



# Right of entry

## Rudd govt's restrictive anti-union laws

Anna Pha

A simple decision by Commissioner Ryan of Fair Work Australia approving an enterprise agreement recognising the common law right of an employer to determine who enters their workplace sent a major employer body and Labor's Workplace Relations Minister Julia Gillard into a spin last week. The Commissioner approved an enterprise agreement between the National Union of Workers (NUW) and Dunlop Foams which included a clause on right of entry.

Gillard let loose, warning that the Fair Work Act's "right of entry provisions" were needed to deal with sectors of the trade union movement that have a "track record of breaking the law". The employers carried on as though the highly restrictive, pro-employer provisions of Labor's Fair Work Act (based on Howard's WorkChoices) would be rendered inoperative and unions would be able to freely enter workplaces at will. Unfortunately, that is not the case.

The Australian Industry Group representing employers immediately announced they would be challenging Commissioner Ryan's decision. Gillard wasted no time committing the government to intervening on their behalf.

The clause in the enterprise agreement simply states: "An authorized NUW representative is entitled to enter at all reasonable times upon the premises and to interview any employee, but not so as to interfere unreasonably with the Employer's business." (Clause 44)

It is in stark contrast to the highly restrictive provisions of the "right of entry" provisions of Labor's Fair Work Act. Under the Act a trade union official cannot enter a workplace without first gaining a permit from Fair Work Australia as a "fit and proper person". The union official must give at least 24 hours notice in writing with full reasons for the visit! There are only three possible purposes for entry:

Investigating, "on reasonable grounds", a suspected breach of the Fair Work Act 2009 or other workplace related legal instruments that affects a member of your union who works on the premises; or

Holding discussions with workers who are members or eligible to be members of your union; or

Exercising a union's rights under state or territory occupational health and safety (OH&S) laws.

The union official investigating a suspected breach of industrial relations law must "provide sufficient details and facts which give rise to the breach on the notice", and enter on the day specified in the notice, during working hours. The employer cannot prevent the entry but does control where the union official is allowed to

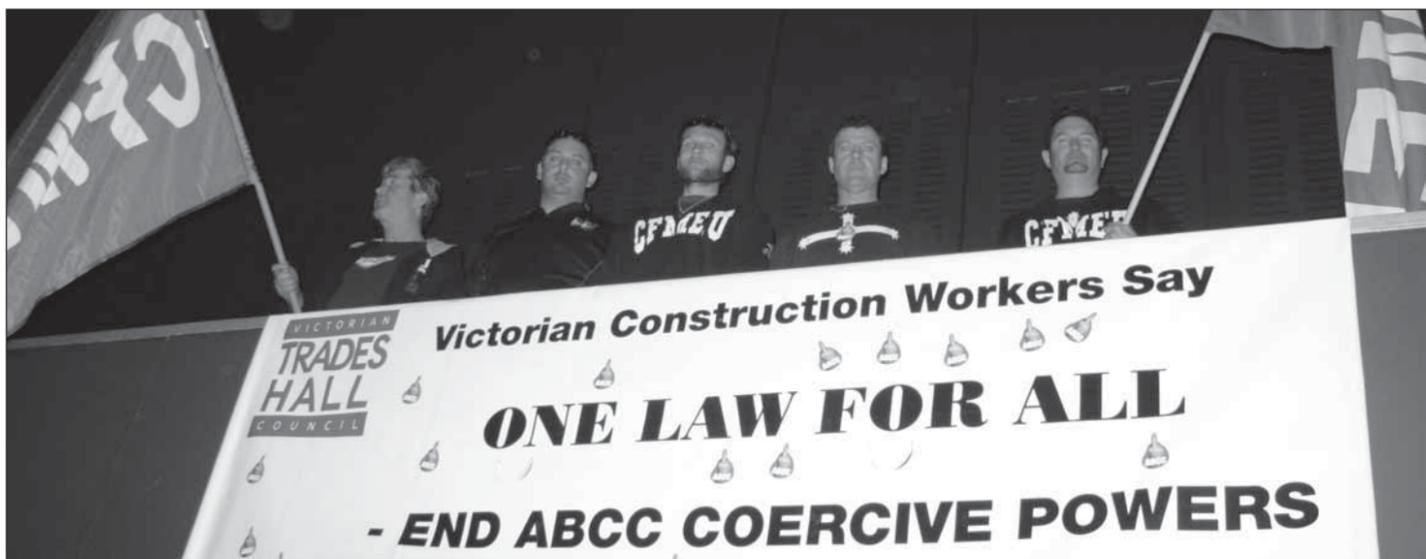


Photo: Anna Pha

go, where he or she may talk with members or other workers who are eligible to be represented by that union.

Union officials have limited rights to inspect any work, process or object relevant to the suspected breach. They may interview members of their union who agree to be interviewed about the breach and make copies of relevant documents to those members.

Non-member records directly relevant to the suspected breach cannot be inspected or copied by the union official unless the non-member gives written consent or if (on appeal) Fair Work Australia agrees that access to the records is necessary to investigate the breach.

There are fines of up to \$6,600 for individuals and \$33,000 for unions for misuse of information, and any permit holder found to have breached the restrictive laws governing right of entry must have their permit revoked or suspended.

The so-called "right of entry provisions" are designed to restrict union access to information and protect employers who might be in breach of the law. They give employers time to clean up their act, doctor their records, intimidate employees who might dare to speak to the union representative. In a workplace, for example, where half the workforce might be non-unionised, foreign labour on 457 Visas, talking to the union would not only mean the sack, but could lead to deportation. These workers might be earning \$30,000 less than the award rate, but the right of entry provisions of the Act make this very difficult to expose.

Obstructive and even violent employers have been known to call in the police, have union officials not only forcibly ejected but then face the courts with hefty fines and suspension

of their entry permits. Removing a trade union official's entry permit is similar to cancelling a taxi driver's licence.

### Countering trespass

Commissioner Ryan points out that "where an official of an organisation who holds a valid permit and enter premises in accordance with the requirements of the [Fair Work] Act, then the employer or occupier cannot prevent that right of entry being exercised. In fact the Act specifically prohibits a person from refusing or delaying entry (s501) or hindering or obstructing a permit holder exercising a right of entry (s502)."

By their very nature the rights provided to permit holders "are intended to be exercised against the occupier or employer regardless of the attitude of the employer..."

"The right of entry provisions of the [Fair Work] Act operate to counter the common law of trespass."

The Commissioner continues by pointing out that "at common law an occupier of premises can invite anyone on to their premises and can do so either impliedly or specifically."

The Fair Work Act effectively gives a government agency the right to determine who may enter a workplace as a representative of a trade union. It is nothing short of corporate state politics. It provides through its penal provisions a system of suspending and denying permits to the most active and militant trade unionists - a means of preventing trade union officials from carrying out their work. That is one of its main aims. Hence the angry response from Gillard and her employer patrons to an agreement that cuts out the government's ability to deny union officials their right of entry.

The NUW-Dunlop agreement also removes a number of other vicious aspects of the Act such as the singling out and naming of individuals who the official might speak to. There is no 24-hour notice. At the same time the company retains certain controls over when and how the union official's visit is conducted.

Gillard's Fair Work Act deliberately sets out to severely restrict the entry of union representatives to workplaces and their ability to defend members, organise and recruit.

### ABCC

In the building and construction industry the Rudd/Gillard government retained the industry police force - the Howard's government's notorious Australian Building and Construction Commission - which spends millions of dollars a year hounding union officials attempting to enter workplaces over safety, underpayment, loss of entitlements, and other issues. They cost unions hundreds of thousands of dollars in fines, accusing unions and their officials of "breaking the law". The law they are "breaking" is the "right of entry" law that prevents them from legally carrying out their legitimate trade union business and protecting their members from the criminal actions by employers who are rewarded with the guarantee of no more union visits.

For decades trade union officials freely entered workplaces, checked out working conditions of all employees, inspected wages and working hours books, attended to safety issues, assisted members with problems and ensured that employers were complying with their legal obligations.

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# The Guardian

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## Coal and credibility

Governments worldwide know that their people are worried about climate change and other urgent environmental challenges. There is plenty of lip service paid at the top to concepts like reducing the national carbon footprint and being responsible global citizens. At Copenhagen, Rudd and other leaders of developed countries suggested their efforts to make a difference were being thwarted by developing countries. That fiction was visible for all to see; the evidence is all around us.

In NSW whole communities live with the pollution, illness and disruption caused by the 150 year old coal industry. But rather than reining in the industry and placing tighter limits and regulations on the coal industry, the NSW government is overseeing its massive expansion in the Upper Hunter. Coal fired power stations are not being decommissioned, in fact a third one is to be built for Lake Liddell.

Workers need the jobs. Manufacturing jobs in the state have been moving offshore at an increasingly rapid rate. Around 15,000 people in NSW are dependent on the coal industry for their jobs – the highest number since the mid-1990s. The state needs the income. NSW's treasury is expected to cream \$1.41 billion in royalties and taxes from extraction of coal next financial year, just short of the \$1.76 billion it derives from the state's gambling habit. The jobs and the income have to come from somewhere but it is clear that all the talk of "transitioning" to a low carbon future and green jobs is hot air.

The social cost of this expansion is worrying communities previously given to accommodating a notoriously dirty industry. Winemakers and thoroughbred horse breeders are concerned about the effect the expansion might have on the countryside they share. The NSW government is currently considering applications for the expansion of 15 existing mines and the establishment of 11 more. A third export terminal will open shortly in Newcastle. Trains up to 100 carriages long already make almost 15,000 trips a year to feed ships bound mainly for Japan.

The biggest concern, one which prompted a series of articles in *The Sydney Morning Herald*, is for the health of residents living alongside the coal mining and handling establishments. Dr Tuan Au of Singleton has been testing students in local schools and found that 14.3 percent of them have low lung capacity compared to the national figure of 11.3 percent. The closer to a mine they live, the worse the results are. He has spent \$5,000 of his own money on the research because the government is paying scant attention to these problems.

Last year coal became the dominant form of fossil fuel – a situation that has not existed for forty years. Figures from the Global Carbon Project show that carbon dioxide emissions rose by two percent last year. In Australia they fell slightly, not because of any large scale switch to cleaner energy sources or fuel saving measures but because of a sharp economic downturn. Developed countries still emit four to five times the main greenhouse gas compared to their counterparts in developing economies like India and China. The world is sick of the pious lecturing of leaders like Kevin Rudd; that might explain why we hear less and less about his grand plans to save the planet.

In the meantime, the various export booms being fed by the finite resources of the country are being given their head by policy makers. The NSW Minister for the Hunter, Michael Costa, is an open climate change denier. He said the Greens have "rocks in their heads" for calling for a moratorium on the expansion of open-cut mining in the region. Federal local member Joel Fitzgibbon called critics of the coal mining "extremists" who want to carry on a "jihad against the industry". The cost of this forward charge can be counted in the health of local people and the increased rate of global carbon emissions.

Developed economies still need coal. Many industrial processes require it. Without it we would not have steel or cement, for instance. But the headlong charge to expand the industry in NSW shows that we do not have the leadership required to deliver a sustainable future. The current batch of political powerbrokers is captive to an industry that needs to be managed and controlled and reduced. They are endangering our future.

## PRESS FUND

The bitter debate between the ALP and the Liberal/National party coalition over the nation's hospitals will be a major issue in this year's federal elections. The government's health reform proposals have major shortcomings, but the coalition's approach will almost certainly be far worse under the leadership of Tony Abbott, who made major cuts to hospital funding as health minister in the Howard regime. The elections will severely test the traditional "two party" political system, as more and more people are realising that the two major parties merely offer a choice between bad and worse. We intend to cover these very important elections closely, but to do this we need your support, so please send in whatever you can for the Press Fund for the next edition. This week our sincere thanks go to:

Brian Griffin \$20, B Hawke (no, not that one) \$25, "Round Figure" \$15, Mark Window \$10.

This week's total: \$70 Progressive total: \$500

Prime Minister  
Parliament House  
Canberra ACT 2600

Dear Mr Rudd

It is with great concern that we heard reports of the forging of Australian passports by alleged killers of Mahmoud Al-Mabhouh. The Communist Party of Australia supports your demands for an explanation from the Israeli Government on the events that enabled alleged Mossad-affiliated assassins to carry out the drugging and suffocation of the Hamas leader on January 19, 2010.

The Australian government must also hold their own internal investigation to find out if there has been any participation of Australian intelligence services with Mossad. In the past, collaboration between intelligence services has not been unusual in assassination attempts of political opponents.

For example we recently learned of Australian Federal Police and Colombian Intelligence services collaboration in a campaign to vilify trade unionists and activists in both countries. Questions regarding the attempted interrogation of Colombian political prisoner Lilianny Obando, who had travelled to Australia as a union representative to raise awareness of the plight of rural workers in her country, were raised by Senator Scott Ludlam in Parliament.

We believe the Australian people have a right to know if Australian intelligence services played a role in the events that led to the killing of Mahmoud Al-Mabhouh, including the use of Australian passports which endangers Australian travellers abroad, in particular those whose identities have been stolen.

We request that these investigations be made.

Yours sincerely,

Dr Hannah Middleton, General Secretary  
Vinnie Molina, President  
Communist Party of Australia

## Time for Sydney Easter Show to go smokefree

**Forty organisations representing parents, teachers, child welfare, churches, health and medical professionals have called for the Sydney Royal Easter Show to be made smokefree.**

The Protecting Children from Tobacco coalition has written to the show's general manager Michael Collins asking that smoking be confined to a small number of designated outdoor areas, to protect children from the known health impacts of second hand smoke.

Mr Collins has told the groups that there is not time to change existing policy for this year and has suggested discussion of possible change in 2011.

Action on Smoking and Health (ASH) first wrote to the Royal Agricultural Society in 2003

asking for a smokefree policy for the Easter Show. Its current no-smoking policy covers stands and fixed seating, in line with NSW legislation.

But Protecting Children from Tobacco groups argue that it should be extended to all areas other than a small number of designated smoking areas, clearly signposted and set apart from main thoroughfares.

Said Anne Jones of ASH: "The trend is for big family events and venues to be smokefree – including the RAS Show in Perth, Taronga Zoo, Carols in the Domain and many events under local council control.

"Rather than fall back on minimum legal requirements, we'd hope Royal Easter Show management would take a lead in protecting

everyone who goes to this iconic family event.

"Show management received a written request for this change in December last year – and still has enough time to implement this policy.

"Smokefree policies are strongly supported by the public and are mostly self-enforcing. Signage is readily available, and can be supported by PA announcements.

"This is a reasonable request and there is good advice available on how to implement it quickly and at low cost.

"We're asking the Show management to reconsider its position, end the delay and make the Royal Easter Show smokefree this year." ☘

## Democracy for Sri Lanka

Members of the Sri Lankan community, trade unionists and other activists gathered in Sydney's Town Hall on March 19 for a candlelight vigil to demand the restoration of democracy in Sri Lanka.

Speakers condemned the repression and denial of human rights in Sri Lanka and government harassment of political opponents and the independent media.

They made four specific demands:

- Immediately release all political prisoners
- Immediately release Presidential candidate General Sarth Fonseka
- Hands off the media
- Hold free and fair elections

Jagath Bandara from the Campaign for Democracy in Sri Lanka read a pledge which said in part:

"We all, from here onwards, pledge ... to work together by means of every peaceful forms, until we achieve the objective of establishing democracy, equality and social justice in every corner of our beloved Sri Lankan soil."

Contact Campaign for Democracy in Sri Lanka at: [democracy@ozemail.com.au](mailto:democracy@ozemail.com.au) ☘

# NSW government to seize homes for developers

Peter Mac

**In an astonishing move, the NSW government has announced it will enact legislation allowing it to compulsorily seize residents' homes for new development. The government has claimed that the legislation is required to meet Sydney's need to meet residential requirements by the year 2035, when the city's population may well reach six million. The legislation is based on the assumption that compulsory acquisition may be required "for the public good". According to the government it will only be used in the case of homes in areas close to major transport arteries and traffic routes.**

However, the legislation could be used in virtually any case of home ownership, on the pretext that it would create employment, and would help to meet the city's housing needs.

The legislation effectively penalises anyone who lives in the nominated areas, and sets a general precedent under which virtually anyone's home is up for grabs. This sort of legislation has been introduced in the US, to enormous controversy, but has never before been proposed for use in Australia.

At the moment, traffic and transport authorities may compulsorily acquire land, but only for public purposes, such as the construction of major new rail lines. The NSW government legislation, on the other hand, would enable homes to be compulsorily acquired, simply for redevelopment by private interests.

Last week Stephen Albin, head of the developer lobby group the Urban Developer Institute, claimed that acquiring property under the legislation would be "the same as acquiring land for a road or railway."

But it certainly would not. The legislation relates to existing road and rail systems, and is not specifically related to new transport infrastructure. Implementation of the legislation would, in fact, place a potentially catastrophic load on the existing hard-pressed transport networks, so the legislation actually poses a major threat to the operation of the existing transport networks, rather than offering a solution to transport problems. In short, the government's claim that it will help to meet the state's housing

needs is simply an excuse to enable the government to seize homes at will, in order to help developers maximize their profits.

Transport authorities rarely resume properties, and only then under conditions that require compensation for homeowners. When the Howard government acquired homes under aircraft flight paths in inner Sydney on a voluntary basis, homeowners were paid the full market value, plus a special compensation payment, plus all their legal expenses. In some cases where property was resumed in Britain, the former owners were entitled to claim compensation for increases in value of the property as a result of the redevelopment, over a ten-year period.

This certainly wouldn't suit the development lobby. Stephen Albin commented that homeowners should not receive full compensation for losing their homes. Ignoring the NSW 3A legislation, which the government can use to ram through big development applications, as well as the virtual guarantee of profit provided by compulsory government acquisition of homes, he protested bitterly: "Developers are taking the risk... these landowners are not taking risk!"

## Political suicide

The government has studiously ignored the option of supporting the development of new medium to high density housing estates in outer areas, with proper public transport links and fully planned services, thereby removing the need for ever-higher density redevelopment in the existing inner areas. The government has also ignored the idea of developing public housing as a state enterprise, in order to meet the needs of people who cannot afford to buy a home on the private market, and to force a reduction in house prices in general.

Up till now the NSW Premier, Kristina Keneally, has confounded her critics by regaining some of the public esteem squandered by her predecessors. She did so in a number of shrewd moves, including cancellation of construction of the extremely unpopular new Metro rail line. However, it would be difficult to think of an initiative more calculated to rouse public wrath than legislation to compulsorily acquire homes for the benefit of developers.



This is not the first time that NSW Labor has attempted to help itself to residential property, for the benefit of the developers. In 2008, with former Planning Minister Frank Sartor at the helm, the government drafted legislation that would allow it to compulsorily acquire land of "net public benefit", and only withdrew the proposal after furious public opposition.

However, this time the proposal is based on the formation of a new development authority. Doubtless the government is hoping that the public will believe that an "independent" body will ensure natural justice prevails. Unfortunately, at this very moment the Sydney Harbour Foreshore Authority is under suspicion of having entered into corrupt transactions regarding the leasing of property it owns in the Sydney Rocks area.

If the government gets its legislation through parliament, it will no doubt attempt to delay implementation of the scheme until after next year's NSW elections, in order to lull the public into a false sense of security. It will be the job of the many community organisations to make the public aware of the full implications of this corrupt and grossly unjust legislation. ☘

The new legislation effectively penalises anyone who lives in the nominated areas, and sets a general precedent under which virtually anyone's home is up for grabs.

## Rally calls for compensation for Mr Ward's family

Richard Titelius

**More than two years have passed since Aboriginal Elder Mr Ward died while being transported in a prison van in searing heat from Laverton to Kalgoorlie in Western Australia. As The Guardian goes to press the WA government has approved a \$200,000 interim payment to Mr Ward's family.**

Nine months have passed since the coronial inquest by Alistair Hope made findings of culpability against the prison transport contractor AIMS (now G4S), the two drivers and the government of Western Australia through the negligence of the Department of Corrective Services in the way they failed to act on problems which precipitated these garish events.

After nine months those found responsible by the coroner for having contributed to Mr Ward's death have also avoided being charged and dealt with before a court.

On March 17, 200 people gathered outside the State Parliament and called on the government of Premier Colin Barnett to deliver not only on the 14 recommendations of the coroner, which include the reference of charges against those responsible for Mr Ward's death but also to pay compensation of \$200,000 to the family of Mr Ward.

It was only after the rally that the Attorney General, Christian Porter, confirmed an interim ex-gratia payment of compensation would be paid by the end of March.

Compounding the tragedy of Mr Ward's death in custody was the news that earlier that week there had been another death of an Aboriginal man in custody; father of five Deon Woods, a diabetic who died at the Perth police watch house.

His brother Paul Hayward became emotional when he recalled anguish of not being able to view Deon Woods' body or "take him home to lay him to rest".

His brother, who was given the all clear by doctors, should never have left hospital, Mr. Hayward said.

Giz Watson, Greens Member of the Legislative Council told the crowd that the government can move fast when it wants to "But not for black fellahs."

"We don't want multinational corporations with appalling records to run our prisons or aspects of their operations," continued Ms Watson. "This government could use Section 60 of the Court Security and Custodial Services Act 1999, which states in part that the minister may on behalf of the state terminate or suspend a contract if in the opinion of the state that there are grounds for doing so and the termination is in the public interest".

At the conclusion of the rally, 70 of the demonstrators filled the public gallery of the parliament, causing parliament to be briefly suspended while the demonstrators were escorted from the gallery. ☘

Pete's Corner



# Western Sydney nurses angry at staff cuts

**Angry nurses and their supporters held rallies across Western Sydney last Thursday to protest at dangerously low staff levels in the Sydney West Area Health Service (SWAHS).**

Rallies were held at Auburn, Westmead, Blacktown, Mt Druitt, Penrith, Katoomba and Lithgow hospitals. At Penrith and Westmead hospitals protesters took to the street and marched to the loud acclaim of passing motorists, who blew their horns in support.

The nurses' rallies unanimously demanded that the SWAHS train new nurses to fill vacant positions in our public hospitals.

## Cutting Costs

The big picture in public hospitals across NSW shows us that it's not only the SWAHS that are under pressure from the State Labor government to cut costs in the public health system but all hospitals are:

- Reducing nursing levels to a

crisis point.

- Closing and reducing staff in emergency departments to a skeleton crew.
- Privatising and outsourcing non-clinical services such as cleaning and catering.
- Reducing staff in community and mental health services.
- Reducing the number of patient beds and sending patients home before they are recovered.
- Bullying and pressuring medical staff to cut corners and reduce the standard of patient care.
- Driving public health patients into private health insurance and private hospitals to get critical operations done in time.

## New hospital at Auburn but a skeleton staff

A midday rally at Auburn Hospital heard how a new \$145 million, 184 bed hospital had only enough staff to

accommodate 79 patients at a stretch, that cost cutting meant that important positions in infection control were left vacant, that expensive new equipment was left idle because of lack of staff and that the building had hygiene defects and the warranty on repairs was due to run out in a few months. The member for Auburn, Barbara Perry, also the Minister assisting the minister for health, has been congratulating herself on delivering a brand new hospital to her electorate.

The local rally was attended by nurses and Health Services Union (HSU) members; they were joined by local fire brigade members and local community supporters.

## CPA support for rallies

The Sydney District Committee of the Communist Party of Australia produced a leaflet to distribute at the nurses' rallies and members and supporters attended rallies at Auburn, Blacktown, Mt Druitt and Katoomba where they campaigned for unity

between the health unions and the local community to build opposition to staff cuts.

## Private profit before patient care

While nurses and non clinical staff in public hospitals are forced to offset relatively small wage increases against productivity and efficiency improvements, there is a massive transfer of public health dollars into the pockets of big business.

Health corporations are a parasite on the public health system sucking out a large percentage of the health budget on pharmaceuticals, medical equipment, medical supplies, diagnostics, logistical services, private specialist fees and ongoing privatisation of services.

The State Labor government is more intent on supporting the health corporations and their profits rather than maintaining staffing levels in hospitals.

The government is threatening the standard of patient care with its staff reductions.

## New alliances needed

If angry nurses, hospital workers and the concerned community are to be successful in their campaigns to defend the public health system, the need is to build new alliances, political alliances that challenge local Labor MPs like Barbara Perry and Carmel Tebbut to act in the interest of their local communities and not protect big business interests.

Unions have a big responsibility in helping to build such alliances in the interests of their membership.

Rallies, public meetings and a range of actions will help draw a potentially powerful alliance of health workers, community and political alternatives together in action: alliances that can eventually build a political alternative to the major political parties. ✪

# Communist candidate performs well

**Communist Party candidate Bob Briton's vote had reached 3.1 per cent when *The Guardian* went to press. Standing for the seat of Lee, Bob won a better vote than two local independent candidates and came almost equal to the Family First's heavily financed campaign.**

State-wide the swing against Labor was about eight percent but it was not uniform. In safe Labor seats such as Lee the swing was as high as 15 percent but it was lower in many marginal electorates.

With some seats still in doubt it appears that the Rann Labor government has survived. However, it cannot ignore the community's grave dissatisfaction with eight years of government attacks on workers' rights and privatisation, handing over much of the state to the major corporations.

In Lee sitting ALP member Michael Wright held his seat but suffered a 15 percent swing, partly due to Bob's campaign but mainly because Wright has been in the thick of attacking workers, depriving them of good work cover and adequate compensation.

The CPA's SA Committee and all the Adelaide comrades conducted a determined, professional and effective campaign.

CPA President Vinnie Molina, in

Adelaide for the election, commented: "I witnessed a united approach by the Party organisation supported by friends of the Party in a campaign that mobilised the Party around a well chosen candidate and fair policies on local issues that were well received by the voters in the seat of Lee."

The campaign launch was well attended, posters were put up throughout the seat, two excellent leaflets were distributed, and media coverage was effective. The campaign's website [vote1communist.org](http://vote1communist.org) was also impressive. Finance was raised from Party members, trade unions and other organisations and individuals and the breadth of this support was encouraging.

CPA National Organiser Denis Doherty, in Adelaide for the campaign, commented: "I was impressed by the level of recognition of Bob's name and Party when I was talking to people outside schools and pubs and in the streets."

On polling day the CPA organisation swung into operation, all the booths were covered and the 'how to votes' were given out with gusto.

The Party President congratulated Bob and his team for all their great work. He urged them and Party members around the country to continue the good work and gear up for the federal elections. ✪



Photo: Denis Doherty

## Waterfront bully boss

**The waterfront employer POAGs, formerly P&O Ports, is facing some opposition from its workforce over the issue of bullying and harassment. POAGs is at least partly owned by Chris Corrigan of the Patrick 1998 lockout infamy. In Brisbane the workers have recently had to go through the trauma of a workplace fatality. Wharfie Brad Gray was tragically killed in an accident on the wharf on February 20.**

Workers have been extremely upset by the accident but also by the activities of management that have been prevalent in the workplace for a number of years. POAGs rely heavily on standover tactics and harassment and intimidation to achieve

productivity and compliance. They utilise one on one "chats" with workers where it is reported by the workers that threats are made in relation to promotion and training opportunity as well as work opportunity. Workers are however starting to stand up.

They are wearing union stickers and have recently worn a vest made by the MUA with the words inscribed upon the back "I won't be stood over". Apparently the vests have struck a raw nerve with management as they moved to sack 40 wharfies in Brisbane on March 7 for wearing the vests. The standover tactics continue with threats of sackings for wearing a union sticker which states "dignity and respect = productivity". ✪

## Right of entry

Continued from page 1

They were free to talk to workers during meal and other breaks and actively recruit and organise in the workplace. They exercised one of the most fundamental basic trade union rights – right of entry.

Up until the mid-1980s a system of centralised union-negotiated awards governed minimum wages and working conditions.

Awards not only covered wages, hours or work, penalty rates and many other important condition of work, but contained "Time Record" and "Right of Entry" clauses which gave union representatives (authorised by the union secretary) considerable rights to enter workplaces,

speak to workers and inspect time and wages records where a breach of the award was suspected.

The Hawke-Keating Labor governments commenced the process of dismantling the comprehensive system of centralised awards in the 1980s, with a shift in focus to enterprise-based determination of wages and working conditions. But it took the Howard government and its Workplace Ministers Peter Reith, Kevin Andrews and Tony Abbott to emasculate the centralised system of trade union-negotiated awards and gut awards to "20 allowable matters". Amongst the key provisions that were not just removed from awards but outlawed in enterprise agreements were basic trade union

rights including the right of entry and free access to time and wage records of all employees.

When the Rudd Labor government was elected in 2007 there were expectations in trade union circles that the right of entry would be restored; it was not.

The NUW-Dunlop agreement may be of assistance to some of the larger and more militant unions, but it does not restore the right of entry for all unions.

The union movement still has a fight on its hands to restore right of entry, and now possibly an additional battle in the courts on the question of trespass and right of occupants to determine who they allow to enter their premises. ✪

# N-dump anger

Darren Coyne

**Opposition is mounting against a proposal to site a national radioactive dump at Muckaty Station in the Northern Territory despite the Northern Land Council (NLC) insisting it has the support of traditional owners. Meetings, protests and angry statements have been the fall-out since a recent announcement by Federal Resources Minister Martin Ferguson that the Rudd government was introducing legislation to repeal the former Howard government's Radioactive Waste Management Act.**

Mr Ferguson said that, under the new legislation, the government would press ahead with considering the Muckaty site offered by the Ngapa people.

The NLC welcomed the announcement that the Muckaty site nomination would be preserved. NLC representatives and a number of Ngapa people met with Mr Ferguson in Darwin earlier this month to again convey their support for the project.

## United

Muckaty Station Ngapa traditional owner Amy Lauder said the Ngapa clan was united in its decision to volunteer the land as a potential site. However, at a meeting later in Tennant Creek that night, none of the 100 people who attended supported the dump proposal at Muckaty.

Greens Senator Scott Ludlam said Aboriginal people should not be forced to trade their country for housing and education. He was referring to a \$12 million deal signed between Ngapa people and the former Howard government, although the NLC has indicated it would renegotiate that deal if the proposal proceeds.

"The government is dangling a very small amount of money in the scheme of things to trade off their country - it's completely inappropriate," Senator Ludlam said. "It's extremely sad and the government is exploiting (Aborigines) as they've done in the Territory and around the country for years to split families apart from each other, offering small cash handouts and housing."

Central Land Council (CLC) director David Ross also said the Muckaty site should not be imposed on the community.

Mr Ross said Muckaty, north of Tennant Creek, was outside the Central Land Council's region, but some traditional owners of that site lived in the CLC's area.

"We have had representations from people who are opposed to the nomination of Muckaty and I can only urge the Minister and the NLC to now

deal with the process under section 19 of the Aboriginal Land Rights Act, which will ensure that a proper process is followed," Mr Ross said.

"An outcome forced on a divided group will entrench divisions and lead to on-going disputation and social problems. This is certainly not best practice for site selection of radioactive facilities."

In a statement from the Alyawarra walk-off camp, spokesman Richard Downs launched a direct attack on NLC Chief Executive Kim Hill and his assertion that consultation had been carried out with traditional owners of Muckaty Station.

"Yet there are other Aboriginal leaders, Elders and family's voices who are against the proposal not being heard," Mr Downs said. "They have been completely shut out of any consultation."

"The Land Council should be aware all lands are shared and managed in a way with other clan family groups... the land is not only connected and managed by a particular traditional owner, but through country, dreaming, spirituality. It is part of the extended network of family group lines."

"You and your organisation should be embarrassed hiding behind legislation that suspends the Aboriginal Land Rights Act (1976)."

The NLC has said that while five different clan groups lay claim over various dreaming sites on Muckaty Station, the four-square-kilometre parcel of land that has been volunteered for the dump belongs to the Ngapa people.

## More criticism

Meanwhile, the government's announcement also drew fire from anti-nuclear groups, which have staged a series of protests. Beyond Nuclear Initiative (BNI) spokeswoman Natalie Wasley said the government's new legislation failed to restore fundamental rights suspended by the former Howard government's legislation.

The new laws can be used to impose a nuclear waste dump in the NT against the wishes of both Aboriginal landholders and the NT Government," Ms Wasley said.

"Under Minister Ferguson's legislation, site nominations by land councils will remain legitimate, even if their consultation process has not complied with the Aboriginal Land Rights (Northern Territory) Act 1976," she said.

"Minister Ferguson has the power to ride roughshod over all State and Territory laws, along with Aboriginal heritage protection and environmental protection legislation when establishing a dump."



Australian Nuclear Science and Technology Organisation (ANSTO) says its waste storage facilities (pictured) are insufficient.

## "Thuggish"

Meanwhile, the Friends of the Earth national nuclear campaigner Dr Jim Green described Mr Ferguson's legislation as "thuggish".

"Mr Ferguson falsely claims his plan to dump at Muckaty Station in the NT has the 'continuing support of the Ngapa clan' although he well knows that 25 Ngapa traditional owners and 32 other Muckaty traditional owners have written to him opposing the dump," Dr Green said.

The Intervention Rollback Action Group in Alice Springs also slammed the announcement, and protested outside Lingiari MP Warren Snowdon's office.

Campaigner Barbara Shaw said Labor's pre-election platform was clear in its support for land rights, yet policies associated with the NT Intervention, and now the waste dump, ignored those rights.

"No other group of people in Australia would be treated this way," Ms Shaw said.

"The Ministers sitting in Canberra are not the ones who are going to be poisoned by this. Their kids are not the ones who are going to get cancer. They have no idea how we still live off our land."

Ms Shaw said Article 29 of the Declaration on the Rights of Indigenous Peoples, which the Rudd government has endorsed, clearly prohibited the imposition of toxic waste onto Indigenous land without consent.

The Koori Mail



The ACTU has called for the government to back a \$27 weekly wage rise for the lowest-paid workers. ACTU secretary Jeff Lawrence said there was a strong case for a pay rise for the estimated 1.4 million low-paid workers who depend on the minimum wage. The minimum wage of \$543.78 a week was frozen last year but average ordinary wages rose by three percent a week over the same period. "Without a catch-up in the minimum wages these low-paid workers will slip further behind, further increasing income inequality," Mr Lawrence said.

For the first time a causal link was established between increasing greenhouse gasses, a warming environment and a natural event. Researchers from Melbourne University established that the city's butterflies are emerging 10 days earlier in spring than they did in 1945. The common brown butterfly is found in abundance and interacts with other species. It is noteworthy that the common brown butterfly's emergence features in the Wurundjeri calendar. It marks the start of the orchid season in September when orchids and silver wattles are flowering and koalas begin mating. That particular season also now occurs 10 days earlier.

"When it [television] decides to abuse its power, television can do anything to anyone. It has an absolutely terrifying power," said Christophe Nick, the maker of a documentary shown on French TV. *The Game of Death* recruited 80 volunteers who were told that they would be taking part in a pilot for a new TV show. The contestants were punished by other participants for giving wrong answers. Urged by the audience and obeying sadistic orders from the TV presenters the majority of the contestants tortured their victims even when they begged for mercy. Out of the 80 players only 16 walked out.

The abuse of power is nothing new in the fruit-picking industry. Bundaberg, in Queensland, depends entirely on seasonal workers and many backpackers go there to fulfil their requirements for a second year holiday working visa - 88 days of fruit-picking. Some of them unfortunately come into contact with labour hire contractors who essentially treat them as slaves. Several backpackers were fired on the spot recently for pleading for water while working in tomato fields in full sun. While the Fair Work Ombudsman warned backpackers about how to defend their rights the sacked backpackers and others that had experienced the abuse in the "lucky country" will let their fingers do the talking on the Internet. The bad name earned through the backpackers for the region may stick for years to come resulting in the loss of necessary labour for farmers in the region and loss of tourist dollars for the state in general. It seems the locals should clean up their act and not allow unsavoury characters to exploit others.

# What is terrorism? Who is a terrorist? Where does terrorism happen? And what should we do about it?

Jake Lynch, Professor  
Centre for Peace & Conflict Studies

Lee Rhiannon  
NSW Greens

David Bernie  
NSW Council for Civil Liberties

Nicola McGarrity  
Gilbert & Tobin Centre of Public Law

Thursday 7pm March 25

Herb Greedy Hall, 79 Petersham Road, Marrickville, Sydney

# Mexican govt on full-blast offensive against workers

Emile Schepers

Last week, Mexico's Secretary of Labour and Social Welfare Javier Lozano Alarcon announced a series of legislative proposals which, if approved, would constitute a major blow against Mexican workers and especially embattled independent unions.

The measures, presented to a meeting of the Business Coordinating Council, will be included in a major legislative vehicle shortly. The government proposes to:

- Give employers the right to government arbitration in strike situations, which only unions have at present. Lozano claims that this will put an end to "eternal strikes".
- Allow more leeway for employers to hire people part time, for short term periods and in other irregular ways. Lozano says this is merely recognising the fact that Mexican workers are already being employed in these ways.
- Other measures intended to increase "labour flexibility" and worker productivity, and thus reassure both Mexico's business elite and foreign investors that the country's efforts to recover from the heavy blow it received from the world financial meltdown will be carried out at the expense of workers and the poor, and not the rich or foreign corporations.

The announcement comes after one of the worst years in recent Mexican economic history. During 2009, Mexico lost about 7 percent of its Gross Domestic Product. Both prices of food staples and the unemployment rate have been rising, 28 percent of the working population is in the informal sector, and the amount of money sent to Mexico by its citizens working in the United States has dropped drastically due to the recession there. A vicious drug war is frightening both tourists and business away, while oil production has been dropping due to the failure of the state owned petroleum company, PEMEX, to modernise its infrastructure.

Oil, tourism and remittances are Mexico's major sources of foreign exchange.

This disastrous situation is in part caused by the degree to which the Mexican and US economies are intertwined. For example, the crisis in the US auto industry hit workers in "big three" plants in Mexico especially hard.

Workers in Mexico City – their sweat ensures a profit for the rich.



like a nail. Drugs, human trafficking and forced migration are closely related too. When all the SME workers were fired in October, among the retraining classes the government provided to those electrical workers willing to renounce their union were English classes. Many saw this more than a gentle hint.

After the Mexican Revolution of 1910-1920, much of organised labour was incorporated into an arrangement comparable to the "corporate state" model of Mussolini's fascist Italy. Unions, employers, farmers and professionals were grouped into national federations whose interests were to be mediated by the government and the governing Revolutionary Institutional Party (PRI). Union demands were damped down in the name of stability and balanced growth: theoretically, neither union members' wages nor

under the Calderon administration, intensified repression has been directed against a number of independent unions:

- The National Mine and Metal Workers Union (SNTMMRM) has been on strike against the operations of the multinational corporation Grupo Mexico in Cananea, Sonora since July 2007. The government, which has strong ties to the Grupo Mexico management, has thrown everything it can at the union, and on February 11 the courts ruled that the union contract no longer exists and that Grupo Mexico can fire all 1,200 remaining union members. The SNTMMRM says it will not evacuate the Cananea mine, and a military confrontation may loom.
- Last October, the government seized by

under tight government control since the 1980s. No sooner did the 3,000 member UNyTPP get official recognition, than the PEMEX management began to call its members in one by one to force them to sign letters resigning from, and calling for the cancellation of the union's recognition. Those who will not sign are fired and removed by force.

Corporatist union leaders, instead of joining a united front against the PAN government's anti-worker policies, have hastened to attach themselves to it in the same way they were formerly attached to the PRI. This is why Secretary Lozano Alarcon calls them "serious, responsible and sensitive workers' organisations which have maintained labour peace".

Independent unions represent a danger because they make demands that threaten to destabilise the pacts on which the neo-liberal government is maintained. They are also organising centres of political opposition to the right wing government, and to imperialism. The SME is central to coalitions which are fighting for changes in agricultural and trade policies that have led to the impoverishment of millions of Mexican grain farmers and others. One of their major demands is for a renegotiation of NAFTA (the North American Free Trade Agreement). The future of the Mexican left is linked to the survival and growth of the independent unions and their allies. Surviving independent unions, many grouped in progressive federations like the National Workers Union (UNT) and the Authentic Workers Front (FAT), assume that they are on the short list for extermination, and are girding for battle.

Secretary Lozano Alarcon's new proposals show that the attacks against the miners, electrical workers, oil workers and others are not just a reaction, as he claims, to "irregularities" within those individual unions, but part of a concerted plan to force all Mexican workers back into corporatist unions, whose leaders will continue to work hand in glove with the big business and that of international monopoly capital.

US labour has been expressing strong solidarity with the Mexican independent unions. The US Steelworkers, United Electrical and Machine Workers (UE) and others have organised solidarity campaigns. UE updates the situation on its International Solidarity website.

Fortunately, much as Calderon and Lozano may wish, the class struggle can't be abolished with the stroke of a pen.

People's World ✪

## The future of the Mexican left is linked to the survival and growth of the independent unions and their allies.

The integration of the two economies has been greatly intensified by the North American Free Trade Agreement (NAFTA) and the right wing, free trade policies of the current government of President Felipe Calderon of the National Action Party (PAN). The attack on workers needs to be seen in this context.

The connection between the Mexican government's attack on workers and the drug-related violence is strong though indirect. NAFTA and the overall neo-liberal environment is widely seen as having stimulated the drug trade. For example, farmers who can't sell their crops anymore because of NAFTA are tempted to grow cannabis or poppies, or to allow their empty lands to be used by drug gangs. Unemployment for urban people increases crime. Calderon's plan to try to fight the drug trade with the army is also related to his and his officials' quasi-fascist mindset; to a man whose only tool is a hammer, everything begins to look

employers' profits could so outstrip each other as to destabilise development.

But the corporatist unions soon expelled the left and degenerated into partners with employers and the government in suppressing the workers. Both rank and file dissidence and attempts to form unions outside the corporatist setup were countered by harsh government repression and sometimes gangster violence. In 1959 a strike by the militant railway workers union was crushed by troops and police, and a number of top left wing leaders of the union and of the Mexican Communist Party were given long jail sentences. More recently, attempts to form independent unions in the "maquiladora" operations have been met with violence from goons brought in by the corporatist labour leadership and the employers. First the PRI and now the PAN governments have abetted these practices, which violate the labour clause of the constitution.

force power stations which belonged to the publicly owned Luz y Fuerza del Centro (Central Light and Power), ousting 44,000 members of the renowned independent Mexican Electrical Workers' Union (SME). The SME is one of the oldest unions in Mexico, having worked with the forces of Emiliano Zapata when that insurgent leader took over Mexico City briefly during the 1910-1920 Revolution. But the government has declared the union as well as Luz y Fuerza to be dissolved, in spite of continuing mass protests by the electrical workers and their allies.

- The latest is an attempt to crush the independent National Union of Petroleum Technicians and Professionals (UNyTPP). This union was formed for employees of the national oil company, PEMEX, who were not included in the bargaining unit of the regular petroleum workers' union,

# Engels on human rights and the abolition of classes

Thomas Riggins

**In his book *Anti-Dühring*, Frederick Engels criticises the social theories of the German philosopher and economist Eugen Dühring. In this article I discuss Engels' critique of Dühring's views on the origin of the concept of equality as well as his method of studying philosophical subjects.**

First Engels discusses Dühring's method of analysis. Dühring thinks that by breaking a subject down to its most simple components, one can then, using mathematical axioms, logically deduce what its true nature is. Engels calls this the *a priori* method. With this method you logically deduce the nature of the object from its concept, not from the object itself. Then you reverse the process. You take your refurbished concept of the object and then judge the nature of the object by means of it instead of just studying the object itself.

In discussing equality, Dühring deduces the nature of society by logic "instead of from the real social relations of the people around him," as Engels notes. Dühring states that the simplest form of society consists of just two people. Here you have two human wills and at this stage the two are entirely equal to one another. From this Dühring says we can deduce "the development of the fundamental concepts of right." These two persons, by the way, are men.

Engels calls these two equal men "phantoms," because to be entirely equal they have to be free from any real life distinctions, including sexual distinctions and experiences, and thus become just abstract creations of Dühring's brain, not real people at all.

Now, what would justify one person becoming subordinate to another if they are entirely equal? Well, if one of the two wills was, as Engels explains, "afflicted with inadequate self-determination," then Dühring allows for its subordination. In other words, the entirely equal wills are not entirely equal after all. Engels gives two more examples from Dühring in which equality is replaced by inequality and subordination: they are "when two persons are 'morally unequal'" and when they are unequal mentally. Of course, it is Herr Dühring and his followers who decide the moral and mental

But these were really bogus forms of equality as far as this world was concerned. Then, when the Germans overran the Roman Empire, the ideals of human equality were set back for a thousand years due to the entrenchment of the feudal order.

Nevertheless, within that order a class was growing that would "become the standard-bearer of the modern demand for equality: the bourgeoisie." As a result of the maritime discoveries of the 15th century, markets began to grow and the handicraft industries of the Middle Ages expanded into manufacturing concerns. This economic revolution took place within the political structure of feudalism. The bourgeoisie began to champion the notion of human rights and equality because human labour qua labour was seen as of equal value, a fact recognised in bourgeoisie political economy as the law of value "according to which," Engels writes, "the value of a commodity is measured by the socially necessary labour embodied in it." This connection was first brought to light by Marx in *Das Kapital*, as Engels notes.

The social contradiction between the new economic order of capitalism and the feudal political order brought about the great revolutions of the 16th and 17th centuries.

Engels explains that "where economic relations required freedom and equality of rights, the political system opposed them at every step." It is interesting to note that the bourgeoisie was able to wrest power from the feudalists and is today's dominant ruling class. The same contradiction on a higher level, this time between the working classes and the bourgeoisie, has not been resolved. But only a revolutionary transfer of political power to the workers can overcome the economic problems, as well as the social questions of war and imperialism, that mark the present period of bourgeois decline.

Engels points out that with the decline of the Roman Empire and the development of independent states, each claiming the same right to nationhood as the others, and being, in the bourgeois world at least, on similar levels of development, the notion of equality gave way to the idea of universal human rights.



America: class privileges are proscribed, race privileges sanctioned."

The logical extension of the call for the abolition of class privileges by the bourgeoisie is the working class's call for the abolition of classes themselves. There are two aspects to the demand for equality made by working

The second aspect is derived from the bourgeoisie's own ideals and demand for equality in the face of the feudal order and is put forth "in order to stir up the workers against the capitalists with the aid of the capitalists' own assertions." In both cases, according to Engels, the real demand of the workers is not class equality but the abolition of classes. Any demand other than that, he says, "passes into absurdity."

What Engels has tried to show is that our modern notions of human rights and human equality are not eternal verities that hold true for every time and place. Both the bourgeois and proletarian versions are historical products.

Those values, therefore, we take for granted are the product of a specific historical trajectory in which they functioned to bring about and stabilise the world capitalist system. Engels says, quoting Marx, if the modern notion of human rights "already possesses the fixity of a popular prejudice," this is due to the continuing influence of the Enlightenment on our times.

The task of socialists today is to agitate for truly effective universal human rights – and these include the right to a living income, to health, to food, housing and education, and to live in a world at peace – attainable once and for all through the abolition of classes.

Political Affairs ✪

**"Where economic relations required freedom and equality of rights, the political system opposed them at every step."**

qualifications.

All this goes to show, Engels concludes, that Dühring has a shallow and botched outlook regarding the notion of equality. But this does not mean the idea of equality does not play "an important agitational role in the socialist movement of almost every country." The issue of human rights is the contemporary version of this debate. Following Engels, I would say that the "scientific content" of human rights "determines its value for proletarian agitation."

The scientific content will be established by studying the history of the idea of human rights (or equality). It took thousands of years to get from the ideas about equality in the ancient world to those that the socialist movement holds, or should hold, today. In the classical world of Greece and Rome inequality was as important as equality (slavery versus Roman citizenship, for example).

Christianity recognised a form of equality – all were equally subject to original sin. There was also, early on, the equality of "the elect."

That "universal human rights" are basically bourgeois rights is illustrated by the fact that "the American constitution, the first to recognise the rights of man, in the same breath confirms the slavery of the coloured races existing in

people. The first is a protest against the poverty and oppression of workers as compared to the wealth and power of the rich. This first aspect is spontaneous and "is simply an expression of the revolutionary instinct" of oppressed people.

**If the modern notion of human rights "already possesses the fixity of a popular prejudice," this is due to the continuing influence of the Enlightenment on our times.**

# On the storm over Israeli settlements

Hasan Abu Nimah

Since Israel announced yet another new settlement in occupied East Jerusalem during the visit of US Vice President Joe Biden, Israel has been subjected to a storm of criticism from friend and foe alike. Biden was in Jerusalem to show US support for Israel and to launch "proximity talks" between Israel and the Palestinian Authority (PA) of Ramallah. Instead the Israeli announcement caused him and the US administration deep embarrassment, prompting several officials to term it an "insult" and an "affront" and to stir talk of the worst crisis in US-Israeli relations in decades.

This might be music to the ears of those long frustrated by American silence on Israel's constant violations of international law, but it actually amounts to little.

Just before Biden's visit, US envoy George Mitchell had been in the region to orchestrate the proximity talks. It seemed a final hurdle had been removed when the Arab League gave diplomatic cover to PA leader Mahmoud Abbas to join the talks for a limited period of four months. Just then Israel dropped the latest settlement bombshell blowing the whole thing up.

The proximity talks device was highly controversial already. Sceptics pointed out that an additional few months of indirect talks would be of no use when almost two decades of direct negotiations – with ostensibly less hardline Israeli governments – had produced absolutely nothing. The talks were also perceived as blatant American and international capitulation to Israeli intransigence, and yet a desperately needed cover for the total US failure to get Israel to agree to a real settlement freeze as

a condition for resuming direct talks. All the misgivings were confirmed by Israel's announcement of the 1,600 settler homes.

It would have been scandalous for Palestinians – even as weak and compromised as Abbas' authority – to engage under such conditions. The PA expressed strong objections, demanding that the Israeli plan be withdrawn before returning to the talks. So it seemed it was back to square one.

But this is only part of the story. If the proximity talks blew up, it was at least as much the fault of the US administration itself as it was that of Israel. Let's recall the real sequence of events. On March 8, just two days before Biden's visit, Israel announced the construction of an additional 112 units in Beitar Illit settlement near Bethlehem – violating its own self-declared 10-month moratorium outside what it defines as Jerusalem. PA chief negotiator Saeb Erekat issued one of his routine statements, but there were no threats by the PA to boycott the talks.

Even worse, the US seemed to provide cover for the Israeli move; State Department spokesman PJ Crowley told reporters then that the Beitar Illit decision "does not violate the moratorium that the Israelis previously announced," although he allowed that "this is the kind of thing that both sides need to be cautious of as we move ahead with these parallel talks."

Netanyahu may have been – justifiably – surprised by the strength of the US rhetorical reaction later after the Jerusalem announcement (and that of EU, UN and other international officials who added their own "strong" criticism only after they got an American green light). None of these people ever bothered much about settlement expansion before. Why this one, why now? After all,

Israel never told anyone it would freeze settlement construction in what it defines as "greater" Jerusalem!

Despite Netanyahu's denial that he knew in advance of the announcement, it is clear Israel was sending a message to the peace process chorus. First, that renewed talks would not mean any slow down in colonisation schemes on occupied lands. Second, that Israeli-defined Jerusalem is outside the scope of any negotiations. Third, Netanyahu does not need the talks – for him they are only a cover for colonisation – so he could afford the risk that the talks would be jeopardised knowing full well that the US reaction would be limited at worst to words of criticism.

Netanyahu has nevertheless admitted that it was a miscalculation to announce a major new settlement when Biden was visiting precisely to emphasise US support for Israel. But for him the mistake was only in timing, not in substance. Indeed, despite all the strong American criticism, Netanyahu announced that settlement-building in Jerusalem and the rest of the West Bank would continue as normal as it has for 43 years. Since 1967, settler roads and settlements, now home to half a million Israeli Jews, have eaten up more than 46 percent of the West Bank.

During the colonisation years which have been constantly accompanied by Israeli aggression, confiscation of territory and additional ethnic cleansing and displacement of Palestinians, the international community showed little or no anger at Israel, other than occasional empty statements of disapproval, and it kept up business as usual.

The Palestinian Liberation Organisation and later the Palestinian Authority, also negotiated year after year with Israel and signed accords and agreements while the land was



US Vice President Joe Biden.

being openly colonised and the Palestinian people were constantly persecuted and viciously uprooted. Arab states for their part have negotiated and signed peace treaties while the occupation remained firmly in place and the process of settlement building went on.

So if for 43 years there has been continuous occupation accompanied with continuous settlement building while the international community was maintaining a deadly and a cowardly silence, why all the sudden noise

over 1,600 additional housing units? It is neither the first project nor will it be the last. And notice that for all its complaints, the United States pointedly did not require Israel to cancel the project. It would never dare do that. Instead within a few days, the US will be pressuring the PA to return to futile negotiations while the settlement construction carries on. Hasan Abu Nimah is the former permanent representative of Jordan at the United Nations. The Electronic Intifada ☪

## Families of Guantanamo detainees want the truth about "suicides"

The families of men who died in 2006 in the prison located on the illegal Guantanamo Bay Naval Base – whose deaths the US army presented as suicides – have petitioned the courts to reconsider their lawsuit, given new testimony by army officers who were on the base when those events occurred.

In an appeal presented to the federal court in Washington the relatives of the deceased state that they have discovered "extraordinary and disturbing facts" in relation to the deaths of their sons Yasser al-Zahrani (Saudi Arabian, aged 22) and Salah al-Salami (Yemeni, aged 33).

Their appeal is based on the statements of four military officers. One, Joe Hickman, a high-ranking officer, was on duty at a watch

tower with a view of the cells where the two men were held overnight from June 9-10, 2006.

Hickman said that he witnessed three men being transferred from their cells to another area of the camp and then, when the van transporting them returned, saw something being deposited at the infirmary.

Three minutes later, when the camp was in full turmoil, Joe Hickman asked one of the nurses for details of what was going on. According to Hickman, the nurse responded that three dead prisoners had been delivered to the clinic; that they had died of asphyxia because they had rags stuffed down their throats. One of the prisoners was also severely bruised. *Granma* ☪

## Europe and trade for torture

While the European Parliament sets about issuing resolutions on human rights violations, it cannot or does not want to look within, where more than one of its nations is truly a glass house in this context.

For example, European companies continue to market instruments of torture all over the world. Handcuffs that release electric shocks of up to 50,000 volts, thumb cuffs, and electroshock weapons are being utilised by police and

security forces to torture people, even though Europe banned the international sale of these types of instruments in 2006.

However, several European countries are not complying with the regulation. The website Red Adital reveals that from 2006 to 2009, the Czech Republic issued export licenses for foot cuffs, electroshock weapons and chemical sprays, and Germany did so for foot currents and chemical sprays, as well as nine countries where

the police and security forces had previously used these materials to inflict torture and abuse.

The website also reveals that Hungary, a member of the European Union, has stated that it intends to introduce instruments such as paralysing electric belts into its jails and police stations. This type of apparatus has been banned, because it is considered that its use inherently constitutes torture or abuse. *Granma* ☪

## Czech young communists meet after four-year ban

Young Czech communists met in Prague last week for their first congress since the government banned their organisation nearly four years ago.

The interior ministry dissolved the Czech Communist Youth Association (KSM) in October 2006 on the basis that its program violated the former socialist country's constitution by advocating the revolutionary

overthrow of the capitalist order and the social ownership of the means of production.

The KSM appealed against the decision and, under pressure from progressive opinion at home and abroad, Prague City Court annulled it in January.

KSM member Jakub Holas described the association's first congress in over four years as a "great

victory, not only for the communist movement, but for all democratic and progressive forces in the Czech Republic."

The group issued a statement calling on citizens to resist ongoing efforts to ban the KSM and the Communist Party of Bohemia and Moravia. *Granma* ☪

# Afghanistan needs peace to develop

John Bechtell

**In a potentially important development, exiled members of the former People's Democratic Party of Afghanistan are returning to the country to re-found the organisation. They plan to hold a Congress in Kabul later this year and rename the organisation the Democratic Party of Afghanistan.**

The PDPA was the ruling party that led the country on a path of socialism before being ousted from power in 1992 by the US government-backed Taliban. Thousands of PDPA members were slaughtered or driven into exile where they have functioned over the years as scattered groups.

Exiled members met recently in Germany to unite their ranks and agree on an approach to re-establishing a legal political party on Afghanistan soil.

"The main goal is to return to Afghanistan and bring a situation of peace and stability in the region," said Dr Zalmay Gulzad, professor of Social Sciences at Harold Washington Community College in Chicago. Gulzad was born in Afghanistan and came to the US as a student in 1971 and stayed. "Once peace is achieved the movement will evolve into different stages."

In an interview with the *People's World*, Gulzad said the new DPA would join the growing democratic movement in Afghanistan that includes a strong women's movement, intellectuals, students and even some members of the Parliament.

Media reports have noted nostalgia for the PDPA governing years. Many people say times were better then; there was more stability and security. The government built a lot of schools, provided education and health care, according to Gulzad. Many feel "that period was better than during the repression of the Mujahideen and today's American bombs."

"It's a different situation," he continued. "The conditions are good for unity to bring peace to Afghanistan. Even before September 11, 2001, members of the PDPA returned and became members of Parliament and they've been working within the function of government."

Gulzad termed the Karzai

government a corrupt "puppet regime" and said US Ambassador Karl Eikenberry is really running the country. Gulzad said the main threat to the stability of the Afghan government comes from a resurgent Taliban. While the people don't want US troops in the country, they fear a return of the Taliban to power, he said.

"The people will not accept a puppet regime. They will work with the Karzai government because of the situation with the Taliban. Once peace comes, people will bring a genuine people's government," he said.

The Taliban have their roots in the US drive to destabilise the Soviet Union during the Carter administration. Known then as "freedom fighters" (Mujahideen) they were religious extremists assembled by the CIA to overthrow the government and kill Communists, democrats and Soviet "infidels." They were recruited from predominantly Muslim countries when they couldn't be found in Afghanistan.

Because they were trained in Pakistan, they were renamed Taliban, which means "religious students." These same elements, trained by the CIA, were responsible for the attacks on the World Trade Centre in September 11, 2001, including Osama Bin Laden.

After the attacks, said Gulzad, they were suddenly renamed "terrorists." Instead of going into Saudi Arabia where most were from, or Pakistan where they were trained, the Bush administration invaded Afghanistan. Gulzad says the reason is the strategic geopolitical importance of Afghanistan, its proximity to energy resources and Iran, Russian, China and the Persian Gulf.

"If the Taliban retook power they would be a very regressive force. The Afghan people wouldn't accept it. Remember there was a civil war - north versus south and within the south they were fighting the Taliban. And the region's countries would get involved in arming various factions - Pakistan, Iran, Russia and China."

The main source of support for the Taliban is still the military in Pakistan. Gulzad said this is related to Pakistan's desire for additional territory in its fight against India and for gaining hold of Kashmir. They want a weak government in Afghanistan and to rid it of Indian influence, which has

invested heavily in Afghani infrastructure, education and hospitals.

Gulzad said during the arming of the "freedom fighters" against the Soviet Union everyone denied Pakistan was helping. And today everyone knows the Pakistani military and Inter-Service Intelligence are supporting and arming the Taliban, but it's still denied.

Today, there are now two separate Taliban, one in Afghanistan and one in Pakistan. The Pakistan Taliban is threatening to overthrow the Pakistani secular state. Gulzad said most of the recent terrorist attacks in other parts of the world have emanated from Pakistan including the deadly attack on Mumbai.

All the Obama administration needs to do is put pressure on Pakistan to stop arming the Afghani Taliban and protecting their sanctuaries from which they are launching attacks into Afghanistan, and the problem would be solved.

"We are losing many Afghan and US troops right now for no reason," he said. "Pakistan could arrest Osama Bin Laden and other al-Qaeda and terrorist leaders if it wanted to. Many believe the US and Pakistan want to keep it going for their own purposes."

"The problem reflects the split in (US) ruling circles, in the US military and the Obama administration. Sections of the military and intelligence community see the importance of a long-term presence in Afghanistan for access to energy resources and geo-political purposes," he said.

Recently, Defence Secretary Gates, Secretary of State Clinton and General McCrystal let it be known they oppose President Obama's suggestion of negotiation with the Taliban, who have suffered military defeats recently.

"The institutions of US imperialism are highly developed. President Obama can't change it alone. He has very good intentions but the people around him - eg the Pentagon, CIA, they are not really allowing him to move from that policy," said Gulzad.

The American people have to demand a change in foreign policy to end US involvement and close down the foreign military bases, he said.

"So long as the imperialist mentality exists - hostility to Iran, China, etc the US is in a good spot," he said. "Which helps explain why they are rejecting offers from Russia and China to help."

"Russia wanted to help Afghanistan, but were denied by the US. Russia has a long history with Afghanistan. Most of the highways and infrastructure were built by the Soviets. They have all the blueprints."

Gulzad said international help could come by training and educating personnel to rebuild the country. They could be sent to Tajikistan and Iran, which both speak the same language and have the same culture as many Afghans.

"It would require the US to step back and allow the Afghan government to have its own sovereign relations. The American people have a big responsibility. Look, our government is broke and people are suffering. Yet the US has military bases all over the world and it costs a lot to maintain this. The mentality of imperialism is finished. People around the world don't accept it any longer."

*People's World* ✪



The flag of the People's Democratic Party of Afghanistan - yellow on red background.



## Global Briefs

**INDIA:** After two days of intense debate, India's upper house overwhelmingly approved legislation on March 9 requiring women occupy one third of national assembly and state legislative seats. With that vote, the measure passed a significant hurdle on its way to becoming law, the first of its kind in the world. The Women's Reservation Bill had been stalled until the recent upper house action. However, two regional parties threatened to derail future Congress Party legislation if the lower house follows suit. Detractors saw the reform as benefiting privileged women at the expense of Islamic and lower caste voters. Women make up only 8 to 13 percent of all elected officials in India. In 1991, the Communist-led government of Kerala introduced a 30 percent quota for women serving in the district legislature. In 1996, Geeta Mukherjee, a member of the Communist Party of India-Marxist, chaired a joint parliamentary committee which submitted a report to the two houses recommending the "reservation" of one third of seats for women. Both CPI-M and the Communist Party of India are supporters of the measure.

**FRANCE:** In regional elections on March 14, President Nicolas Sarkozy's centre right party secured 26 percent of the votes. The Socialist Party took almost 30 percent, and run-off elections on March 21 will decide between the two. The Green Europe Ecologie party took third place with 13 percent of the votes followed by the right wing National Front Party at 12 percent. A record high 52 percent of voters abstained. The left coalition that included the French Communists won 6.2 percent of the votes. Regional election results made unaccustomed news this year as a forecast of possible presidential election results in 2012. Sarkozy's unpopular labour and pension reform proposals plus 10 percent unemployment and significant deficit spending worked against him, reported EUobserver.com.

**PARAGUAY:** "Forgive us, Ananías, for so much death, so much injustice," asked President Fernando Lugo, who in ceremonies on March 10 awarded Paraguay's highest civilian award, the National Order of Merit, to Ananías Maidana. With government officials and left activists looking on, Lugo honoured the former secretary general of Paraguay's Communist Party: "Comrade Maidana dedicated his entire life to Paraguayan democracy and for that he suffered persecution, torture, and jails during the Alfredo Stroessner dictatorship." The President, quoted by pcv-venezuela.org, noted that "his party and its circumstances reflected limitless belief, unparalleled in our history, that struggle against oppression and for human dignity must be considered in terms of one's own existence and its price."

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Letters to the Editor  
The Guardian  
74 Buckingham Street  
Surry Hills NSW 2010



email: tpearson@cpa.org.au

### The importance of water conservation

Many people are involved in recycling – and it is a very good practice. It is not a new thing as many older Australians do it as a matter of course and without boasting about it at every corner.

Their lives were not as consumerism-driven as is often the case nowadays. They kept every bit of string for further use and would never dream of wasting anything. Water was another thing they were careful about and it is excellent that younger generations are being taught to appreciate every drop of it.

Recent rains filled up dams and some water restrictions were lifted. I don't think it is a good idea to start splashing water around again. Australia remains one of the driest places in the world. With climate change there is every possibility that it will continue to get even drier. Practice has shown that we can all survive on water restrictions and the need to save water is becoming a good habit.

Little kids are taught in schools

to save water and they do lots of projects to instil the idea in their heads. In many cases with newly-arrived Australians it is the children who teach parents to be aware of water shortage and the need to treat it with respect. Easing water restrictions in Victoria is a backward step. Yes, public parks may need a bit of extra water to help distressed trees but the public in general should be encouraged to continue to save water.

Mati English  
Sydney

### Rewarding Israel's transgression

Australia's buying \$349 million worth of Israeli-supplied command and communications equipment is not a very bright move considering the recent passport scandal.

PM Rudd tried hard to give the impression of taking a tough stance when he told the Israeli authorities that he was not amused when Israel used Australian passports in an assassination carried on by a group of suspected Israeli agents.

Extra judicial assassinations are against international laws and states breaking them should be held responsible for their crimes. You do not reward them by entering into lucrative contracts. Besides, who is to guarantee that Australia's security won't be breached through a foreign power insight into our military activities?

T Southern  
Brisbane

## PALM SUNDAY Rally for Peace

March 28, 2010  
Parramatta, 2.30 pm

### Speak out for Peace in a time of threat

Dialogue for peace in Afghanistan!  
Urgent action on global warming!  
Democracy - not war - for Iran!  
Amphitheatre at Parramatta Town Hall



# Culture & Life

by

Rob Gowland

## Of statues and lawyers

Like many of you, I suspect, I watched Channel Nine's woeful coverage of the Winter Olympics with growing dismay: where was any sign or recognition of the "Olympic spirit", any that the athletes were there for the glory of sport, not for gold medals (no other colour would do for anchorman Eddie McGuire and his crew).

McGuire and co seemed to think the lucrative endorsements that would accompany a gold medal were all important. This attitude reflected the rampant commercialisation of sport which McGuire, as the owner of Collingwood Football Club, surely has no problem with.

Nor, it seems, does the International Olympic Committee, whose response to lower ratings than desired for the coverage of recent Olympics, was to deliberately introduce a range of more dangerous events to attract viewers with no knowledge of classic winter sports but who could be dragged in by the prospect of "thrills and spills".

It's called pandering to the lowest common denominator, and McGuire's outfit obliged with a montage of the latest crashes as the opening for each telecast. Of course, it's what commercial television does all the time so Nine's Olympic coverage team were obviously all in favour of it.

I found the closing ceremony very interesting. The Canadians turned on a pop-concert aimed squarely at the "youth market", in marked contrast to the contribution from Russia as the next host nation (in Sochi in four years' time).

The short Russian contribution included artists from leading ballet and opera companies, the Moscow Symphony Orchestra and the Russian State Academic Choir, all accompanied by a stunning *son et lumiere* show giving glimpses of Russian landmarks and sights.

Noticeable among these were numerous Soviet emblems, most especially the massive sculpture by Mukhina entitled *Worker and Collective Farm Woman*, which stood for years at the entrance to the Exhibition of Economic Achievement in Moscow.

The two male and female figures are holding aloft a hammer (in the worker's hand) and a sickle (in the farmer's hand), the two implements overlapping in profile to make the Soviet emblem of the hammer and sickle.

This sculpture was removed a couple of years ago from its place outside the Exhibition, and Muscovites were concerned that destruction rather than the professed restoration might have been intended. However, perhaps because of the expressions of concern, the statue has now been fully cleaned and restored, and even presented to the world in the Olympic finale as an emblem of Russia.

Which, of course, it is, like the Revolution itself. It is also a reminder that the glorious revolution of 1917 is a fact of history, however much the falsifiers of history wish it were not.

Changing the subject completely, my wife and I have a friend who lives in a large NSW country town. Over a decade ago, her father died and left some property to her and her two siblings.

Our friend, with the agreement of her brother and sister, took out a mortgage on the property and bought out the other two. The mortgage was payable in ten years, but she had income from another source and so was able to pay it off (with some effort) in two years.

At various times she politely asked the mortgagee to forward the deeds for the property, since the mortgage had been discharged, but they never came. At the end of the ten years, however, the mortgagee sent her a letter offering to return the deeds for what was after all *her* property – but only after she paid a fee for the privilege.



Worker and Collective Farm Woman – sculpture by Mukhina.

When she protested at this ploy for wringing a bit more money from the transaction, the mortgagee referred her to the fine print of her mortgage agreement, where she found that although the deeds had originally been delivered into the possession of the mortgagee at the latter's insistence, supposedly to protect his "investment" (the mortgage loan), he had thoughtfully provided a clause allowing him to make some extra money from the simple act of returning the lady's deeds.

It's how capitalism works, and in the eyes of capitalists and those who would like to join their ranks, it's how the *world* works. This kind of behaviour is deemed "clever" rather than the more deserved (and more pejorative) "sharp", the kind of behaviour that helps those in business to "get on" – usually by trampling on those less ruthless than themselves.

We once had a discussion with a delegation from one of the smaller Pacific countries. They had seen a copy of the Legal Code of the GDR, and they were curious as to why it was such

a slim volume, while their own laws took up innumerable volumes.

So we discussed the fact that under capitalism, the Law primarily protects business and property, as well as business and property transactions and the privileges of property and business owners. But it *purports* to be concerned with the rights of people (both individually and collectively), despite the fact that their rights are constantly compromised and interfered with by the routine activities of business and the propertied sector of bourgeois society.

This contradiction is what keeps the legal profession under capitalism so busy and so lucrative. Laws that are solely concerned with the rights of the people are much easier to codify and to express.

Legal loopholes are the mainstay of both government and business under capitalism. It's no doubt one of the reasons so many lawyers take up the equally lucrative profession of politician. See, capitalism *does* provide jobs! ★



Sun March 28–  
Sat April 3

Along with other sites in Russia that bore the names of Soviet leaders or heroes, after the overthrow of socialism the world famous Kirov Theatre in Leningrad had its name changed to something non-Soviet.

Leningrad itself reverted to the Germanic "St Petersburg", the original Tsarist name honouring Tsar Peter the Great – presumably the Russian version, Petrograd, also had too many revolutionary associations! The Kirov, named in honour of Sergei Kirov, the Leningrad Party Secretary who was assassinated in 1934, was similarly returned to its Tsarist name, the Mariinsky Opera and Ballet Theatre.

Whatever its name, it has always been one of the world's great theatres, a place where leading singers and dancers are proud to perform, a point made by Placido Domingo in an interview for *Mariinsky Theatre 1783 – 2008* (ABC2 Sunday March 28 at 8.30 pm, repeated ABC1 Sunday April 4 at 3.30 pm).

The program includes numerous scenes of performances, rehearsals and training, plus necessarily brief tours through the theatre's vast subterranean passages where all the theatre's props, costumes, wigs and sets are manufactured and stored.

At the core of the program is an extended interview with Valery Gergiev, the theatre's artistic and general director as well as its conductor. His generous and non-hostile comments on the Soviet period are in marked contrast to the venom in the comments of *Prima Ballerina Assoluta* Maya Plisetskaya. She pours scorn on the Soviet government for naming the theatre after "someone who was not connected with opera or ballet" (Kirov), acknowledging with a shrug that he had been assassinated, but clearly miffed that they had not chosen a dancer or producer or the like.

She blames the Soviet government for the fact that a handful of dancers defected to the West, succumbing to the blandishments of a life of wealth and supposed glamour. She even blames the Soviet government for the theatre presenting *Swan Lake* (with her in the lead) to entertain visiting foreign heads of state. Talk about biting the hand that fed you! Gergiev, by contrast, is likeable and informed, someone you feel you would like to talk to for longer, if that were ever possible.

The television drama *An Englishman In New York* (ABC1 Sunday March 28 at 8.30 pm) is a *tour de force* performance by John Hurt. He plays Quentin Crisp, the openly gay novelist who made the story of his life as a gay man in disapproving times into a career.

The program, written by Brian Fillis and directed by Richard Laxton, is set in the period in the late '70s and into the '80s when Crisp, invited to the US on the strength of his notoriety, became a sensation on the lecture circuit, telling people *How To Be Happy*.

Crisp is nothing if not flamboyant, and Hurt obviously relishes the role. But what the program actually contributes to an appreciation of being gay is debatable.

Jerzy Balowski (Alexei Sayle), Neil (Nigel Planer), Rick (Rik Mayall), Mike (Christopher Ryan) and Vyvyan (Adrian Edmonson) – *The Young Ones* (ABC2 Tuesday March 30 at 8.00 pm)



Nevertheless, Crisp's deft handling of someone who rings up to threaten him with physical violence will live with me for some time.

The final episode of Series One of *The Young Ones* is on this week (ABC2 Tuesday March 30 at 8.00 pm). So what, I hear you ask? Well don't say that in front of anyone under 40.

This landmark anarchic British comedy series is about four students and their grubby Russian landlord (Alexei Sayle). The students are played by Adrian Edmonson (Vyvyan – with metal studs in his forehead), Rick Mayall (Rick the poseur), Nigel Planer (Neil the hippy) and Christopher Ryan (smart guy Mike).

This episode includes the flooding of London, a lion tamer practising his craft (with real lions) in Mike's bedroom, and when Vyvyan hides in a wardrobe and pushes through the clothes hanging there he finds himself in Narnia (as one does).

It's over the top, of course, but that was part of its original appeal. I think it holds up surprisingly well.

*Alex: A Passion For Life* (ABC2 Wednesday March 24 at 8.30 pm) continues the story of student Alex Stobbs, cystic fibrosis sufferer and musical prodigy, the subject of last week's documentary *A Boy Called Alex*.

In this week's follow up documentary, Alex is now at Cambridge, and determined to live "a normal life". But as the filmmaker notes, Alex lives it at a frenetic pace, conscious that it might end abruptly at any moment.

Alex's new musical ambition is to conduct Bach's *St Matthew Passion*, and the earlier film has led to him now having at his disposal a professional orchestra, some of Britain's best professional singers and one of London's top concert halls.

The Bach work is a testing three hour experience for any conductor, but with oxygen on hand and an emergency substitute conductor also handy, Alex is determined to go ahead.

The series *Beautiful People* returns this week (ABC1 Wednesdays from March 24 at 9.30 pm). According to the ABC, it is a "glitzy, award-winning comedy".

More ditzy than glitzy, I would have thought.

It just *tries* too hard. Comedy should not need a sledgehammer to get its point (or its gag) across. And mugging at the camera is no substitute for subtle comic acting.

The script has few surprises and its flights of fancy (the differing accounts of the wedding, for example) would feel overdone in a German comedy.

The three-part series *Whitechapel* continues this week (ABC1 Fridays at 8.30 pm). It is the story of a modern-day police investigation of a murderer who is copying the murders by the notorious Jack The Ripper in 1888.

An officer set for accelerated promotion, DI Chandler (Rupert Penry-Jones) is in charge and beginning to appreciate his team of regular coppers, but still finds the ugly reality police work daunting.

This three-parter is looking less like a one-off drama and more like the pilot for a full-blown series. If it does resurface in that form, I for one will watch it. ★



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Sydney  
**POLITICS**  
*in the pub*

March 26  
**THE NEW NUCLEAR DEBATE**

Scott Ludlam, Senator, Greens WA  
Bob Howard, Dept. Govt. & International Relations, Sydney Uni

April 2  
**NO MEETING – Easter long weekend**

April 9  
**POLITICS OF DISABILITY: WHAT SHOULD RUDD DELIVER?**

Bill Shorten, Federal MP, Parliamentary Sec. Disability & Children's Services  
Rhonda Galbally, OA, Chair, National Disability Advisory Council,  
author of *Just Passions*

April 16  
**WAR CRIMES IN SRI LANKA – WHAT OUTCOMES?**

Dr Sam Pari, Tamil Youth Organiser  
Brami Jegan, Co-ordinator Sri Lanka Project, CPACS & Sydney Uni.

April 23  
**NO MEETING**  
*Anzac Day long weekend*

April 30  
**PAPUA-NEW GUINEA: THE MIDAS NATION – OUR NEWEST RICH COUNTRY?**

Bob Creelman, Dr, geoscientist/engineer  
Brian Gomez, Economist

May 7  
**THE UNHEARD TRUTH: POVERTY & HUMAN RIGHTS**

Stuart Rees, Director, Syd Peace Foundation  
Claire Mallinson, Amnesty International

Every Friday 6pm 'til 7.45

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# The Green They Steal, The Greed They Wear

## A St Patrick's Day Lament

Michael Moore

It was amazing. Every story on the front page of Monday's *New York Times* told the story of the "Age of Greed" during which a system known as capitalism is slowly, but surely, killing us:

Insurance company greed: "Millions Spent to Sway Democrats on Health Care"

War profiteers: "Contractors Tied to Effort to Track and Kill Militants"

There's no profit in repairing our infrastructure: "Repair Costs Daunting as Water Lines Crumble"

China, the bank: "China Uses Rules on Global Trade to Its Advantage"

You mean NAFTA didn't improve life in Mexico: "Two Drug Slayings in Mexico Rock US Consulate"

What happens when Big Food profits from hurting kids: "Forget Goofing Around: Recess Has New Boss"

There's now a daily parade of news like this – well, not really "news," more like the media division of large corporations shoving your face into the dirt that is your life. You already know the schools are a disaster and the war is a boom for the Halliburtons and a bust for you. You don't need a newspaper to tell you the roads and electrical lines and the local sewage plant is in a miserable disrepair.

And by now you've figured out that you don't really have any say in this, that what we call the "democratic process" is mostly a sham, pretty words that get repeated in the hopes we will all still fall for it. But the fix is in and we don't fall for it anymore. Admit it: Wall Street owns "our" Congress lock, stock and big barrel o' campaign cash. You want a say in this? Well, I don't see you on the Forbes 400, so shut the f@\*& up and go fetch me another bottle of bubbly.

Within days, the House of Representatives will vote to pass the Senate health care "reform" bill. This bill is a joke. It has NOTHING to do with "health care reform." It has EVERYTHING to do with lining the pockets of the health insurance industry. It forces, by law, every American who isn't old or destitute to buy health insurance if their boss doesn't provide it. What company wouldn't love the government forcing the public to buy that company's product?! Imagine a bill that ordered every citizen to buy the extended



warranty on all their appliances? Imagine a law that made it illegal not to own an iPhone? Or how 'bout I get a law passed that makes it compulsory for every American to go see my next movie? Woo-hoo! Who wouldn't love a sweet set-up like this windfall?

Well, the insurance companies – get this – don't like the Democrats' bill! That alone should be reason enough to vote for it.

Now, you would think these thieves would love this bill – but they are actually fighting it. Why? Because it doesn't give them ONE HUNDRED PERCENT of what they want. It only gives them... 90 percent! YOU SEE, pure greed demands all or nothing.

The insurance industry hates this bill because it puts a few minor restrictions on them. Six months after its passage they won't be able to deny children coverage if they have a pre-existing condition. How awful! Government interference! SOCIALISM!

But, hey, they'll still be able to deny these children's parents coverage until 2014! So if a parent gets sick and dies in the next four years, I'm sure someone will step in and raise these already-insured orphans.

And how big will the fines be if the insurance companies do deny someone coverage for having a pre-existing condition? Are you sitting down? A hundred dollars a day! That's it! So if you're the insurance company, and Judy is a customer of yours, and Judy needs an operation that will cost \$100,000, what do you do? You take the fine! Let's say Judy lives another year after you've sentenced her to death, your \$100-a-day fine will only cost you \$36,500! That's a savings of \$63,500! And trust me, my friends, that's EXACTLY what's going to happen.

There are some good things in this bill. Parents will be able to keep their children on their policy until the kids turn 26. A few things like that. So, yes, pass that.

But don't insult me and 300 million Americans by calling this "health care reform." At least you've stopped calling it "universal health care." We will not have universal health care or anything close to it. I wish the president and the Democratic leadership would just stand up and say, "We're sorry, America. We didn't get the job done you sent us here to do. We're weak and scared and unable to communicate the simplest of messages to the American people. Therefore, our bill will guarantee that 12 million of you will still have NO health insurance. And that's because we have decided to leave the greedy, private insurance industry in charge of our system. Forgive us for this and for continuing to allow profit to be the determining factor as to whether a patient gets the help she or he needs."

Please, Democrats – just say that – then pass this poor excuse of a bill. Pass it because, if President Obama takes a fall on this one, I don't know if he'll be able to get back up. And then NOTHING will get done. We can't have that. (And thank you Dennis Kucinich for hanging in there right up to the end and being the only one out of the 435 members to speak the awful truth.)

On the front page of yesterday's *New York Times*, the dateline was, sadly, once again, "Flint,

Michigan." The story was about how doctors are no longer accepting Medicaid patients. Which means tens of thousands of poor can no longer go to the doctor. Last year, the State of Michigan also prohibited doctors from accepting Medicaid patients who had anything wrong with their vision, their hearing, their feet or their teeth. In a 16-county area northwest of Flint, there will soon be not one single hospital that will allow you to give birth there if you're on Medicaid. The official unemployment rate in Flint is 27 percent (unofficially, closer to 40 percent).

This is an American tragedy. And, as I've warned you for years, this tsunami is heading your way – if it's not there already.

I've just turned on my new iPhone and it informs me that it has "apps" it would like to suggest I buy. One is called "Scanner." It will allow me to listen in on police scanners anywhere across the country. I buy the app. I see that the Flint police scanner is part of this. I turn it on out of curiosity. And this is what I hear, at one in the morning: A woman is being beaten by her husband... A home invasion is taking place ("16-year-old black male, wearing a white skull cap")... A child has been missing since noon today... Another woman is being beaten by her boyfriend... A diabetic, obese man is having trouble breathing and needs to be rushed to the hospital (there will be three more of these obese diabetics in the hours to come; the entire town is ill)... One more woman calling, screaming for help, "officers urged to use caution..."

...And on and on and on. This is what I have listened to before going to bed. I am filled with despair and helplessness as I hear my former neighbours crying out for help. I hate it. I have to turn it off. I start to cry. Thank you, iPhone. Thank you, Democrats. I'll sleep better knowing that you're looking out for all of us.

Bastards.

Michael Moore

MMFlint@aol.com

MichaelMoore.com

Information Clearing House



Perth ECU Student Guild film screening

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A film by Tim Anderson



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