic seems to escape the promoters of this mantra. This is simply another red herring. Another silly argument goes along the lines that any action taken outside of the United Nations is illegal. That is nonsense of course, and resolution 1441 would allow that anyway.
I have sat in this House and listened to the arguments from the opposition, and they have included those of the peaceniks. I have some respect for their sincerity but no respect for their ability to acknowledge reality. Those arguments did not work with Hitler, they did not work in Kosovo and they will not work here. Many of the arguments from the opposition have included some unfortunate and ill-considered anti-United States views—and I am sure that even members such as the member for Brand would have cringed when they heard them. Let me say that I would be satisfied with the notion that, if all other efforts fail to disarm Saddam Hussein, I would support a coalition of like-minded nations or, preferably, the whole of the United Nations to force that disarmament because the alternative is unthinkable.

Mr Laurie Ferguson (Reid) (8.39 p.m.)—Although not directly on the point but just to show that the world is more complex than the previous speaker, the member for Barker, might think, one of his references was to the Falkland Islands and how the UN was not the vehicle for action there. I would like to remind him that perhaps the main cause for the Argentinian move on the Falkland Islands was the Thatcher government’s withdrawal of boats protecting the island as a budget measure. That was the signal to the Argentinians to actually move in in the first place. So the world is a bit more complex than the simplistic slogans we often hear from those opposite.

We have seen a significant move by the government over the past six months or so. We recall the rhetoric of the Minister for Foreign Affairs, who described those who opposed his position as appeasers. Within a day he was certainly hosed down by the Prime Minister. We had another minister describing those who opposed his position as traitors. So we have had a change of position. Supposedly—allegedly—the Prime Minister is today in the United States proffering the view that the Americans should go to the UN. This is a significant move of position by the government—on its public face, at least. Quite clearly, one of the distinguishing points between the government and the opposition as this matter has progressed has been the consistent position of the opposition that the United Nations has a role and that we will not support United States unilateralism. It is very interesting, as I say, to see the progress in the government’s position.

I think this whole thing is summarised best in a cartoon by Jeff Pryor. He had a very small Prime Minister, largely overwhelmed by the chair he was sitting in, hysterically laughing with Rumsfeld, Bush and Powell, and saying, ‘I’ve told the Australian people that I haven’t actually committed forces!’ They are all hysterically laughing. That is the reality. Laurie Oakes said this very clearly on 11 February:

Part of Howard’s credibility problem hinges on his insistence that, although he has sent Australian forces to join the Americans in the Gulf, no final decision has been made to join an attack on Iraq. The Americans know it is a fiction, and hardly even bother to pay lip-service to it. We have seen recently that it is a yes-no position on the part of the Americans. One day they try to give him some comfort and a bit of cover; another day, as we saw today, it is totally repudiated when it is indicated quite publicly that Australia is regarded as part of the initial 12 most loyal adherents to unilateral action. Equally, of course, we had the foreign minister once again putting his foot in it, in discussions with the New Zealand High Commission, with the document saying:

However, and this was not a point that could be made publicly, Australia was not in a position, if the UN process broke down, to withdraw our ships and other presence from the Gulf.
So they have a private position and a public position. We have seen a significant move of position with regard to the United Nations. Despite all the attacks on that body by a collection of those opposite, the reality is that this government has been forced to say that they would prefer a UN resolution.

In this debate many people—I think more people than usual—have listened to other contributions. I have to say that there seemed to be a lack of individuality, a degree of conformity, with regard to the government contributions. One thing many of them said in their lead-up—it was like a mantra—was, ‘I have been asked to come here and convey my electorate’s views.’ They all started with that—recognising, maybe, that the public does not support action without UN sanction. They all made that initial contribution—go through their speeches—I’ve been asked by people in my electorate to convey a certain point of view.’ They say, ‘I know that people in my electorate think this,’ and then they basically put their personal views.

We know we are often, all of us, in disagreement with our electorates. There is sensationalist reporting of a crime, and then everyone in Australia wants to execute people. So, obviously, there has to be a degree of personal conviction and conscience in these matters. However, to hear so many government speakers is an admission by them that they have dire concerns with the Australian public’s position on these matters at the moment.

The reality of what is occurring here was indicated in question time today when the foreign minister—he is always so predictable for the kinds of extreme comments he makes—described the opposition’s position as ‘cheap skate populism’. He is essentially saying that the opposition’s position is quite in conformity with what the broad mass of Australian people are thinking on this issue. They have doubts about the story being put to them. They are not sure that Australian forces should be put in this position. They are not sure of the consequences for our country and our region. They are not convinced by the arguments as to why we are going there. They are certainly not convinced that the Prime Minister has been on the level with them. They have very good reason—given the foreign minister’s statements to the New Zealand High Commission, given the statements in the US today and given the way in which this has moved—to have those concerns.

We have had a variety of people from the other side of the chamber coming in here and telling us what a dreadful regime it is in Iraq. This is not news; this was not discovered last week. It is ironic to note that the first group actually critical of the Iraqi regime was the Iraq Communist Party back in 1979, when they described a reign of terror which was affecting their members. I did not see too many people on the opposite side shedding tears when the regime executed Ayatollah Al-Badr, the main Shiite Iraqi leader, in 1999. I have raised these issues both in the parliament and in the streets. I have been part of the significant campaigns by Iraqi Shia with regard to their human rights—and I can say the same thing about the Kurds as well. This new-found preoccupation with this horrible regime—

Mr Danby—By government members, not by us.

Mr LAURIE FERGUSON—by government members is very new. We even had someone raising the question of the killing of women for adultery or for not marrying who they are told. Let us be real about this—go to Jordan, go to Pakistan, go to Saudi Arabia. It is not as though this is unique to Iraq. In actual fact, Iraq has moved in this direction only in recent years. It is very interesting that it is new laws in Iraq allowing it that those opposite are referring to—these other countries have never abandoned such practices.
We have had a series of accounts of how dreadful the regime is. That did not stop a certain Mr Rumsfeld racing to the airport, getting on a plane, driving around Baghdad and saying, ‘Gee, Saddam, the situation has now been reached where you’re reliable against Iran, so we’re going to take you off the list of pariah states. We now want to get a bit more cosy with you again. We were once before, you might recall, but we’ve had a few difficulties in recent years.’ All this concern about human rights was not too obvious then. The pattern of repression in the country is not novel, it is not new. If we are talking about this kind of problem, we could go to the Bokassa, Mobutu and Bongo regimes—all through Africa—in past decades and find client states of the United States and, for that matter, the Soviet Union whose abuses were tolerated because they were part of their power blocs. So all this sanctimonious concern with human rights in Iraq as supposedly the reason why we are intervening is very questionable. We can go around the world and find regimes that perpetrate similar crimes, and we are not hearing people saying we should nuke them tomorrow or we should send forces there.

Turning to the supposed links with al-Qaeda, we have actually had some government members trying—very subtly, because it is such a ridiculous proposition—to give a subterranean message that maybe Bali has got something to do with Saddam Hussein, and maybe al-Qaeda is connected with Iraq; therefore, it is justified to attack them. If we look at the reality, this regime, for all of its horrible brutality and for all its repression of minorities, has been essentially a secularist regime until recent years, when Saddam Hussein conveniently started to find Islam because he was under attack internationally. If you want to talk about al-Qaeda, what do we see with regard to Saudi Arabia, a major US ally? Where is the money from its foundations going? Where does most of the finance for al-Qaeda come from internationally? That is the kind of source it is coming from. If we talk about where we will find half-a-dozen al-Qaeda operatives, I was interested that Jane’s Intelligence Review—a magazine that even those opposite might respect—referred to a conference in Bosnia where 150 representatives of everyone from the Muslim Brotherhood to al-Qaeda and Jemaah Islamiah were in attendance. I, for one, am very respectful of the Bosnian government—it was probably a conference they could not control. If you are saying that we have to be concerned about where terrorism is operating, we can go throughout our own region and find countries where there are operatives.

The sheer weakness of Powell’s comments—that this group in northern Iraq was justification for saying that there was a major connection—is astounding. The reality is that, while we might all say that the Kurds should have autonomy and rights, no country on this earth—whether it is the United States or anyone else—willingly accepts that Iraq’s integrity internally should be destroyed, that they should be forced by international pressure to have a separate region for Kurds.

It is natural; it is the way things are. In the same way the British intelligence used Muslim fundamentalists to try to assassinate Gaddafi, the Iraqi regime might use al-Qaeda to cause a few difficulties for the northern Kurdistan government. A program on television last week referred to Pakistan’s north-west frontier and the continued prevalence in Pakistan—a close US ally, like Saudi Arabia—of al-Qaeda operatives there. They were basically running around the place carrying out their operations.

Another matter that causes me concern is that the United States rushed in and seized the Iraqi statements before they could be distributed to other UN members. It was very interesting
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to read, in the German paper Die Tageszeitung, a list of things they think might have been deleted by the Americans. According to the newspaper, they deleted 8,000 of the 12,000 pages. One would have to ask: would that be because the Iraqis know so much about US intelligence? Surely it couldn’t be. The Iraqis could not have supplied that much information on the US; if they did, I would be worried if I were the Americans. What the newspaper said was deleted was the evidence that Honeywell, Semetex, Sperry Corporation, Rockwell, Hewlett-Packard, DuPont and Eastman Kodak were all suppliers, at various stages, of materials that we now say Iraq should not have. That is the reality. Long after Saddam Hussein was exposed as a tyrant, long after he had gassed Kurds, the Americans and the Germans were giving him assistance because he was an ally.

In conclusion, on this pre-emption argument—that we should try to stop the possibility—there is an interesting article by John Mearsheimer and Stephen Walt. They actually give instances of where Saddam Hussein endeavoured to pull off a few stunts but, when the US and others intervened, he backed off quick smart. The article states:

… in 1994 Iraq mobilized the remnants of its army on the Kuwaiti border in an apparent attempt to force a modification of the UN Special Commission’s weapons inspection regime. But when the United Nations issued a new warning and the United States reinforced its troops in Kuwait, Iraq backed down quickly. In both cases—

earlier the article referred to the threats to send Scud missiles to Saudi Arabia—they backed down.

Mearsheimer and Walt continue in the article:

… if Saddam cannot be deterred, what is stopping him from using WMD against U.S. forces in the Persian Gulf, which have bombed Iraq repeatedly over the past decade? The bottom line: Deterrence has worked well against Saddam in the past, and there is no reason to think it cannot work equally well in the future.

They further commented:

If the United States is, or soon will be, at war with Iraq, Americans should understand that a compelling strategic rationale is absent. This war would be one the Bush administration chose to fight but did not have to fight. Even if such a war goes well and has positive long-range consequences, it still will have been unnecessary. If it goes badly whether in the form of high U.S. casualties, significant civilian deaths—

that is a given—

a heightened risk of terrorism, or increased hatred of the United States in the Arab and Islamic world then its architects will have even more to answer for.

The article puts up an alternative. The United States have basically operated under unilater-ism in this current regime. We have seen it on climate change and on weapons treaties. They have told the rest of the world to go jump. This is just a further instance of it. The reality is that we are going to have significant civilian deaths. For all the talk about smart weapons, that is not what happened last time; and here we are seeing an indication very early on that they want to repeat Hiroshima or Nagasaki in the weight of attacks on Iraq. We are going to see the collapse of Iraq’s infrastructure, we are going to see the sewerage system unable to operate, we are going to see the water systems collapsing, we are going to see the population not able to feed itself. This is supposedly justified because one man and a few people from his
region are controlling the country and being barbaric. I doubt that the outcome, if it does oc-
cur under US leadership, is going to be any better.

Mrs ELSON (Forde) (8.54 p.m.)—I appreciate the opportunity to speak today in this de-
bate on Iraq. In doing so, I acknowledge the wide range of opinions on this particular issue in
the Australian community and, in particular, in my electorate of Forde. While respecting dif-
f erent opinions, I also want to outline today why I strongly and whole-heartedly support the
actions that the government has taken to date. I want to thank the Prime Minister for his lead-
ership, decisiveness and courage at such a difficult time. He has had to make some very diffi-
cult choices. I believe he has made the right ones, and I know that he has done what is best in
Australia’s long-term interests. The Prime Minister is motivated on this issue, as he is on all
others, by what is best for the Australian people and what is in our national interest.

I am disappointed at the personal vitriol and denigration that those who have a different
opinion have stooped to in this debate. I think many aspects of their arguments are not only
illogical but also very sad and very unAustralian. The anti-American tenor has, I believe, been
quite dangerous and astounding. So many people have been quick to question America’s mo-
tivations, but they have not had the courage to even begin to question the motivation of a man
who has used chemical weapons on his own people, who spent more than $3.5 billion in the
last decade on so-called presidential palaces while Iraqi children have starved, who is known
for his longstanding sympathies with terrorist organisations and who, for the past 12 years,
has defied the world community over and over again.

It would be farcical, if it were not so serious, that there has been precious little scrutiny of
the record of horror and defiance of Saddam—a record of suffering and unspeakable cruelty.
It is sad and ironic that those who oppose action are in fact giving comfort to a man whose
actions have led to the deaths and suffering of many tens of thousands of people and whose
refusal to abide by the United Nations ruling to disarm threatens the lives of many hundreds
and thousands of more people, especially the people of Iraq. Why aren’t there people out there
protesting in the streets calling for Iraq to abide by the United Nations order of disarmament?
Why don’t they protest against the atrocities Saddam has inflicted on the Iraqi people in the
past? It seems incredible to me that people who claim to march for peace are content to allow
a cruel and evil dictator, who has committed acts of mass murder and torture on his own peo-
ple, to remain in power and threaten the security of the world. I can only assume that it does
not suit their politics to acknowledge the facts.

This debate is not a referendum on whether war is a good thing—no-one believes it is. This
debate is not a referendum on whether we like the notion of Australian soldiers being sent to
fight in the Persian Gulf—no-one likes that. This debate is not a referendum on the perceived
motive of the USA—that it is a matter for the conspiracy theories and is largely beside the
point. This debate really comes down to whether the world can afford to stand by, in a new
and difficult climate of global terrorism, and allow a brutal and cruel regime, led by a savage
dictator, to stockpile chemical, biological and possibly nuclear weapons of mass destruction.
Can we afford to close our eyes to the threat this arsenal poses to world security and, particu-
larly, the democratic Western nations that Saddam Hussein so despises? The bottom line is: I
do not believe we can.

Of course it would be far easier right now to just sit back and do nothing, it would be easier
to say it is not our problem, and it would be easier to pretend that the threat does not exist. It
would avoid confrontation and it would mean our troops could be back home with their families, which is something we all want. But, as much as it could be easier to do nothing, it would also put the future of every Australian family under a cloud. It would mean more uncertainty for our kids and grandkids and it could make the world an even less safe place in years to come. We have only to remember the Bali bombings and the terrible World Trade Centre tragedy to know that that goalposts have changed and that no nation can imagine themselves immune to the threat of terrorism.

This is a worthwhile cause for every nation in the world. Those who say it is not Australia’s cause are just plain wrong. They are holding our freedoms cheaply and forgetting the responsibility we have to protect the nation’s democracy. The fact is we cannot afford to shirk the responsibility we have right now to do something about the threat of terrorism. It would be foolish to think that a man who despises the West, has proven links with terrorist organisations and is capable of mass murder of his own people, would stockpile weapons of mass destruction for them never to be used. It would be living in a fool’s paradise to think that Saddam would not be prepared to provide his weapons of mass destruction for the use of terrorists against the democratic nations.

Another fact that seems to have been overlooked in the debate is that these weapons of mass destruction are known to exist. Iraq had them 12 years ago. The onus since then has been on Iraq to prove that they have disposed of such weapons, and they have not done so. The smoking gun was found a long time ago. The ball has been in Iraq’s court for many years. Instead of doing what is right for both his people and the world, Saddam has refused to cooperate. Chief weapons inspector, Hans Blix, in his report said that Iraq appears not to—

The DEPUTY SPEAKER (Hon. I.R. Causley)—Order! It being 9.00 p.m., the honourable member for Forde is interrupted.

Mrs Elson—I seek leave to continue my remarks at a later date.

Leave granted; debate adjourned.

Main Committee adjourned at 9.00 p.m.
QUESTIONS ON NOTICE

The following answers to questions were circulated:

**Taxation: Income Tax**

(Question No. 43)

Mr Murphy asked the Treasurer, upon notice, on 13 February 2002:
What percentage of (a) barristers and (b) solicitors pay the top marginal rate of income tax?

Mr Costello—The Minister for Revenue and Assistant Treasurer has provided the follow-
ing answer to the honourable member’s question:

In preparing the response to this question the Australian Taxation Office utilised the industry code used
on tax returns to identify legal services (industry code 78410). The code covers advocates, barristers,
conveyancing services, legal aid services, notaries and solicitors.

Based on returns that have been lodged for the 2000-01 year the percentage of taxpayers using that in-
dustry code who declared a taxable income in excess of $60,000 (the threshold where the top marginal
rate of tax of 47% applies) is 48.3%.

Information gathered from external sources estimates that of people registered as barristers, the number
who declared a taxable income in excess of $60,000 is 69.2%, compared with 9.4% of the overall num-
ber of individuals who declared a taxable income in excess of $60,000.

**Taxation: Mass Marketed Schemes**

(Question No. 155)

Ms Jann McFarlane asked the Treasurer, upon notice, on 19 February 2002:

(1) When examining Mass Marketed Tax Effective Schemes in the process of preparing position pa-
pers, did the Australian Taxation Office (ATO) examine the original prospectuses of the various
schemes; if so, which schemes; if not, why.

(2) Did the ATO find differences between the original information contained in the prospectus and the
actual operation of the schemes; if so, which schemes.

(3) Did the ATO find evidence of round robin arrangements associated with the payment of manage-
ment fees from a non-recourse loan facility available to investors in any of the schemes; if so, which
schemes.

(4) Did the ATO find any evidence of any illegal activities in relation to round robin schemes; if so,
was this evidence passed on to Australian Securities Investments Commission (ASIC) or any other
investigative or regulatory body; if not, why not.

(5) Did the ATO find any evidence that investors had knowledge of round robin schemes that were
contrary to the scheme’s original prospectus.

(6) What statutory requirements does the ATO have to refer suspected breaches of Corporations law
to ASIC.

(7) When examining tax effective schemes, did the ATO make any inquiries with any investors in
schemes, other than the project manager and its directors, to determine their knowledge of, or con-
sent to round robin arrangements; if so, how many investors were interviewed or queried and in
what specific schemes did this occur.

(8) Were steps taken by the ATO or any other agency to protect the rights of investors in regard to the
financial viability of these schemes; if, so what steps were taken and in which schemes were they
taken.

(9) Did the ATO investigate international agreements being entered into by schemes that were
claimed as managerial or marketing services to the scheme; if so, which schemes were involved in
this type of activity and what was the result of these investigations.

(10) In relation to international agreements being used as a round robin device by schemes, was there
any investigation by the ATO that this type of arrangement may have constituted an activity with
the dominant purpose of avoiding or evading taxation; if so, did the ATO proceed to disallow any
tax deductions made by the management company in relation to the international arrangements
and funding.
(11) Did the ATO proceed to further investigate, prosecute or refer for prosecution any parties involved in these international transactions.

(12) Did the ATO find any evidence that investors in schemes knowingly participated in or approved round robin transactions or international arrangements or funding; if so, on what basis did the ATO determine that penalty payments should be applied to those investors in their notices of reassessment.

Mr Costello—The Minister for Revenue and Assistant Treasurer has provided the following answer to the honourable member’s question:

The Commissioner of Taxation advises me that this information is not readily available and I do not propose to authorise the diversion of significant resources to collate this information. However, as you would be aware, the Senate Economics References Committee has tabled a third and final report into Mass Marketed Schemes. This committee received representations from many sectors of the community and issues such as those you have raised were also raised with them. The Commissioner has agreed with the committee’s recommendations involving a settlement with the investors and he made an announcement to this effect on 14 February 2002.

Taxation: Mass Marketed Schemes
(Question No. 156)

Ms Jann McFarlane asked the Treasurer, upon notice, on 19 February 2002:

(1) In relation to the Australian Taxation Office (ATO) treatment of Mass Marketed Tax Effective Schemes, will he list the projects that the ATO has investigated and to which he has applied a Part IV A ruling.

(2) Which projects is the ATO currently investigating.

(3) Will he provide a list of the number of investors in each of these projects who have received amended assessments as a result of a Part IV A ruling.

(4) In relation to (a) Budplan schemes, (b) Satcom, (c) Koala Hydroponics and (d) Maincamp, will he provide the number of participants in those schemes who were contacted by the ATO when preparing their position paper prior to the issuing of amended assessment.

(5) How many submissions were made to the ATO by investors in (a) Budplan schemes, (b) Satcom, (c) Koala Hydroponics and (d) Maincamp in response to the ATO position paper.

(6) In relation to these schemes, what time frame was spent by the ATO examining these submissions and what was the time frame between issuing the position paper and the issuing of amended assessments.

Mr Costello—The Minister for Revenue and Assistant Treasurer has provided the following answer to the honourable member’s question:

The Commissioner of Taxation advises me that this information is not readily available and I do not propose to authorise the diversion of significant resources to collate this information. However, as you would be aware, the Senate Economics References Committee has tabled a third and final report into Mass Marketed Schemes. This committee received representations from many sectors of the community and issues such as those you have raised were also raised with them. The Commissioner has agreed with the committee’s recommendations involving a settlement with the investors and he made an announcement to this effect on 14 February 2002.

Immigration: Curtin Detention Centre
(Question No. 647)

Ms Gillard asked the Minister for Immigration and Multicultural and Indigenous Affairs, upon notice, on 19 August 2002:

(1) Is he aware of allegations that ACM took four months to pay an independent local Derby contractor for work performed at the Curtin Detention Centre.

(2) Is he aware of allegations that sub-contractors were often paid in cash and not at the invoiced value by head contractors.
(3) Is he aware of allegations that some contractors purchased equipment and on-sold it at an exorbitant mark-up.

(4) Is he aware of allegations that, following an Australian Federal Police investigation of this alleged anti-competitive and corrupt behaviour, the detective involved was transferred suddenly.

(5) If so, what steps have been taken to investigate these allegations and what are the results of any such investigation.

(6) Can he guarantee that no equipment or infrastructure will be or has been removed from the Curtin Detention Centre given the fact that it is to be closed.

Mr Ruddock—The answer to the honourable member’s question is as follows:

(1) to (4) No.

(5) Not applicable.

(6) My Department has directed that no equipment or infrastructure is to be moved from the Curtin IRPC without prior approval. As part of the mothballing arrangements, my Department has donated some playground equipment to the Derby community. The decision to donate the playgrounds took into account:

- the unlikelihood of the Curtin IRPC being recommissioned during the expected life of the equipment, due to the significantly reduced number of unauthorised boat arrivals over the last two years;
- the expected life and the high costs associated with maintaining the equipment at the remote Curtin facility;
- the availability of contingency capacity at Woomera and Baxter IRPCs and;
- an independent valuation resulting in little monetary value to the Department if the equipment were to be disposed through usual processes.

Other equipment may be moved from the Curtin IRPC based on an assessment of the cost and benefit of such arrangements.

Taxation: Program Funding

(Question No. 735)

Ms Burke asked the Treasurer, upon notice, on 19 August 2002:

(1) Does the Minister administer any Commonwealth funded programs for which community organisations or businesses can apply for funding.

(2) If so, what are these programs.

(3) Does the Ministers Department advertise these funding opportunities.

(4) In the electoral divisions of (a) Chisholm, (b) Aston, (c) Deakin, (d) Latrobe and (e) Casey in (i) 1996-97, (ii) 1997-98, (iii) 1998-99, (iv) 1999-2000, (v) 2000-2001 and (vi) 2001-2002, for each of the programs listed in part (2), (A) what was the name and postal address of each organisation that sought funding from the Commonwealth, (B) what was the purpose of the funding sought in each case and (C) for successful applications, what was the level of funding provided.

Mr Costello—The answer to the honourable member’s question is as follows:

(1) Yes, if the term funding includes programs which pay grants, rebates or benefits.

(2) The Australian Taxation Office (ATO) administers the following fuel schemes, which provide for grant, rebate or benefit payments to be made to claimants:

- the Diesel Fuel Rebate Scheme (the off-road scheme);
- the Diesel and Alternative Fuel Rebate Scheme (the on-road scheme);
- the Fuel Sales Grants Scheme; and
- the Product Stewardship (Oil) Scheme.

The schemes mentioned above do not fall into the category of general purpose funding programs. Generally, the legislative requirements for these schemes mean that payments are only available for the purchase and use of fuel for certain specified business or commercial purposes.

However, under the residential category of the Diesel Fuel Rebate Scheme, rebate is payable to claimants who purchase diesel fuel for use at residential premises, to generate electricity for use in
providing for the domestic requirements of residents of the premises. Under this provision, rebate is currently paid to a number of indigenous community associations located in remote parts of Australia, who must generate their own power as their community does not have ready access to a supply of electricity.

(3) The ATO publicises the above-mentioned fuel schemes through the production of information booklets, leaflets, fact sheets and posters. Material on the schemes is also available via external electronic communication channels such as ATOassist, the Tax Reform Web Site and A Fax from Tax.

(4) I am not prepared to authorise the expenditure of resources and effort that would be involved in breaking down the information sought into the electoral divisions requested.

Taxation: Structured Settlements

(Question No. 946)

Ms Jann McFarlane asked the Treasurer, upon notice, on 24 September:

(1) What steps will the Government be taking to educate accident victims of the new taxation treatment and benefits of structured settlements once the Government’s reforms on structured settlements become law.

(2) What sum is the Government setting aside to run an education campaign for accident victims in (a) 2002-2003 (b) 2003-2004 (c) 2004-2005.

Mr Costello—The answer to the honourable member’s question is as follows:

(1) Because accident victims seek compensation through lawyers, the Government is keen to ensure that plaintiff lawyers in particular are aware of the new arrangements. Fact sheets will be available from the ATO for stakeholders involved in negotiating a structured settlement, including an injured person or the person managing their financial affairs (eg carer, guardian, trustee, family member or some other intermediary), the injured person’s beneficiaries, financial planners, lawyers and life insurance companies. The purpose of these fact sheets will be to provide authoritative information regarding the conditions that define a structured settlement and the characteristics that structured settlement annuities must have in order to be eligible for the tax exemption. The Minister for Revenue and Assistant Treasurer addressed the Structured Settlements Law and Practice conference on 30 October 2002 and has drawn attention to the proposals in press releases and speeches.

(2) No specific sums have been set aside, but the ATO has funds available for awareness and marketing campaigns.

Taxation: Income Tax

(Question No. 1171)

Mr Murphy asked the Treasurer, upon notice, on 3 December 2002:

To ask the Minister representing the Minister for Revenue and Assistant Treasurer.

What percentage of (a) barristers and (b) solicitors pay the top marginal rate of income tax.

Mr Costello—The answer to the honourable member’s question is as follows:

See response to QON 43.

Foreign Affairs: Fiji

(Question No. 1204)

Mrs Irwin asked the Minister for Foreign Affairs, upon notice, on 5 December 2002:

(1) Has his attention been drawn to evidence given on 2 December 2002 in the treason trial of Timoci Silatolu and Jo Nata in Suva, Fiji, arising from the armed overthrow of the government of Fiji Prime Minister Mahendra Chaudhry, in which it was alleged that the weapons used in the coup were supplied by the Ambassador of Israel.

(2) Has he or his Department received reports regarding these allegations.

(3) Has his Department taken any action in relation to this matter following the receipt of any such reports; if so, what action has been taken.
What regulations apply to the importation of firearms and other weapons for delivery to foreign diplomatic missions to Australia.

Mr Downer—The answer to the honourable member’s question is as follows:

1. No. By way of clarification, some press reports of this evidence gave an incorrect impression. The actual testimony in the trial noted that weapons from Israel had been issued to Fiji military forces to enable them to provide close personal protection services to the Israeli Ambassador to Fiji, with the implication that this had been a number of years prior to the 2000 coup. The testimony also noted that the Fiji military forces had a range of sophisticated weapons sourced from other countries (including Germany, Russia and the United Kingdom), and that the weapons from Israel were only a part of an assortment of weapons recovered from the rebels after the coup. There was no suggestion made that any of these weapons had entered Fiji illegally, but simply that they had been part of the weapon holdings of the Fiji military forces taken by the rebels.

2. No.

3. No.

4. The Australian Government’s policy is to prohibit the possession, carriage and use of firearms by members of the diplomatic and consular corps and by other members of the staff of missions and posts (including guards). This policy applies to all persons with diplomatic or consular immunity and to premises with such immunity. A special exception may be allowed for individuals to possess, under prescribed conditions, non-prohibited types of firearms strictly for bona fide sporting purposes.

Immigration: War Criminals
(Question No. 1214)

Mr Danby asked the Attorney-General, upon notice, on 10 December 2002:

1. Further to the answer to question No. 998 (Hansard, 3 December 2002, page 9450), in which state do the nine individuals referred to live.

2. What other details can be provided about the nine individuals.

3. What steps are being taken by the Government to prepare the nine individuals for extradition.

4. What are the details of approaches made by the Australian Government to the Government of Lithuania about the matter, including what (a) was the content of those approaches and (b) response has been received.

5. Has the Government received any approaches from any other organisation or government about the nine individuals; if so, what (a) was the content of those approaches and (b) response has been provided.

Mr Williams—The Minister for Justice and Customs has provided the following answer to the honourable member’s question:

1. Addresses have been located in Victoria, South Australia, Western Australia, Queensland and the Australian Capital Territory.

2. There are no other details which are appropriate to disclose.

3. As the Lithuanian Government has not requested the extradition of the individuals, no steps have been taken to extradite any of these people.

4. Details of the approaches made by the Australian Government to the Government of Lithuania about the matter are as follows:

(i) Letter dated 24 June 2002 setting out the results of the AFP’s enquiries to date. No response has been received.

(ii) Letter dated 20 August 2002 setting out the results of the AFP’s further enquiries. No response has been received.

(iii) Facsimile dated 19 November 2002 seeking information about the current status of the matter and the Lithuanian Government’s views on making certain information public knowledge. On 21 November 2002, the Prosecutor General’s Office of the Republic of Lithuania provided information about the status of their investigation and advising that they did not agree to the release of personal details; and
(iv) Facsimile dated 22 November 2002 seeking clarification of issues raised in the response dated 21 November 2002 (referred to in paragraph 4(c) above). The facsimile was also sent by email. On 22 November 2002, a response was received by email and later by letter dated 25 November 2002 that there was no objection to release of information concerning the current status of the matter and the release of details about the number of people in Australia.

(5) The Government has received approaches from other organisations about the individuals. It is not appropriate to comment on the details of approaches from private organisations, or the responses provided.

**Immigration: National Security**

(Question No. 1225)

Mr Danby asked the Minister for Immigration and Multicultural and Indigenous Affairs, upon notice, on 11 December 2002:

1. Has his attention been drawn to a report by Rohan Gunaratna, a research fellow at the Centre for the Study of Terrorism and Political Violence, University of St. Andrews, Scotland, in The Age on 5 December 2002 that a dozen Australian citizens and residents have participated in JI and al Qaeda training camps.

2. Is he able to provide details about these individuals, including (a) age, (b) state of residence, (c) citizenship, (d) place of birth and (e) sex.

3. Is the Government considering what action, if any, can be taken against these individuals.

Mr Ruddock—The answer to the honourable member’s question is as follows:

1. I am aware of the report by Dr Rohan Gunaratna published in The Age, and it has been brought to the attention of the relevant agency. I note the only names mentioned by Dr Gunaratna in the article are not Australian citizens or residents, but leaders of Jemaah Islamiyah. Some of whom, it is publicly known, have visited Australia in the past.

2. The Department of Immigration and Multicultural and Indigenous Affairs works closely with law enforcement and security agencies to combat threats to the safety and security of Australians. Information on individuals who may be of interest to law enforcement and national security agencies is a matter that needs to be taken up with those agencies.

3. The Government has the power under the Migration Act 1958 to take action to remove resident status from any non-citizen who is involved in activities that are a threat to the Australian community.

**Reserve Bank of Australia: Staff Travel**

(Question No. 1227)

Ms Burke asked the Treasurer, upon notice, on 11 December 2002:

1. Were any flights chartered to allow officials of the Reserve Bank of Australia (RBA) to attend the hearings of the House of Representatives Standing Committee on Economics, Finance and Public Administration in (a) Sydney on 31 May 2002 and (b) Warrnambool on 6 December 2002; if so, what was the cost of each charter flight.

2. How many commercial airline sectors were travelled by RBA officials for each hearing.

3. What was the cost of each commercial airline sector travelled for each hearing.

4. What was the cost of using (a) hire cars and (b) Comcar for each hearing.

5. What was the cost of (a) overnight accommodation and (b) travel allowance for RBA officials for each hearing.

Mr Costello—The answer to the honourable member’s question is as follows:

As the member is aware, the RBA is an established statutory authority, regulated by the provisions in the Reserve Bank Act 1959.

As you are also well aware, the House of Representatives Standing Committee on Economics, Finance and Public Administration is empowered to inquire on matters that may enhance the RBA’s transparency and accountability.
In this instance, the Reserve Bank has been kind enough to provide me with the answers to your questions.

(1) (a) No
(b) No

(2) For Warrnambool hearing: 12

(3) For Warrnambool hearing: 7 x $502.82, 5 x $352.12

(4) For Warrnambool hearing:
(a) cost of hire car: $168.52
(b) Comcar: Nil

(5) For Warrnambool hearing:
(a) overnight accommodation: $707.49
(b) travel allowance: $388.73

Aviation: Sydney (Kingsford Smith) Airport
(Question No. 1247)

Mr Murphy asked the Treasurer, upon notice, on 12 December 2002:
Further to the answer to part (1) of question No. 46 (Hansard, 2 December 2002, page 9321), is he able to say whether Macquarie Bank or its subsidiaries is a share holder to any of the corporations mentioned in his answer; if so which companies and in which proportion; if not, why not.

Further to the answer to part (3) of question No. 46, is he able to say whether Macquarie Bank or its subsidiary is a shareholder of Southern Cross Airports Corporation.

Mr Costello—The answer to the honourable member’s question is as follows:
(1) Details of the shareholders are publicly available through the Australian Securities and Investments Commission website, www.asic.gov.au.

Australian Defence Industries: Sale
(Question No. 1252)

Mr Murphy asked the Minister representing the Minister for Defence, upon notice, on 12 December 2002:
Further to the answers to question No. 679 (Hansard, 23 October 2002, page 8570) and to parts (2), (6) and (7) of question No. 394 (Hansard, 19 August 2002, page 4964) by the Minister representing the Minister for Finance and Administration, was the Minister consulted prior to the sale of all the shares in Australian Defence Industries (ADI) to Transfield Thomson-CSF Investments Pty Limited with respect to those matters raised in those parts; if so, (a) when and (b) what was the Minister’s advice prior to the sale of the former share assets of ADI.

Mrs Vale—The Minister for Defence has provided the following answer to the honourable member’s question:
This question merely rephrases your question No. 672. Please refer to my reply to that question.

Foreign Affairs: Terrorists
(Question No. 1267)

Mr Danby asked the Minister for Foreign Affairs, upon notice, on 12 December 2002:
(1) Is he able to confirm reports that the Malaysian authorities have arrested 70 suspected al-Qaeda and JI operatives since 2001.

(2) Is he able to confirm that a number of those arrested are not from Malaysia, but are citizens of other countries in the Organisation of the Islamic Conference (OIC).

(3) Is he able to say whether Malaysia has a policy of not requiring a visa from anyone from an OIC country.
Is he able to say whether any other countries in South East Asia or in the OIC have a similar policy of not requiring visas from citizens of OIC countries, or did have such a policy prior to 11 September 2001.

Is he able to say whether Malaysia has changed its policy on no visas from citizens of OIC countries since the arrest of al-Qaeda and JI operatives in Malaysia, referred to in part (1), if so, what is the new policy.

Is he also able to say whether any countries referred to in part (4) have changed their policies; if so, what are these new policies.

Mr Downer—The answer to the honourable member’s question is as follows:

1. Malaysian authorities have arrested a number of individuals. Media reporting indicates that from May 2001 to date (17 January 2003), a total of 77 people have been arrested under the Internal Security Act (ISA) for their alleged links with either a local militant group (the KMM – Malaysian Militant Group) or JI.

2. Most of the people arrested are Malaysian. Two are Indonesian.

3. Malaysia does not have a blanket visa exemption policy for nationals from OIC countries.

4. No.

5. The Australian Government is not in a position to explain Malaysian immigration policy.

6. No.

Foreign Affairs: Islamic Charities
(Question No. 1268)

Mr Danby asked the Minister for Foreign Affairs, upon notice, on 12 December 2002:

1. Is he able to say whether in late 2001 the Indonesian Government agreed to make zakat tax deductible to encourage charitable donation.

2. Can he confirm that non-government organisations and charities in Indonesia and Saudi Arabia are not audited or regulated, thus allowing for the division of funds for terrorist cells, unlike NGOs and charities in Australia.

3. Can he confirm that the al-Qaeda networks initial entry into the South East Asian region was through Islamic charities, especially the al Haramain Islamic Foundation, based in Saudi Arabia.

4. Is he aware of this al Qaeda /JI aligned charity operating in Australia.

Mr Downer—The answer to the honourable member’s question is as follows:

1. In 2001 the Indonesian parliament passed a law that stipulated that zakat would be tax deductible from 2002.

2. In 2001, the Indonesian Government passed legislation (Law No 16 of 2001 on Foundations) to ensure that charitable foundations were made subject to audit (“investigation”). Sections 53 - 56 of the 2001 law provide a regime for the auditing of foundations, which are defined as non-profit organisations having social, religious or humanitarian objectives. Under these provisions, a foundation can be subject to investigation if it is suspected of having broken the law or its own regulations or of having acted negligently, and in doing so has caused a loss to a foundation, third party or state.

The Government of Saudi Arabia has stated publicly that since September 11, charitable groups have been closely monitored and additional audits performed to assure that there are no links to suspected groups.

3. It is not possible to confirm this statement.

4. Al-Haramain is not known to have an office in Australia.

Stirling Electorate: Television Black Spots
(Question No. 1271)

Ms Jann McFarlane asked the Minister representing the Minister for Communications, Information Technology and the Arts, upon notice, on 12 December 2002:

1. Is the Minister aware of television black spots in the electoral division of Stirling.
(2) Are there any plans for another round of black spot funds to be made available; if so, when; if not, why not.

(3) What is the most recent information the Minister has on television reception in the electoral division of Stirling, with particular reference to the suburbs of Scarborough, Carine, Balga and Balcatta.

(4) How old is the most recent edition of the “Field Contour Map of Television and Radio Signals”.

(5) How relevant is this information today.

(6) Are there any plans to re-survey television black spots in the future.

(7) What agency would perform such a task.

(8) Are there any other avenues available to residents in the electoral division of Stirling to gain funding for re-transmission equipment, in order to improve their television reception.

Mr McGauran—The Minister for Communications, Information Technology and the Arts has provided the following answer to the honourable member’s question:

(1) Yes.

(2) No. The Television Fund (the source of funding for the TVBSP) was established by the Government under legislation and will expire on 30 June 2004. Given the complexity and time consuming nature of the engineering planning required to identify spectrum, the lead time required to obtain sites and approvals, as well as commission and build the retransmission services, there would be insufficient time to undertake a third round of funding on a national basis.

(3) The Australian Broadcasting Authority (ABA) has advised that there may be parts of the electorate where signals transmitted from the high power facility near Bickley are weak or are affected by various types of interference. Either of these two factors could adversely impact upon the quality of affected viewers’ television reception. Advice from the national broadcasters would appear to confirm that these factors are present.

The ABC has advised that it has, on occasion, received complaints from viewers in the electorate that would appear to indicate electrical interference is adversely affecting local reception of its television service on Channel 2. Channels 0 to 2 are known to be susceptible to electrical interference, particularly from power lines and electrical motors. Power line interference is more pronounced during hot, dry or windy weather conditions, however, it usually clears after heavy rain.

SBS has received calls from viewers in the Scarborough area who have indicated that their television reception can be marginal. SBS suggested that this may be attributable to the fact that television signals transmitted from Bickley are unable to travel in a direct line of sight to receivers located in Scarborough. Obstructions, both nearby and far away, can lead to the reception of a weak signal (particularly on UHF channels such as SBS’). Weak signal reception appears as a ‘snowy’ picture on an affected viewer’s television. SBS has also received calls from both Balga and Carine residents that indicate reception of its television signal in these areas is adversely affected by various forms of interference.

(4) The publication the honourable member is referring to is a ‘loose leaf’ folder which has been updated from time to time with survey information. There are four types of survey maps incorporated in the folder (AM radio, FM radio, VHF television and UHF television). The last surveys performed in Perth were as follows: FM radio in February 1991, AM radio in March 1990, UHF television in March 1987 and VHF television in 1984.

(5) The field contour maps for radio and television services in the Perth Radio and Television market are used to provide general and indicative field strength contour information. These types of field strength maps are still useful and relevant today, however, they do not provide the level of detail required in identifying black spot reception areas. There are no plans to re-survey the Perth metropolitan licence area.

(6) There are no plans to survey television black spots in the future, however, the ABA considers, (on a case-by-case basis), matters relating to signal strength and coverage. The ABA’s survey vehicle, consultant engineering data and theoretical modelling provides information on black spots, as required.
(7) If surveys were to be undertaken either the ABA's survey vehicle (depending on the location requiring the survey) or an external consultant engaged either by the ABA or the affected party would undertake the survey.

(8) As part of the National Transmission Network sale arrangements, the Government is providing SBS with ongoing funding of $500,000 per annum to assist communities wishing to establish an SBS service on a self-help basis. Under the SBS Self-help Retransmission Subsidy Scheme, SBS will pay 50 percent of the costs associated with purchasing the equipment required to retransmit its television or radio services, up to a limit of $25,000. As the Scheme is administered by SBS, all enquiries concerning eligibility for financial assistance should be directed to Mr Dominic McKay of SBS on 1800 500 727 or email - technical@sbs.com.au. In addition, the ABC offers a help line (1300 139 994) to provide communities with information about setting up their own self-help facilities to access ABC TV and radio services. Communities may also wish to approach the broadcasters themselves as broadcasters are primarily responsible for television coverage in their licence areas.

Immigration: Illegal Workers
(Question No. 1277)

Ms Gillard asked the Minister for Immigration and Multicultural and Indigenous Affairs, upon notice, on 12 December 2002:

(1) Further to raids by his Department on a Sydney construction company called Crown International, is he aware of allegations that despite three occasions in the past year on which it has been raided and his Department has found foreigners working illegally, no action has been taken in relation to the employer.

(2) Has any action been taken in relation to the employer; if not, why not.

Mr Ruddock—The answer to the honourable member’s question is as follows:

(1) Compliance staff from my Department have visited Crown International Holdings on four occasions.

Two of these visits were to construction sites involving the company and resulted in persons being detained. The other occasions involved Employer Awareness campaign presentations to management of the company.

On 18 December 2001, Departmental compliance staff visited a construction site operated by Crown International and detained four persons. Three of these persons were identified as overstaying their visas, whilst a fourth was identified as working in breach of their visa conditions. All four were detained.

Crown International Holdings were issued with Illegal Worker Warning Notices for these four workers.

On 19 September 2002, Departmental compliance staff again visited Crown International and detained seven persons, five of whom were found to be unlawful non-citizens. Illegal Worker Warning Notices were issued to the actual employers of these persons, in most cases subcontractors of Crown International Holdings.

In addition to this action, the management of Crown International Holdings were visited for Employer Awareness purposes on 14 August 2001. A similar visit was paid to a construction work site involving Crown International Holdings on 16 August 2001.

The General Manager of Crown International Holdings has also recently attended an Employment Awareness seminar held in Sydney on 26 September 2002.

(2) Crown International Holdings was issued with Illegal Worker Warning Notices in relation to the four illegal workers located at its work site on 18 December 2001. Information under the Employer Awareness campaign was also given.

Contractors undertaking work for Crown International Holdings were issued with several Illegal Worker Warning Notices in relation to the seven illegal workers located at its work site on 19 September 2002. In addition to action against these employers, the management of Crown International Holdings attended an Employer Awareness seminar on 26 September 2002.

These actions demonstrate that my Department has responded appropriately in issuing Illegal Worker Warning Notices to those responsible for employing illegal workers, and has taken steps to
educate and inform Crown International Holdings as to their responsibility to not employ illegal workers.

**Immigration and Multicultural and Indigenous Affairs: Legal Services**

(Question No. 1279)

Ms Gillard asked the Minister for Immigration and Multicultural and Indigenous Affairs, upon notice, on 12 December 2002:

1. Does Clayton Utz continue to provide litigation services to his Department.
2. Is he able to say whether the Clayton Utz website describes Prof McMillan as one of Australia’s leading authorities on administrative and constitutional law.
3. In 2002 did Professor McMillan appear in the media defending the Minister and his Department; if so, in doing so should Professor McMillan disclose that he is a paid representative of the law firm that provides legal services to his Department.

Mr Ruddock—The answer to the honourable member’s question is as follows:

1. Yes, as one of a panel of firms contracted to provide litigation services to the Department.
2. Yes.
3. I am aware that Professor McMillan commented specifically on my being asked to explain, by the Full Federal Court in respect of the NAAV case, statements I made on the judicial review of migration. During his 30 years as an academic Professor McMillan has written extensively on many Australian public law issues and has frequently been sought out by the media for comment. Professor McMillan has never been engaged to defend me or my Department in the media. Whether his comments have been supportive of the Government’s position is a matter of judgement in respect of each of the issues on which he has commented.

**Industry, Tourism and Resources: Strategic Investment Coordination**

(Question No. 1291)

Dr Emerson asked the Minister for Industry, Tourism and Resources, upon notice, on 4 February 2003:

1. Further to his statement made on ABC Radio National on 30 June 2002 in relation to projects assessed under the Strategic Investment Coordination process and the need for a cost-benefit analysis, will he release the cost-benefit analyses of the projects which have received government assistance under the Strategic Investment Coordination process; if not, why not.
2. Will he release the results of the cost-benefit analyses of these projects in terms of net jobs created and net additions to national income; if not, why not.

Mr Ian Macfarlane—The answer to the honourable member’s question is as follows:

1. No. Material provided to the Government in applications for an incentive under the Strategic Investment Coordination process, including cost-benefit analyses, is Commercial-in-Confidence.
2. The granting of an incentive under the Strategic Investment Coordination process has, in each case, been announced in a Media Release. That Media Release contains information on the project which has been agreed for release with the company concerned. Information not agreed for release remains Commercial-in-Confidence.