



COMMONWEALTH OF AUSTRALIA

PARLIAMENTARY DEBATES



THE SENATE

PROOF

BILLS

**Australia's Foreign Relations (State
and Territory Arrangements) Bill
2020, Australia's Foreign Relations
(State and Territory Arrangements)
(Consequential Amendments) Bill 2020**

Second Reading

SPEECH

Tuesday, 1 December 2020

BY AUTHORITY OF THE SENATE

SPEECH

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Questioner	Responder
Speaker Kitching, Sen Kimberley	Question No.

Senator KITCHING (Victoria) (12:22): I rise to speak on Australia's Foreign Relations (State and Territory Arrangements) Bill 2020 and the related bill. This legislation is based upon the premise that Australia, at a Commonwealth level, should be responsible for foreign relations. Indeed, this is what our Constitution envisages. This is a reasonable and largely uncontroversial proposition and not one that Labor disagrees with. In fact, as a reminder to those in the chamber, it is the Labor Party, in its long and illustrious history, that has always supported the Commonwealth having power, and certainly to the placita of section 51.

Our foreign relations, the way in which we engage with our external partners and other countries, should be set from the top at a federal government level, so as to put forward and pursue strategic policy, diplomatic and economic objectives but also to do this in a way that is true to our values as a nation—that is, the values of a Western liberal democratic nation. Despite recent forays onto social media from those representing another country, we should be very proud of our history and very proud of what we stand for.

Throughout the past 100 years and what has been a century of turmoil, Australia has been and remains one of a handful of nations to retain liberal democratic institutions without serious challenges from the Left or from the Right. Although we tend to think of Australia as a new country, we are, in fact, one of the oldest democracies in the world, a tradition of democratic government stretching back to the 1850s, with state or then colonial-level governments. We should be proud of our inheritance of Westminster institutions and traditions and not apologetic about them. Any attempt to strengthen these, as this bill does, should be welcomed. However, this is not entirely the case, and I will get to where the Labor Party has some amendments to the legislation.

In the 20th century, the liberal democratic world won major set-piece engagements: the two world wars and the Cold War. It was Social Democrats who played a critical role here. But the period also saw constant relapses into authoritarianism. After the Soviet collapse, some writers in the West hailed these years as the end of history or the unipolar moment. This, commentators said, was the final triumph of the liberal democratic ideal. The number of functioning democracies rose rapidly, particularly in Latin America and East Asia, but also in Africa. It was only in other parts of the world, particularly in the Middle East, where there seemed to be a veering towards authoritarianism. Sadly, this has not remained true.

There has again been a tendency to retreat towards authoritarians and populism. The rise of belligerently undemocratic powers; the rise of ethnic nationalism and protectionism; the decline in the leadership of democracies; the need for cooperative global climate action; transnational criminality, such as human trafficking and undermining cybersecurity; and now the COVID-19 pandemic are all placing unprecedented strain on the rules based global order, which, for all its faults, has kept the peace and allowed seven decades of increasing prosperity for most, if not quite all, the people of the world. At this juncture we badly need a global cooperation capable of rising to these challenges. Frankly, we need rules and guidance as to how we as a nation can speak with one voice when pursuing our international aims. This is why a foreign relations bill, which sets out to place the national government at the helm of this, is a good idea in principle.

Australia is placed in the most dynamic region in the world, the Asia-Pacific. In recent years, it has been home to many successful stories of democratic triumph. Since the 1990s, South Korea, Taiwan and Indonesia have established and successfully maintained stable and increasingly prosperous democracies. And I say that these are all independent countries. It would have been a bold prophet who predicted in 1990 that Indonesia would become the most successful democracy in the ASEAN grouping, but that is now the fact. Even Myanmar, after decades of enforced isolation under the 'Burmese way to socialism', has shown it can hold successful democratic elections, although the army there still retains effective control. The experience of these countries shows entrenched authoritarian systems can evolve, without revolution or civil war, into stable, prosperous liberal democracies, and we can only hope that that becomes the way of all countries in the Indo-Pacific and in Asia. Unfortunately, it isn't uniform.

The most consequential strategic and economic question that Australia and the world will have to deal with in the coming years is how to maintain normalised relations with a rising and assertive China. This is important when discussing what we are here to consider today. This legislation, from its drafting to how it has been discussed in the media by the public and in this place, has often been framed around protecting Australia's democratic and private institutions from political influence by—and let's be frank—the Chinese Communist Party. No longer can China be seen through the prism of a benign actor more interested in its domestic matters. China is a great power and entitled to the respect that goes with great power status. I want to see a strong, stable, united, prosperous and peaceful China with a natural sphere of influence that should be resolving regional problems and not stoking them. But there is a broad consensus in Australian politics that the recent expansionist and irredentist tendencies in Chinese foreign policy must be confronted, along with serious human rights abuses within its borders. Not to do so would be an affront to our own values. I believe that, where there are human rights abuses, no matter where they occur, we are all the poorer, we are all the worse, for those human rights abuses.

While, yes, some in the public space could better moderate their language so as not to deliberately stoke tensions, the deterioration in China's relations with the West, including with Australia, is largely due to the CCP's neo-Stalinist domestic policies and belligerent and hegemonic behaviour in the international arena, particularly in our immediate region. An expert in international law and a former DFAT official, Malcolm Jorgensen, has noted:

China's rhetorical deference to international law masks the more subversive consequence of its actions: redrawing the boundaries between law and politics in a way that overturns foundational parts of the global order from within.

He goes on to say:

It is equally clear, however, that advocates for the rules-based order must take more seriously their own appeals to the foundational authority of international law. Seemingly legalistic challenges will ultimately transform into political challenges to a more secure and normatively desirable world.

Yes, our mutual beneficial bilateral relationship with China has always been predicated on the assumption that it would be a rational player in the field of trade, would abide by the rules set down by the World Trade Organization, and would act in the interests of the growth and prosperity of all in an increasingly interconnected region. That assumption held good to a large extent until the reformer's rule of Deng Xiaoping and his successors Jiang Zemin and Hu Jintao. But China, under the leadership of Xi Jinping, has shown a willingness to use trade, investment, tourism, foreign aid and diaspora communities as weapons in its drive to establish a regional hegemony in the Asia-Pacific and challenge the liberal democratic world order.

When addressing any of these legitimate concerns, we must reject arguments which can be construed as xenophobic and racist. We have to combat these evils wherever they may lurk, because they are evil. Doing this in a way which is not seen as an attack on the Chinese people, or on China's legitimate national interests, will not be easy, but is a necessary discipline. Under successive Labor governments we've promoted three vital pillars of Australian foreign policy: (1) support for the Western alliance, and in particular our alliance with the United States; (2) engagement with the countries of our region, most obviously China and Indonesia; and (3) support the United Nations' multilateral system.

Throughout the committee's inquiry we heard from many witnesses about the need for the legislation and as to how this legislation would achieve its stated aims. There were a variety of views on that. My colleagues Senator Wong and Senator Ayres yesterday evening, in their second reading debate speeches, went into detail about both the committee process and the amendments that Labor will be moving in order to improve the stated aims of this legislation. I just want to address a few concerns we have. It's Labor's view that the legislation should form part of the suite of existing legislation and guidelines that work to safeguard Australia's sovereignty. This would build domestic institutional resilience and regulate international engagement, including foreign investment legislation to counter foreign interference legislation, defence export controls, the Security of Critical Infrastructure Act, the Foreign Influence Transparency Scheme and the University Foreign Interference Taskforce. There is no doubt that more needs to be done in this regard.

In recent days we have seen an assertive Chinese Communist Party become more than assertive, and one might even say aggressive. On a platform ironically not allowed in his own country, and that is Twitter, a spokesperson of the CCP put out a fake photograph. The week before there was a list of 14 grievances. To try to comply with those 14 grievances would offend all the pillars of a democracy. It would offend our right to a free press, our right to the rule of law, the rights of minorities, our right to freedom of association, and, frankly, it would also offend

the right to disagree with your government and the right to have an alternative view. Australia is a wonderful country and should be looked at as an exemplar in our region, not as a country that is being attacked.