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The SPEAKER (Mr Neil Andrew) took the chair at 9.30 a.m., and read prayers.

PARLIAMENT HOUSE: SECURITY

The SPEAKER (9.31 a.m.)—On 11 November 2002, I advised the House that the President of the Senate and I had taken certain steps to improve security measures in the parliamentary precincts. Late last year we wrote to party leaders, whips and Independent and other party members and senators outlining additional security measures we intended to introduce early in the 2003 sittings. In addition, the Joint House Committee and the Senate Appropriations and Staffing Committee received detailed briefings.

During the recess, work has been undertaken to install new security infrastructure. Vehicle barriers will be placed across Parliament House near the forecourt and across the grass ramps that go over the building. In the first instance, these will be temporary barriers, to be replaced with permanent fixtures more in keeping with the design of the building. Access will no longer be possible across the roof of Parliament House, however tours will be available through the parliament’s visitor services area for anyone wishing to go onto the roof from within the building.

Boom gates for the ministerial car parks and for the members of parliament and authorised underground car parks have been, or are being, introduced in the near future. For the most part, this means that access will only be available to vehicles where the driver is the holder of a parliamentary security pass. The controls on the authorised parking car parks are operational from this week. The controls on the members of parliament car parks in the House of Representatives and Senate wings will start from 10 February and those on the ministerial car park from 3 March. Parliamentary security passes for this purpose will be distributed this week.

In addition, from 10 February 2003 all persons, whether members of parliament, staff or other building occupants or visitors, will be required to undergo X-ray screening and baggage screening when entering Parliament House. Additional closed-circuit television cameras have been installed. Strict protocols have been developed to govern access to images, and these will be monitored by the Presiding Officers with the assistance of the Joint House Committee.

These measures have been implemented following professional advice and careful consideration. The President and I believe that they are in the best interests of members and senators, staff, media personnel who occupy the building and all other visitors to Parliament House. We aim to ensure, as far as possible, greater security for people here without disrupting the smooth running of the legislature.

ACCESS TO COMMITTEE DOCUMENTS

The SPEAKER (9.34 a.m.)—I advise the House that, on 31 May 2002, I agreed to allow Professor David Walker, Professor of Australian Studies at Deakin University and a Fellow of the Academy of Social Sciences, to examine certain documents in the custody of the House. Professor Walker had asked for permission to examine the minutes of the Joint Committee on Foreign Affairs and Defence for the period 1952 to 1970 as part of his project to write a history of Australia’s responses to and connections with Asia.

I agreed to his request in accordance with the resolution of the House on 11 October 1984 which authorises the Speaker to permit any person to examine and copy committee documents which have been in the custody of the House for at least 10 years, or 30 years in the case of in camera or confidential material, and which have not already been published. I was of the view that Professor Walker’s request was consistent with the purpose for which the House made its resolution—that is, to facilitate research into matters of historic interest. Professor Walker has since examined the committee’s minutes for this period, making copies of those records relevant to his research.

The resolution authorising the Speaker to release such material requires also that the Speaker report to the House the nature of any documents made available under the resolution and the person to whom they have been
made available. I am reporting to the House accordingly.

**MINISTER FOR FOREIGN AFFAIRS**

**Censure Motion**

Mr CREAN  (Hotham—Leader of the Opposition)  (9.35 a.m.)—I move:

That so much of the standing and sessional orders be suspended as would prevent the Leader of the Opposition from moving: That the Minister for Foreign Affairs come forthwith before the House and:

1. table a copy of the final version of the record of conversation that took place between the Minister for Foreign Affairs and the New Zealand High Commissioner on 24 October 2002;
2. explain why the final version of that record of conversation was amended from the draft version, in particular to delete the words “other presence”;
3. explain why the Minister has claimed that the conversation only referred to the Multilateral Interception Force when at that time Australia had other forces in the Gulf that were not and continue not to be part of the Multilateral Interception Force;
4. explain why, contrary to its repeated denials that the Government has committed Australian troops to a war against Iraq, the Minister for Foreign Affairs told a foreign diplomat that “Australia was not in a position, if the UN process broke down, to withdraw our ships and other presence from the Gulf”;
5. explain why this fact could be told to a foreign diplomat and not the Australian people; and
6. explain his subsequent statements that Australia’s commitment to the Multinational Interception Force cannot be withdrawn from the Gulf but Australia’s forward deployment of troops can, especially given that as part of the Government’s “forward deployment” of troops to Iraq the HMAS *Kanimbla* has been initially committed to the Multilateral Interception Force.

We have a serious demonstration here that the government has deceived the Australian people.

Mr ABBOTT  (Warringah—Leader of the House)  (9.38 a.m.)—I move:

That the member be not further heard.

Question put.

The House divided.  [9.42 a.m.]

(The Speaker—Mr Neil Andrew)

<table>
<thead>
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<th>Ayes</th>
<th>76</th>
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<td>Noes</td>
<td>65</td>
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<td>Majority</td>
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**AYES**


Wednesday, 5 February 2003

Representatives

<table>
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<th>Ayes</th>
<th>77</th>
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<tr>
<td>Noes</td>
<td>64</td>
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<tr>
<td>Majority</td>
<td>13</td>
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AYES

Abbott, A.J.
Andrews, K.J.
Bailey, F.E.
Barresi, P.A.
Billson, B.F.
Bishop, J.I.
Cadman, A.G.
Causley, I.R.
Emerson, C.A.
Evans, M.J.
George, J.
Gillard, J.E.
Griffin, A.P.
Hatton, M.J.
Irwin, J.
Jenkins, H.A.
King, C.F.
Lawrence, C.M.
McFarlane, J.S.
Mossfield, F.W.
O’Byrne, M.A.
Quick, H.V. *
Roxon, N.L.
Sawford, R.W.
Smith, S.F.
Swan, W.M.
Thomson, K.J.
Wilkie, K.
Zahra, C.J.

Cobb, J.K.
Draper, P.
Elson, K.S.
Farmer, P.F.
Gallus, C.A.
Gash, J.
Haase, B.W.
Hartseyker, L.
Hockey, J.B.
Latham, M.W.
McLeay, L.B.
Melham, D.
Murphy, J.P.
O’Connor, G.M.
Price, L.R.S.
Ripoll, B.F.
Rudd, K.M.
Sciaecia, C.A.
Snowdon, W.E.
Tanner, L.
Vanvakinou, M.
Windsor, A.H.C.

Downer, A.J.G.
Dutton, P.C.
Entsch, W.G.
Forrest, J.A. *
Gamburro, T.
Georgiou, P.
Hardgrave, G.D.
Hawker, D.P.M.
Hull, K.E.
Johnson, M.A.
Kelly, D.M.
Kemp, D.A.
Ley, S.P.
Lloyd, J.E.
May, M.A.
McAuran, P.J.
Nairn, G. R.
Neville, P.C.
Pearce, C.
Ruddock, P.M.
Scott, B.C.
Slapper, P.N.
Somlyay, A.M.
Stone, S.N.
Ticehurst, K.V.
Truss, W.E.
Vaile, M.A.J.
Wakelin, B.H.
Williams, D.R.

* denotes teller

Question agreed to.

Mr RUDD (Griffith) (9.49 a.m.)—I second the motion. You will tell foreign diplomats in private what you won’t tell the Australian people—

Mr ABBOTT (Warringah—Leader of the House) (9.49 a.m.)—I move:

That the question be now put.

Question put.

The House divided. [9.49 a.m.]

(The Speaker—Mr Neil Andrew)

Ayes......... 77
Noes.......... 64
Majority....... 13

AYES

Abbott, A.J.
Andrews, K.J.
Bailey, F.E.
Barresi, P.A.
Billson, B.F.
Bishop, J.I.
Cadman, A.G.
Causley, I.R.
Anderson, J.D.
Anthony, L.J.
Baird, B.G.
Bartlett, K.J.
Bishop, B.K.
Cameron, R.A.
Ciobo, S.M.

Adams, D.G.H.
Andren, P.J.
Bever, A.R.
Burke, A.E.
Cocoran, A.K.
Crean, S.F.
Danby, M. *
Ellis, A.L.
Evans, M.J.
Ferguson, M.J.
George, J.
Gillard, J.E.
Griffin, A.P.
Hatto, M.J.
Irwin, J.
Jenkins, H.A.
King, C.F.
Lawrence, C.M.
McFarlane, J.S.
Melham, D.
Murphy, J. P.
O’Connor, G.M.
Organ, M.

Albanese, A.N.
Beazley, K.C.
Beretton, L.J.
Byrne, A.M.
Cox, D.A.
Crosio, J.A.
Edwards, G.J.
Emerson, C.A.
Ferguson, L.D.T.
Fitzgibbons, J.A.
Gibbons, S.W.
Grierson, S.J.
Hall, J.G.
Hoare, K.J.
Jackson, S.M.
Kerr, D.J.C.
Latham, M.W.
McClelland, R.B.
McMullan, D.B.
McMullen, R.F.
McAuran, P.J.
Nairn, G. R.
Neville, P.C.
Pearce, C.
Ruddock, P.M.
Scott, B.C.
Slapper, P.N.
Somlyay, A.M.
Stone, S.N.
Ticehurst, K.V.
Truss, W.E.
Vaile, M.A.J.
Wakelin, B.H.
Williams, D.R.

NOES

Adams, D.G.H.
Andren, P.J.
Bever, A.R.
Burke, A.E.
Cocoran, A.K.
Crean, S.F.
Danby, M. *
Ellis, A.L.
Evans, M.J.
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Gillard, J.E.
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Hatto, M.J.
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Jenkins, H.A.
King, C.F.
Lawrence, C.M.
McFarlane, J.S.
Melham, D.
Murphy, J. P.
O’Connor, G.M.
Organ, M.

Albanese, A.N.
Beazley, K.C.
Beretton, L.J.
Byrne, A.M.
Cox, D.A.
Crosio, J.A.
Edwards, G.J.
Emerson, C.A.
Ferguson, L.D.T.
Fitzgibbons, J.A.
Gibbons, S.W.
Grierson, S.J.
Hall, J.G.
Hoare, K.J.
Jackson, S.M.
Kerr, D.J.C.
Latham, M.W.
McClelland, R.B.
McMullan, D.B.
McMullan, R.F.
McAuran, P.J.
Nairn, G. R.
Neville, P.C.
Pearce, C.
Ruddock, P.M.
Scott, B.C.
Slapper, P.N.
Somlyay, A.M.
Stone, S.N.
Ticehurst, K.V.
Truss, W.E.
Vaile, M.A.J.
Wakelin, B.H.
Williams, D.R.
Question agreed to.

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

The House divided. [9.52 a.m.]

(The Speaker—Mr Neil Andrew)

Ayes………… 64
Noes………… 77
Majority……… 13

AYES

Adams, D.G.H. Alger, B.M.
Andren, P.J. Albanese, A.N.
Bevis, A.R. Albanese, J.A.
Burke, A.E. Albion, J.D.
Corcoran, A.K. Alston, J.A.
Crean, S.F. Alexander, A.J.
Danby, M. A. Ainsworth, G.
Ellis, A.L. Aiello, S.
Evans, M.J. Aimetti, M.
Ferguson, M.J. Ainsworth, J.
George, J. Akis, D.
Gilard, J.E. Akrigg, J.
Griffin, A.P. Akus, S.
Hatton, M.J. Akus, T.
Irwin, J. Allatteri, M.
Jenkins, H.A. Allison, C.
King, C.F. Allison, S.
Lawrence, C.M. Allen, A.G.
McFarlane, J.S. Allen, D.J.
Melham, D. Allen, J.A.
Murphy, J. P. Alvaro, S.
O’Connor, G.M. Alvaro, T.
Organ, M. Alvey, K.
Price, L.R.S. Alston, T.
Ripoll, B.F. Allwood, M.
Rudd, K.M. Allison, D.
Sciacca, C.A. Allwood, P.
Sidbottom, P.S. Allwood, Z.
Snowdon, W.E. Allen, D.G.
Tanner, L. Allwood, J.P.
Vamvakinou, M. Allen, L.
Windsor, A.H.C. Allen, R.M.

NOES

Abbott, A.J. Anderson, J.D.
Andrews, K.J. Anthony, L.J.
Bailey, F.E. Baird, B.G.
Barresi, P.A. Bartlett, K.J.
Billson, B.F. Bishop, B.K.
Bishop, J.I. Brough, M.T.
Cadman, A.G. Cameron, R.A.
Causley, I.R. Caio, S.M.
Cobb, J.K. Cowan, J.
Draper, P. Coyle, T.
Elson, K.S. Cowan, A.
Farmer, P.F. Cowan, J.
Gallus, C.A. Cowen, A.
Gash, J. Cowlishaw, P.
Haase, B.W. Crampton, T.
Hartshuyker, L. Crabtree, A.
Hockey, J.B. Cranbourne, J.
Hunt, G.A. Craig, J.
Jull, D.F. Craig, A.
Kelly, J.M. Craig, R.
King, P.E. Craig, J.
Lindsay, P.J. Craig, P.
Macfarlane, I.E. Craig, D.
McArthur, S. * Craig, A.
Moylan, J. E. Craig, T.
Nelson, B.J. Craig, D.
Panopoulos, S. Craig, A.
Prosser, G.D. Craig, D.
Randall, D.J. Craig, P.
Schultz, A. Craig, B.
Secker, P.D. Craig, D.
Smith, A.D.H. Craig, A.
Southcott, A.J. Craig, A.
Thompson, C.P. Craig, M.
Tollner, D.W. Craig, A.
Tuckey, C.W. Craig, J.
Vale, D.S. Craig, D.
Washer, M.J. Craig, D.
Worth, P.M. Craig, P.

* denotes teller

Question negatived.

BUSINESS

Mr ABBOTT (Warringah—Leader of the House) (10.01 a.m.)—I move:

That, unless otherwise ordered, standing order 344 be amended as follows for the remainder of the session:

Admission of visitors

344 When a committee or subcommittee is examining a witness, or engaged in other proceedings for the purpose of gathering information, visitors may be admitted. They shall withdraw if re-
quested by the chair or if the committee or subcommittee resolves for their withdrawal. All visitors must withdraw when the committee or subcommittee is deliberating or taking evidence in camera.

Given that the House has the ultimate question of war and peace before it today, I do not want to detain it for very long with this matter, which I see as a question of housekeeping more than anything else. The government wants to change standing order 344 to provide that individual committee members will no longer be able to force committee proceedings into camera. I believe this change is necessary because, late last year, for the first time, standing order 344 was invoked by a member of a committee against the wishes of the majority of that committee to, in the view of the chairman and the majority of that committee, stymie the workings of the committee.

The standing order in question, as it currently operates, was inherited, I believe, from Westminster. In its current form the standing order is an anachronism. Our standing order has been changed at Westminster. The clear practice of the Senate is for committees there to make these decisions by majority. The standing order, as proposed by the government today, entrenches the presumption that committee proceedings will be in public. It enshrines the principle of majority rule and it ensures that the operation of committees reflects the operation of this House, where any member may draw the attention of the House to the presence of strangers, but the decision about whether to accept their presence or to eject them is in the hands of the House as a whole.

I believe that it is important to make the change the government proposes. I believe that committees of the House of Representatives have always operated in a reasonably constructive way. They have generally been uncontaminated by a spirit of excessive partisanship. I think that, given the unfortunate precedent that was set late last year, to allow the standing order to remain as it is would seriously prejudice the good working of the committee system of this House.

Mr MELHAM (Banks) (10.04 a.m.)—I move:

That all words after ‘That’ be omitted with a view to substituting the following words:

“the House refers to the Standing Committee on Procedure the question of the interpretation and application of standing order 344 and requires the committee to advise on the adequacy of the standing order in terms of protecting the proper interests of committees of the House, individual Members, witnesses and persons who may be named by witnesses during the course of their evidence”.

I do so because this is not, as the Leader of the House says, just a housekeeping matter. What is being asked of this House is a fundamental change to a standing order that has existed since Federation. The current Procedure Committee recognises its value. In its discussion paper on the proposed revised standing orders, released in September 2002, it proposed standing order 217 in plain English. Let me read from page 79 to the House. This is from a government majority committee of the House, but it is a unanimous committee recommendation. In relation to the admission of visitors, the paper says:

(a) A committee or subcommittee may admit visitors when it is examining a witness or gathering information in other proceedings.

(b) All visitors must withdraw if:

(i) the chair asks them to;

(ii) a member of the committee or subcommittee asks the chair to require them to withdraw;

(iii) the committee or subcommittee is conducting a private meeting.

The Leader of the House says that we have not operated in a partisan way in House committees; that is basically because of this standing order. Basically, this standing order treats all members as equal. It treats Independent members as equal. It does not stop the publication of the evidence and it does not stop witnesses being heard. But this standing order, if amended as proposed by the government, will give the privileges of this parliament to witnesses appearing before committees, with lights, camera, action. We are going to allow untested material, with parliamentary protection, to be put in the
This minister himself has had experience in the courts in relation to defamation proceedings following allegations made against him. We do not allow automatic provision of cameras into the courts; but that will be the consequence of this change to the standing order by a majority vote of committees. No individual member can stop evidence going before a committee, a witness being heard or the covering of parliamentary privilege. Indeed, we have a rule of the House for in camera or confidential evidence: no release before 30 years. The proposed standing order in effect introduces partisanship into the committees. That means that it encourages divisions within the committee in relation to the admissibility or non-admissibility of the procedures of the committee—and this is even before a decision is made to formally publish the evidence at the end of the day.

I understand what the honourable member responsible for this change to the standing order, the chairman of the House of Representatives legal committee, is about. I understand that there is a state election pending, and it will be nice to have a bit of controversial evidence and cameras and whatever. But let us stand back: the government has now embraced it, and that has consequences for the operations of the committee. I have no problem with partisanship on committees because the government has the numbers and, at the end of the day, in camera evidence can be released. But normally we test evidence, if it is contentious, before it can be put into the public domain. Under this system, we are encouraging witnesses; our privilege will attach unfettered to the electronic media. The radio, the TV and the Internet can instantaneously produce very damaging material—just like that. What chance have people who have been defamed—the people who have a different point of view? We, as a committee, might decide at the end of the day that we do not want to publish this evidence. But this standing order basically introduces partisanship into the committee system.

But is that all it does? No. The more dangerous thing is that it gives the cloak of parliamentary privilege to any witness appearing before the committee with lights, action and camera rolling. Why do we exclude witnesses and members of the public in court proceedings and have no cameras automatically as of right in court? Because they only get one part of the picture; they do not get the cross-examination or a range of other things. But, more importantly, you can exclude other potential witnesses while you test the evidence in front of you. You test the evidence without other witnesses hearing it in court or broadcast on television and without their evidence being tainted because they have heard a radio or a television broadcast. This minister, amongst others, knows what it is like to be defamed, what it is like to have your reputation impugned and what it is like to have someone in the witness box making serious allegations against you. I say to this minister: what would have happened if the cameras were rolling, if the audio, the visual and the Internet were operating without a chance for you to put your case, before someone adjudicated on it? The proposed alteration to this standing order will change the nature of the committee proceedings of this House.

The Senate have a different operation; the operation of the Senate committees is more partisan. But the Senate have a framework for dealing with in camera and confidential evidence. They have a framework for the broadcasting of committee proceedings. Where is our backup resolution in relation to how the electronic media deals with what is now going to arise out of committee proceedings? We have already had a Privileges Committee report before this parliament in relation to Ms Singleton, who could not get relief in a statement before this House—as has happened on a number of occasions in the Senate—because she was adversely named. Mr Speaker, you have required the opposition to be very careful before they name third parties in their questions in question time because of the damage to their reputation. This is a bad change to the standing orders. For the government to pick it up is dumb, which is why I have moved that it be referred to the Procedure Committee for proper consideration. What is driving this proposal is a state election in New South Wales. The House of Representatives legal committee is effectively inquiring into state
matters, because the government or the chair chooses to do that. That is fine. But we are taking this to another level.

This is not housekeeping. This is a fundamental change to the operations of House committees, to the way that privilege attaches to this House and to the people who give evidence before this House. People can be well-intentioned and say anything, but it can be quite damaging. I say to you that the power of an individual member, which is something I invoked, is an important power to the proper operation of this committee system. I justify what I did prior to Christmas to preserve the workings of this House and of the committees of this House, to limit the possible abuse of parliamentary privilege of this House and to limit the possible gross defamation of individuals, which would be protected under the cover of parliamentary privilege. The test is: can in-confidence submissions to committees be released? Yes, by a majority—and that happened in the instance of the House of Representatives legal committee. In the end it was unanimous. What the committee did was extract part of one submission that we all agreed on and unanimously agreed to release it. But this proposed motion is basically allowing by majority a public hearing. I no longer have the right to examine in private, to test the evidence.

I say to the Manager of Government Business: look at the broad picture here; this is not housekeeping. In your own defence of this change to the standing order, you give the arguments as to why the government should not be proceeding down this path. It is in your own Hansard record—read it. This change to the standing order will introduce partisanship into House committees where traditionally it has not occurred.

We do not have the numbers in those committees. However, as a member of the House, I can influence the proper workings of committees and temper them. And the boot can be on the other foot. Why the need for change today? If the government wants to proceed down this path, what is the time line? Is this because of 22 March? The House of Representatives standing committee is going to continue to meet beyond 22 March. If there is an issue about the quality or the nature of the evidence or whatever, it can occur post 22 March with a revised standing order. That is why I move my amendment. I say to this minister, who is in the House, and to the government: this is a dangerous amendment. You will politicise House committees; you will attach our privilege to public issues. I do not believe in automatic public hearings of committees as of right. I do not believe witnesses have the right to insist on their evidence being given uncensored, with cameras, TV and everything rolling. Why? Because parliamentary privilege attaches to it.

We have seen abuse of parliamentary privilege by members of parliament in this place and by senators in the other place. This proposal allows majority decisions of House committees, which can be taken in good faith. But why do we wait until the end of the day before we formally approve the release of the print record? Parliament has already been turned into a circus through the televising of question time. The public are getting a distorted view of the workings of this place. The one thing that works well is the way we integrate as members of House committees. From the time I started in government to now, we have never used our majorities in House committees to crunch matters such as this; we have tempered ourselves.

But that of itself is not the prime argument. What do this minister and government seek to do, for base political reasons on the part of some and well-intentioned reasons on the part of others? I do not question their motives; I can understand the simple logic of why the minister and the government might be attracted to go down this path. I say that the real test is this: can we, with our numbers, stop the publication of the evidence? Can we stop the witnesses being heard? Can we stop parliamentary privilege attaching to all of this? No. The government has a majority.

What are the consequences of this standing order? We will have majority decisions. We will lose the consensus of committees. More importantly, committees of this parliament will be used and abused to traduce the reputations of people. It is not about where the truth lies or whatever. We will all be caught
up in a situation where people’s reputations will never be able to be recovered.

The standing order is there and has been there since Federation. It is proposed to be maintained by the current Standing Committee on Procedure. The government has proceeded with haste. It has been lobbied as a result of a particular set of events. This is a bad change. This is not housekeeping or bringing us in line with the Senate. The Senate operates differently.

Mr Swan—it’s about unleashing Bronnie.

Mr MELHAM—As my colleague says, it is about unleashing the member for Mackellar. She might be well intentioned. She might be entitled to score political points. I say, ‘Stick to the principles here.’ In allowing the member for Mackellar to have her way on this committee, this standing order puts parliamentary privilege in a new area. The member for Mackellar brings partisanship into the operation of committees. She does not give us a chance to test the evidence before we authorise its release. At the end of the day, we could authorise that the evidence not be released but meanwhile the radio, the TV and the Internet could have got the evidence out there in the public domain. (Time expired)

The SPEAKER—Is the amendment seconded?

Mr KERR (Denison) (10.19 a.m.)—I second the amendment and will speak briefly to it. Hitherto, the public has seen the work of this House as a contested forum for the exchange of passionately held differences. But it has also generally been recognised that there is a lot of quiet work of this parliament—quiet work that happens in the committees. Hitherto, in my experience—and I think the experience of most members of this House—the work of those committees has not been infected by a partisan character. In fact, most of the reports that we receive from committees are produced by consensus; if there are differences within those committees, they are not on a party basis. I instance the work in the last parliament of the House of Representatives standing committee which looked at the issue of human cloning. There were differences within that committee, but those differences were not marked on party lines; rather, they were distinct according to the individual consciences of those who took part in the committee inquiry.

When we propose a motion of this kind, we need to think about the kinds of changes that it will make to the effective operation of a system that broadly has worked very well for the public of Australia. We have a parliament which is vigorous and fiercely contested, sometimes rowdy and angry. Our differences as members of a highly passionate community are allowed to be shown on the floor of the House. When we work together as members of parliament on committees, we put aside those partisan differences and try to approach issues as individuals without party colour.

One of the reasons why this has worked so well is that, in a sense, you cannot get away with partisan behaviour on committees. The majority cannot run a committee as it wishes, to its will. Why is that important? In this House, since Federation, committees have been made up of parties in the proportions in which they are represented in this House. The government parties always have majorities. Were we to operate on a partisan basis, it is quite possible that committees would work in a way that always favoured the government, who could make certain that they called witnesses and used them for those particular advantages. In the end, what has been a very valuable contribution to the public life of Australia will be immeasurably reduced in importance.

We have to think about what it means to actually change the rules about the way in which these things operate. What will happen if we do change this rule is that it will mean that the minority, and that is always the opposition and the independents, will not be able to play an effective role in the way in which these committees work. It will mean that you will be subject to stunts, set-ups and partisan opportunism all done in a context which is probably foreign to the real objectives of this parliament.

Why do I say that? I say that because, for example, the committee’s terms of reference which have given rise to this particular controversy really are looking to ways in which
this Commonwealth parliament and the Commonwealth government can improve the Commonwealth contribution to community safety and the better policing of its communities through Commonwealth action. Yet the controversies that are intended to be allowed to be agitated in the lead-up to the next New South Wales election are about internal disputes surrounding the management of police services in New South Wales, which are extraordinarily colourful but which do not go the real responsibilities of this House whatsoever or to the basic terms of reference. They may serve a partisan advantage in a short-term way in the lead-up to the New South Wales election, depending on the credibility or otherwise to be given to that range of expressions which would have been put forward at that time. People can read the testimonies that have been thus far advanced; they have been made public. But certainly they are not going to matters upon which this parliament will be able to make a substantial contribution by way of its own response to community safety.

What suffers in this process is the goodwill between members of the House of Representatives Standing Committee on Legal and Constitutional Affairs, of which since 1987, when I first joined this parliament quite some years ago—16 years ago—I have been a member for all but three years, and those three years I served as Attorney-General and Minister for Justice. So but for that period of time when I was a minister I have served on that committee. And hitherto never has that committee operated in a manner in which it is presently being proposed to operate. I see this as a serious deterioration in the standards and propriety of the way in which the committee would operate and, if allowed to expand and spread to the work of other committees, which have generally operated in the way I have described—without partisan flavour or colour—would be destructive to the interests of this parliament.

The Leader of the House has indicated that he wishes the system to operate according to the Senate principles, where majority rules. Two things are to be said. Firstly, Senate principles operate quite differently. There are different protections given to those who are defamed through Senate processes. Secondly, it has not been the case since Federation that the Senate has been made up of a majority of government members. Indeed, most Senate committees are made up of a majority of non-government members. So to constitute a majority you need an agreement between a significant group of people holding different views and with different interests. You cannot simply operate on a winner takes all basis—which you can in this House.

If you operate on a majority rules basis in this House, every division, every vote, is won by government parties. This will cause great discomfort not just to the opposition but to government members because they are also used to a principle where they are not expected to caucus together and operate in a partisan way. I know that when we were in government the member for Banks, who sits at the table, was a burr under my saddle as a minister and caused me immense grief from time to time exercising that independent spirit of mind that I have spoken of. He was joined in his constructive work by the former Leader of the National Party, Ian Sinclair, and others, all of whom actually contributed to improvements to legislation which I had proposed, although at the time I do not think I was quite so generous in my remarks.

That being the reality, government members are bound to be frustrated if they are given to understand their job now is to act in a partisan way—to line up and vote with the chair of whatever committee they serve on to advance the interests of their political party without regard to the individual interests they express or hold as members of a House and as members of a committee where hitherto, in that role at least, they have not been subject to those kinds of party constraints.

I think this is a measure which this government will regret. Certainly the members of its backbench will regret it and will regret it very soon because they will discover that they are being used in a way which they are going to be newly familiar with. They will be ill used by these processes rather than well used by these processes. I also believe that in the long run respect for the work of the parliamentary committee system will be lessened.
I indicated I would speak relatively briefly. I have probably exceeded that admonition to myself. These are proposals that ought go to mature reflection by the Procedures Committee. The fact that they have been used in this instance once simply means that hitherto the kinds of actions proposed by the chair of the committee have not been exercised by any previous committee chair. They have been resisted on this occasion. The better view would be to let us look at this issue as a whole and try and find a way through it which does protect the interests that every member of this House ought to be keen to protect—not just the interests of the House but of members of the community who might be traduced by evidence given in this way without it being tested in a manner which the member for Banks has described.

Let us give a little bit more mature reflection to this rather than simply respond in the lead-up to a state election where, no doubt if this is passed, we will see the attempt to bring forward some material damaging—or intended or thought to be damaging—to the governing party of New South Wales. Whether it be so, of course, is a matter which I express some scepticism about given the fact that difficulties with police services in New South Wales seem to me to have been an ongoing matter ever since the beginning of Federation but, no doubt, it will be thought that it may be damaging in this instance. This should not be the occasion upon which this parliament changes its procedures without reflection, because the long-term damage will certainly outweigh any short-term partisan advantage that may be achieved in the interests of the chair of this committee in the next few weeks.

Mr ANDREN (Calare) (10.30 a.m.)—I want to touch briefly on this matter. I have no interest in anything to do with the coalition-Carr political games that may or may not be being played at the moment in the context of a state election or, indeed, in the context of any current inquiry of this House. I am most concerned that this amendment to standing order 344 specifically excludes the right of an individual member of this place to contribute to the democratic processes of the committee program. The Procedure Committee of this parliament last September, as the member for Banks has clearly outlined, issued a discussion paper on the standing orders and proposed that a plain English version of standing order 344 be recommended and approved. That new proposed standing order 217 retains the tenor and, in fact, the essential importance of existing standing order 344, which, as it stands, says that any individual member of the committee can ask the chair that a particular witness be withdrawn. As a former practitioner in the media and one who takes a close interest in these things, I am well aware of the potential for defamatory remarks to be broadcast in the community—and I know the minister at the table, the Minister for Employment and Workplace Relations, has a deep and abiding interest in matters of defamation. We run the risk of prejudging people in what is essentially often an inquiry by what, after all, is a lay committee—we are not lawyers. So there is a real danger here, if we excise the right of individual members to seek the withdrawal of the public, including the media, that we will run the risk of damaging the rights of individuals. It takes away the rights not only of individual members, especially Independents and opposition members, but of individuals appearing before such committees; before, as I say, lay members of this House who do not have, in many cases—notwithstanding the overload of lawyers we have in this place—the skill or the capability to avoid the unfair and prejudicial treatment of those appearing before the committee.

This is a process that politicises the committee process. Governments already hold the majority in the House committees and this further entrenches the power of the government of the day through the committee process. I have had grave doubts right through my time in this place about the committee processes and the way in which reports divide into clear political lines. But, heavens above, here we have a further entrenching of the power of the government of the day—the executive—to dictate how the so-called independent committees of this parliament work. I support the amendment of the member for Banks strongly. If the government is serious about the democratic process, it will support it too.
Mr ABBOTT (Warringah—Leader of the House) (10.34 a.m.)—In response to members opposite and in winding up this debate, let me say that I appreciate their sincerity, I appreciate their concern that the committee system works as well as possible and I am glad to hear from them that they appreciate also the government’s sincerity. We simply have a sincere difference on this occasion.

Let me just remind members opposite that what the government is proposing today is to amend standing order 344 for the remainder of this session. I can assure members opposite that, if this change is made, I will be writing to the Procedure Committee to ask it to review the operation of the changed standing order 344 and report, and I am sure we will get a sensible and intelligent report from the committee. So I oppose the amendment and I commend to the House my original motion.

Question put:

That the words proposed to be omitted (Mr Melham’s amendment) stand part of the question.

The House divided. [10.40 a.m.]

(The Deputy Speaker—Mr Hawker)

Ayes………….. 75
Noes………….. 65
Majority……….. 10

AYES

NOES


* denotes teller

Question agreed to.

Original question agreed to.
MINISTERIAL STATEMENTS

Iraq

Debate resumed from 4 February, on the following paper presented by Mr Howard:

Iraq—Ministerial Statement to Parliament

and on motion by Mr Abbott:

That the House take note of the paper:

Mr SWAN (Lilley) (10.46 a.m.)—The cornerstones for Australia’s security in the world are based on the strength of our relationship with the United States, the collective security inherent in our membership of the United Nations and cooperation with our regional neighbours in Asia. As a nation of 20 million people in a region with a population of around three billion, ANZUS is a very important relationship to us; but it is shaped by our relationship with our immediate neighbours and our responsibilities to United Nations processes. In the debate over Iraq and the war against terrorism, these relationships are colliding because of the cavalier approach and actions of our Prime Minister. The Prime Minister’s predeployment of Australian troops to Iraq has damaged our relationships with our regional partners and has us thumbing our nose at United Nations processes.

While opposing the Prime Minister’s predeployment of troops, I want to repeat our support for those troops and our determination to see Saddam Hussein disarmed. History shows us that when Australia’s security, or that of our allies, has come under threat, we have never flinched from war. Our people are born with a sense of justice about what is right and wrong, and we have shown before that we will fight for these beliefs. But that sense of fairness and justice also leads us today to ask questions. History has taught us to be cautious. We have been misled before—notably at Anzac Cove and in Vietnam. Australian parents rightly need to know, before they send their sons and daughters to defend the beliefs and values of our nation and those of our allies, that this action is sanctioned by international law and that we are fighting for our national interest—and that does not always correspond with the interests of our US ally.

The cost of our commitment in the past has been great. Unlike many members of the armed forces who have just left for the Gulf, I can recall the tension around the breakfast table in the sixties when birth dates were broadcast on the radio for national service call-up. I can remember the look on my mother’s face as my three older brothers came of age. I can also remember the television footage of bodies returned to the US and to Australia from Vietnam. Visions like that burn into the brains of children—and they are difficult to forget. So we need to be sure. We need to be asking questions. But we cannot view the battle against international terrorism and Iraq’s breach of its commitment to disarm through the rear-vision mirror of Vietnam—or any other war, for that matter.

The problem we have is that the Howard government have put the cart before the horse. They have already committed our troops to war. This has been done before UN endorsement for action has been obtained or diplomatic efforts exhausted. The bellicose language of United States President Bush has hindered the US in presenting a compelling case against Iraq. Let me be quite clear: the United States is our ally and our friend. But, as an ally and a friend, we reserve the right to be critical of America’s approach. With United Nations endorsement, we gave our support to US efforts in Iraq a decade ago. If that UN support is forthcoming this time, the United States again deserves our assistance.

It was telling that, in his recent State of the Union address, George Bush had no hesitation in saying that he would put the interests of the United States before anybody else’s. Who would argue with a leader promising to protect their own interests? But just as the United States is not shy about making decisions that are in its own national interest, nor should we be. In failing to put our national interest above all else, the Prime Minister risks weakening the United Nations process and our efforts to achieve security and stability in our region. He also risks endangering the durability of the US alliance.

I have said already that no-one doubts that Saddam Hussein should disarm. I would like to make it clear that I believe the regime in Baghdad is repugnant. It is a dictatorship that
cruelly suppresses its own people while creating an arsenal of threatening weapons. Hussein has a dreadful history. In the 1980-88 Iran-Iraq conflict, we had the longest conventional warfare of the last century. There were something like a million casualties. Following the cease-fire in that war, he used chemical weapons extensively, this time against his own nationals. This was an unprecedented act—an act of mass murder. So the need for action is not in dispute; but some of us believe that the process of enforcement of this disarmament should rest with the United Nations.

Our commitment to the UN arises from our belief that, for a country of our size, international diplomatic action is an essential protection and that this is always preferable to unilateral military action. You cannot be a supporter of the United Nations on the one hand and thumb your nose at it on the other, as our Prime Minister often has. Yesterday he said that he has always supported a United Nations resolution on this issue, and he talked up the United Nations. We are all familiar with where the government were on this question last year—they ridiculed the Labor Party for arguing the case for collective action.

The truth is that the Prime Minister is now using the United Nations as political cover because the public have shown their disapproval of his decision to commit troops without its backing. Yesterday he began to sound like an enthusiast for multilateralism—something he has never been. He spoke about Australia’s endorsement of key treaties. He mentioned the nuclear non-proliferation treaty and the chemical and biological weapons conventions. He might well have thrown in the ABM treaty, the treaty dealing with the International Criminal Court or the Comprehensive Test Ban Treaty.

Having paraded his enthusiasm for multilateral action in this House yesterday, he now stands exposed because he has not done so at any time in the last seven years. In the seven years he has been in office, he has done little in positive support of the United Nations. He has done little to support United Nations initiatives aimed at reducing the threat of weapons or their proliferation and use by terrorists. He has been silent on this issue. During his term in office he has refused to use our special relationship with the United States to encourage that country to be part of these initiatives, some of which they have rejected publicly. He now invokes the special relationship but, unlike previous Labor governments, he has failed to make the case for greater multilateralism—particularly with our key ally, the United States.

Previous Australian governments used the special relationship to forcefully argue against the Star Wars program and to vigorously oppose the US decision not to sign up to a comprehensive nuclear test ban treaty. But you would know none of this from the 53-minute statement made yesterday by the Prime Minister. You would swear that he has been a convert to multilateralism for years. The truth is that he has been an opponent of the United Nations for years and he has failed to stand up for multilateralism in the whole period of this government.

John Howard’s commitment of troops ahead of any United Nations Security Council resolution is a clear endorsement of unilateral action and a threat to multilateralism. It is a commitment that sends the wrong message to our neighbours and those nations that might seek legitimisation of their own unilateral intervention in other circumstances. The Prime Minister’s deployment of troops without a UN mandate amplifies his earlier diplomatic blunders in our immediate region. Our immediate neighbours in the region are just as troubled by the threat of terrorism and instability in the Middle East. However, they have been encouraged by our government to view Australia as the United States’ deputy sheriff in the region rather than an independent ally.

We should not underestimate the damage done by our Prime Minister’s stupid comments about our place in the region nor his ham-fisted comments about pre-emptive strikes. These and other insensitivities have exhausted our political capital in our own region. The problem has been exacerbated by the occasional trip he has taken to the region—only after he has done the damage. These trips are often more about appeasing his domestic audience than attempting a
long-term effort to repair the fragile relationship with our Asian neighbours. These neighbours are witness to the government’s decision to commit troops at the request of the United States government. They see us putting United States foreign policy objectives before our own and those of the United Nations, to which we all belong. This further erodes our reliability in a region that we must deal with on a great number of issues which are very important to us—none the least of which is the capacity of everybody in the region to combat international terrorism.

Just as the United States took stock after September 11 and embarked upon a course of action aimed at rooting out terrorism, so too must we respond to the terrible tragedy of Bali. The Bali tragedy demands that we recognise that terrorism is a hydra-headed beast that can strike at or close to our home. As much as Iraq is important to us as a nation seeking world security, Asian based terrorism presents a more imminent threat.

John Howard has not only put a war against Iraq before a diplomatic solution but also elevated this theatre of instability over the one that should be our top priority—regional terrorism. The question that needs to be debated is how a war in Iraq might stem the risk of further terrorist action in our immediate neighbourhood. Related to that threshold issue is the question of the risk that unilateral action holds for Australia. In standing separately from the collective of nations on the issue of Iraq—in standing outside the UN processes—what attention do we draw from those contemplating terrorist acts in this country? The answer, according to the International Crisis Group, is that in the case of groups like JI there is evidence that United States interests in Asia are replacing Asian targets for terrorist actions.

The problem here is that our Prime Minister’s blundering deputy sheriff remarks and his comments about pre-emptive strikes in Asia have risked elevating Australia and Australian interests in Asia as targets for terrorist action. That is the point. We have the ability to make a difference in our region and in South East Asia—our neighbourhood—but this government has not made that a priority over the last seven years. The vast majority of our neighbours are peace-loving people and the elements of radicalism within Asia that would abet or participate in terrorism are confined, but we have to work with our neighbours to overcome the threat.

There is a problem in that our government gives the impression that it views our Asian neighbours with scepticism and fear. Its actions since September 11 and Bali indicate a trust in the US alone but no commitment to collective efforts that should be marshalled in our immediate region. This is indeed short-sighted. It will hinder our efforts in tracking down the web of individuals who have gained training in Afghanistan with groups like al-Qaeda and who seek to do us harm. When the seemingly inevitable war in Iraq is over, the potential threat of terror in our own region will remain. That is why the government must remain focused on this region. I believe the Australian people want us first and foremost to tackle terrorism on our doorstep.

I think all Australians are sceptical about the Prime Minister’s recent assurances that troops are not committed to war in Iraq. Like us, they are suspicious that the Prime Minister would avoid answering questions about the troop commitment and would go to the extent of avoiding question time to do that. He has failed to be honest with all of us about the extent of his commitments to George Bush and, in his efforts to avoid accountability for the commitments he has made, he has debased this parliament.

The leaking last night of the record of one of the private discussions our government has had with New Zealand demonstrates what the Australian people know intuitively: our government is saying things to our allies privately that it will not share with the Australian people publicly. The Prime Minister has followed that through by making sure he will not be in this House for five out of seven question times in this current session. This is yet another attempt to evade accountability.

The different versions of the record of conversation released last night both show that the Howard government has been contemplating war for some time. They demonstrate that, after you have deployed troops and support, it is difficult to pull them out.
This casts doubt on John Howard’s recent denials that he is committed to a war whether or not UN approval is forthcoming; but it most clearly proves that the government does not want Australians to know what it is up to.

As I said yesterday in relation to question time, for those people who are familiar with The Lord of the Rings, watching the behaviour of this Prime Minister, whether it is cancelling question time or suppressing his commitments to the United States, you will see that he is more Gollum than Sméagol; there is more of the dark side in this Prime Minister. I fear that the Prime Minister’s mishandling of these issues and his flouting of multilateralism—his failure to do all the things referred to—will produce consequences that this country will have to live with and through for a very long period of time. The Australian people will have to live with such consequences long after John Howard has departed the political scene—consequences that our children will have to deal with in 20 and 30 years time. It has been the failure of this Prime Minister’s diplomacy and his contempt for the Australian people that have led the Australian people to believe that this government does not seriously have our long-term interests at heart.

Mr ABBOTT (Warringah—Minister for Employment and Workplace Relations and Minister Assisting the Prime Minister for the Public Service) (11.01 a.m.)—All of us here in this place, before being anything else, are local members. All of us as local members, as much as frontbenchers in governments and oppositions, have letters and emails flooding in at this time. And I think all of us as human beings as well as members of this parliament—members of political parties, governments and oppositions—owe it to our constituents and to the wider Australian public to explain where we stand on this issue.

I can certainly understand the anxieties that so many Australians feel right now. No one likes war. No sane person wants war. No government can legitimately do anything other than take all reasonable steps—short of an unreasonable surrender—to avoid war. No decent human being can do anything other than shrink from the carnage which war inevitably brings. I think the Australian people sometimes need to be reminded that, as members of parliament, as ministers in governments, as frontbenchers and as oppositions, we are as conscious of these things as anyone else. And no one is more conscious of the heavy burdens of responsibility that all of us in this place bear right now than the Prime Minister himself.

People need to know that, as members of this parliament, members of governments and members of alternative governments, we do not have the luxury of consequence-free opinions. We have to acknowledge, as members of this place and as decision makers in this parliament, that there may be no cost-free choices, no painless options and no morally unambiguous decisions, and we may find ourselves in a situation where avoiding one evil inevitably brings on even greater evil. Confronted with the prospects of war, the natural reaction is to say ‘No, it’s not our job. It’s the wrong place, the wrong issue and the wrong time.’ That is the inevitable reaction of the good and decent people of this country when confronted with the heaviest and direst decision of all. But it may well be that we in this place cannot adopt the same approach without making a bad situation even worse.

It seems to me that the clear issue facing this parliament, our country and the freedom-loving peoples and nations of the world at this time is Iraq’s failure to disarm in accordance with repeated resolutions of the United Nations. We have to face the fact that we are dealing with the world’s most brutal dictator, running one of the world’s ugliest regimes. This is a regime which has poisoned its own people, successively attacked its neighbours, have letters and emails flooding in at this time. And I think all of us as human beings as well as members of this parliament—members of political parties, governments and oppositions—owe it to our constituents and to the wider Australian public to explain where we stand on this issue.

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It seems to me that the clear issue facing this parliament, our country and the freedom-loving peoples and nations of the world at this time is Iraq’s failure to disarm in accordance with repeated resolutions of the United Nations. We have to face the fact that we are dealing with the world’s most brutal dictator, running one of the world’s ugliest regimes. This is a regime which has poisoned its own people, successively attacked its neighbours, consistently supported terrorism, including suicide bombings, and has been directly responsible for the deaths of hundreds of thousands, if not millions, of people. The sad truth is that the dictates of sweet reason are not always appropriate when dealing with tyranny and a problem of this order. Worst of all, the Iraqi regime has consistently flouted UN resolutions—and, in that sense, it is certainly unique in the world.

For the safety of the world and for the security of its people, it is necessary that Iraq be disarmed—peacefully if possible, but by
force if necessary. As the UN weapons inspectors have reported, contrary to its repeated assurances, its repeated promises and what it has been required to do by the United Nations, Iraq has not disarmed. Iraq is still in possession, it seems, of massive stockpiles of chemical and biological weapons that have the capacity to kill millions of people. As Kofi Annan, the chief of the United Nations has said, it is only because countries such as Australia have been prepared to back UN resolutions with the threat of force that we have UN inspectors back in Iraq and we now know more of what is going on in that country.

There is a clear choice here: we can support the UN resolutions in a meaningful way or with words only. It needs to be recognised by the Australian people and by members of this House that resolutions without enforcement are not worth the paper that they are written on. All of those countries, including Australia, which have been prepared to commit forces to the enforcement of the United Nations resolutions against Iraq are acting to support the authority of the United Nations and to strengthen the system of international law, the spread of which will be for the undoubted betterment of mankind.

Let me deal briefly with some of the myths which are contaminating this debate. It is often said that we cannot take action against Iraq because it will be another Vietnam. I believe that there is a clear distinction between what happened in Vietnam and what may eventuate in Iraq. In Vietnam, rightly or wrongly, Australia and other countries were acting to support an unpopular government. In Iraq we are doing the opposite: we are seeking to change the policy and behaviour of a dictatorial and unpopular regime. It is said that what Australia and other countries wish to do is just about oil. That is an extremely shallow, superficial and unthinking statement. It is an ignorant statement. Plainly it is not about cheap oil, otherwise why would Australia, America, Britain and other countries have acted for years to support an embargo on Iraq’s oil sales? It is said that it is not our job and that someone else can handle this problem. If Australia and other civilised countries do not stand up for the authority of the United Nations, who will?

We cannot shuffle off to others the difficult decisions and hard choices which must be made if appropriate international order is to be maintained. It is said that our actions in support of the United Nations in conjunction with Britain and America will make us more vulnerable to terrorism. I have no doubt that there is a sense in which our actions have put us more clearly on the radar screen of terrorists. But does anyone really believe, and will anyone really maintain, that weakness in the face of terrorists and terrorist regimes is going to reduce the threat they pose?

I want to say how much I have admired the British Prime Minister, Tony Blair, who has conducted himself with exemplary statesmanship and courage throughout the course of these difficulties with Iraq. I would like to quote Tony Blair, who yesterday said so well that if we:

Show weakness now ... no-one will ever believe us when we try to show strength in the future.

It takes great courage to make difficult decisions, and there is no more difficult decision that a democratic leader can take than to commit the armed forces of a democracy to possible conflict. But it takes real strength of character for a leader to stand up to his colleagues in support of difficult and superficially unpopular decisions. It seems to me that what we have consistently had from Tony Blair is that he has spoken for Britain, not just the Labor Party. He has spoken for the universal decencies of mankind, not just for political advantage. Much as I do not want to inject too much partisanship into this debate, I think it is sad that we have not seen the same quality of leadership consistently from the leader of the Labor Party in Australia—the same quality of leadership that we had from the former leader of the Australian Labor Party, the member for Brand, when Australia and the world faced a similar, although less intense, crisis back in 1998.

I thought the Leader of the Opposition’s speech yesterday was unworthy of an alternative Prime Minister. It was clearly designed to smear the government, and I think that it had the impact of undermining Australia’s position and calling into question the work of our armed forces. Listening to the
Leader of the Opposition yesterday, you would think that the real threat to world peace was not Saddam Hussein but John Howard. How could the Leader of the Opposition say yesterday that he supported our armed forces but not their mission? How could he say that what the Australian government has done is an obscenity today but a necessity next week or the week after simply because of another UN vote? How can the Leader of the Opposition expect to be taken seriously when we got an almost hysterical anti-war message from him in this place in this country yesterday but a very different message from the member for Griffith, the shadow minister for foreign affairs, when he was in Washington last week?

One of the weaknesses and deficiencies of our polity is our tendency to see everything in terms of a domestic political prism—our tendency not to consider any issue on its merits but instead to deal with every issue in terms of the impact it might have on the relative position of a particular political party or a particular political leader. I would like to think that on an issue as grave as this it ought to be possible for us to leave that kind of petty politicking behind. I can assure anyone who is in any doubt in the wider community that this government and its members will not shirk from their duty to protect Australia and its people from terrorism and terrorist states, and to do what we can to extend the same protection to the wider world. We will do so in conjunction with our allies, and we will do so in accordance with international law.

Mr McMULLAN (Fraser) (11.14 a.m.)—I thank the Speaker, the officials and staff for enabling me to speak in this debate on Iraq—in accordance with the standing orders but not in accordance with the usual practice. I had intended in my remarks to focus on the broader questions of the significant differences between government and opposition about broad issues to do with attitudes to the United Nations and the way that the international system should work to resolve disputes. I hope to get the opportunity to do that, but I want to say two things first.

The first thing I want to express is my profound disappointment that the Leader of the House—after a 10-minute speech with which I disagreed but which he put carefully and thoughtfully—descended to four minutes of partisan sanctimonious humbug at the end. In the interests of saying he thought we should rise above partisanship he unfortunately engendered one of the lower partisan contributions in the debate. I was disappointed but not surprised.

The second thing I wish to refer to before I get to my principal remarks goes to the document that was released last night concerning the foreign minister’s discussions with the High Commissioner from New Zealand. It exposed several serious flaws in the arguments the government is trying to mount—for example, the argument put forward in the Prime Minister’s statement which we are now debating.

There are a large number of issues arising from this document, not all of which I will have time to refer to today. The first point that arises from this document is that the statement—even as agreed between the foreign minister and those who have alternative interpretations—makes it clear that having forces already in place may limit or restrict the options you have and pre-empt decisions that may subsequently need to be made, including decisions about commitment to war. That is the nub of the argument about the wrong decision the government made about predeployment of troops. It is true, I believe, that the presence of the Multinational Interception Force makes a decision by Australia not to participate in war in that area more difficult—but not impossible, because those ships are there performing a role designated by the United Nations. We are not doing it uniquely and the governments collectively involved can make decisions that could allow the interception forces function to continue or to be otherwise used than as part of the invasion.

But more important is the phrase that is in dispute. The draft record of conversation says that, if the UN process broke down, Australia was not in a position ‘to withdraw our ships and other presence from the Gulf’. It is that ‘and other presence’ that more clearly indicates the manner in which the government—as indicated in this private conversation by
the foreign minister, and in every Australian’s assessment of what the government has done—has committed us to participation in any US-led coalition of the willing to invade Iraq. That is so because we did have, as at 24 October, what the foreign minister referred to in this paper as ‘another presence’ in the Gulf—that is, the forces at Camp Doha which were in place on 24 October 2002, when this meeting took place, as part of the planning force for a possible invasion of Iraq.

What the foreign minister is saying here is that Australia was ‘not in a position’—and that is his phrase—to extricate us from the planning of the invasion of Iraq, even outside the auspices of the United Nations. That is a much more profound and continuing commitment than merely the continued operation of the Multinational Interception Force. To take that one step further, once further predeployment takes place—as is now under way—it becomes even more difficult for us to be other than not in a position, if the UN process broke down, to withdraw our presence. That is exactly the nub of the argument: by the predeployment, we have committed ourselves beyond what is wise, principled or in the national interest.

The second point that arises from this document is clearly the reinforcement to Australians of the fact that the government has two positions: a private position we put to our friends—the New Zealand High Commissioner, the government of the United States and probably the government of the United Kingdom—and one that we tell to the Australian people. The foreign minister is trying, very weakly, to hide behind the fact that he was trying not to raise the issue of the Multinational Interception Force in public because it might have diplomatic consequences. As if the rest of the world has not worked out that the MIF is there or that there are implications and consequences if war is declared in the region! We all know that. Iraq knows that. Every country in the world knows that. Most particularly, why is there a case for saying that Australia cannot publicly acknowledge the fact that we would not be in a position to withdraw the other presence Australia has in the Gulf, and now the predeployed troops, if the UN process broke down? Why can’t the government publicly discuss the clear implications of this? Why won’t the government publicly discuss the clear implication of this?

The Prime Minister had 53 minutes yesterday to discuss the implications of that and the words did not cross his lips. He did not refer to these matters at all. One is led to ask: is the foreign minister really arguing—and in the statement yesterday, is the Prime Minister implying—that it is easier to withdraw a larger force involving 2,000 personnel than to withdraw two ships? That is the logic of his convoluted argument. It is Alice in Wonderland logic. It beggars belief. The truth is that the foreign minister is saying that there will be no turning back on the decision already made for military action. He is trying to restore the tattered credibility of the government’s position by his convoluted arguments since he was embarrassed by the release of this document. But the telling fact remains that he has made it clear that our commitments will continue outside the UN processes and that the government will not be honest with the public about it.

Let me turn to what would otherwise have been the central point I wanted to make. This debate touches issues at the heart of the way Australians believe we should try to solve disputes in the international community. One of the key differences between the opposition and the government is over the way we think the international system should work. There is broad agreement that Saddam Hussein is a brutal dictator who needs to be disarmed, but we disagree with the government in important ways over the best way to respond.

At its heart, there is a disagreement over the role of the United Nations. The Prime Minister and other speakers on behalf of the government say—and the foreign minister said in the record of conversation to which I was just referring—that the government would prefer action against Iraq to be sanctioned by a further resolution of the Security Council, but they have also made it clear that the government will support military action against Iraq led by the United States without the sanction of the United Nations. We on this side of the House do not forget, and the Australian people will not forget, that half-
way through last year the government’s position was that any dissenters from the government’s view on the likelihood of war with or without UN support were apologists for Saddam Hussein or ‘appeasers’. The foreign minister used that phrase, the Treasurer was out there making that argument and now they want us to pretend that they always wanted this to be dealt with through the United Nations and that they were only kidding when they called us ‘appeasers’ for advocating then what they say now has always been their policy.

When the government changed in about September and began to say that they would prefer UN sanction, it was not because they were then—and they are not now—convinced of the merit of the argument; they have merely been dragged reluctantly to recognise that the Australian people have very little support for military action in these circumstances outside the approval of the UN. The government do not believe, as this side of the House does, that we should pursue this matter through the UN because it is right—they made it clear they will proceed without UN sanction if necessary—but because it is convenient and because it will be more popular.

The United Nations is not important just because it is a gathering of people in New York. It is the distinguishing feature of international relations in our generation that we have an imperfect institution—but the best institution we have ever had—that enables international disputes to be resolved through exercise of the will of the international community rather than exercise of the will of the most powerful. That is a unique stage in international history. One previous attempt was made to do that, through the League of Nations, and it failed. If we do not support the UN attempting to enforce its decisions, then we will turn it into the League of Nations. If we support the most powerful countries operating outside of, and in blatant contempt of, its mandate, then we will also be weakening and undermining the United Nations.

The government have a long history of contempt for the United Nations. They have made that clear across a range of issues to do with refugees and Aboriginal and Torres Strait Islanders, and other human rights issues. But it is fundamental, if we are going to have modern 21st century international relations, that people who have a desire for peaceful resolution of disputes prefer that we continue to maintain the priority of, and focus on, the United Nations not just when it is convenient but as a matter of policy and practice.

I want to conclude by looking at the nature of an Australian commitment if the UN Security Council does pass a resolution in favour of an attack on Iraq. I make it clear, and the opposition has made it clear, that we would support such a resolution. But it is not a necessary corollary of that that we have to make a contribution 2½ to three times greater than that which we made in 1991. That is what we are proposing—2,000 troops, as against 750 committed in 1991. Why is there that difference? It is because the government has done too much too soon. It is famous in so many areas for doing too little too late. On this occasion it has done too much too soon. The prereployment has been predicated on what sort of force we will need to support a coalition of the willing. It has led us to a commitment far beyond what would be an appropriate and reasonable contribution for Australia to make to a more broadly supported United Nations backed resolution, and therefore detracted significantly from our primary strategic responsibility in this region.

The world community sanctioned the International Force East Timor, INTERFET, through the UN, but many of the responsible international nations who voted for that resolution sent no troops and many of them sent only a token contribution. We did not say they were terrible countries for doing that, because it was not in their central sphere of interest. They looked to Australia to take the lead, and we did—and we should have. We do not have to contribute such a disproportionate force in support of a UN sanctioned action. The government has done too much too soon. Its over-eagerness to participate has led us to overcommitment. It will bring further controversy in the region, an unnecessary problem compounded by the failure of our diplomacy in the region. I re-
gret to say that Australia’s eagerness to participate in military action against Iraq, even explicitly outside the sanction of the United Nations if necessary, will reinforce the Prime Minister’s image as America’s deputy sheriff in the region, which is not in our long-term international interest and not in the long-term international interest of peace and stability in this region.

Mr PEARCE (Aston) (11.29 a.m.)—The war against terror is not something we seek, but it is a responsibility we as Australians bear as a free and democratic people living in what is an increasingly global community. It has been brought upon us by evil men—men who do not share our wish to live together in peace with the blessing of God. Instead, these men seek to grow their empires by evil means; they seek to oppress free people in the name of achieving their ambitions of power. The outlaw regimes led by these evil men threaten our peace by seeking and possessing weapons of mass destruction—nuclear, chemical and biological. The threat from these weapons is real: blackmail, terror and mass murder, whether under their direct control or in the hands of their terrorist allies.

While the methods are new, the story is not. Throughout Australia’s relatively short history, we have been called upon to take a stand against the ambitions of evil—whether it be fascism, communism or militarism—and fight for the freedom of Australians and the right of all people to live in peace. Our responsibility remains in protecting this right for all Australians, for there is no peace where people live in fear of the threat of evil.

In meeting this responsibility we—and I mean all Australians—seek to avoid war at all costs. We always hope that an acceptable outcome can be found without military force being used. The government has indicated that it will not make a final decision to commit to military conflict until it is satisfied that all achievable options for a peaceful resolution have been explored. However, we must not turn our back on this issue because of the difficulties we face in dealing with it. The consequences of that decision will become clear after considering Iraq’s response to the international community’s call for it to disarm.

Following his defeat in the Gulf War, Saddam Hussein agreed to disarm fully; to destroy all his weapons of mass destruction. In the 12 years that have passed, Hussein and his Iraqi regime have continually and systematically contravened that undertaking. They have had 600 weeks to disarm. Late last year the United Nations Security Council gave Iraq a final chance to disarm. Over 100 UN inspectors were sent to verify that Iraq was disarming. It was then up to Iraq to demonstrate this by accounting for all of its weapons and providing evidence of their destruction, or destroying them in line with the UN’s directions.

This did not happen. In fact, Iraq continued to deceive the international community, even when given this last chance. Iraq has hidden documents and materials; sanitised inspection sites; intimidated, threatened and coached witnesses; blocked UN requests for surveillance flights; and monitored the inspectors themselves. The initial report from the UN chief weapons inspector, Hans Blix, found that Iraq’s clear failure to cooperate and prove disarmament constituted a material breach of the Security Council’s most recent resolution. In fact, Dr Blix said in his report: Iraq appears not to have come to a genuine acceptance, not even today, of the disarmament which was demanded of it and which it needs to carry out to win the confidence of the world and to live in peace.

UN inspectors recently uncovered 16 of an estimated 30,000 munitions capable of delivering chemical agents—despite Iraq’s recent public declaration, which denied they existed. But this is not new. In 1999 the UN concluded that Iraq had sufficient biological weapons to produce over 25,000 litres of anthrax, enough to kill several million people. But in 2003 these weapons have still not been accounted for, and no evidence has been provided of their destruction.

Saddam Hussein also has a record of terror and oppression against his neighbours and his own people, which has involved the use of chemical weapons and extended to rape, torture and execution. Saddam Hussein is a known sponsor of terrorism. He has financially supported the activities of Palestinian suicide bombers, provided shelter to terrorist
groups and operated a secret terrorist training facility within Iraq. The case against Hussein is long and detailed. It is one which cannot be overlooked.

Some have argued for a policy of containment. Over the past 12 years the international community has sought to use the policy of containment, including sanctions, but to no avail. This, coupled with the new threats of modern terrorism—demonstrated so tragically and vividly over the last two years—shows that the policy of containment is no longer a viable option. Iraq must be shown that the only choice it has is to disarm voluntarily or be forcibly disarmed by the international community. To do this, the international community must demonstrate its resolve to back up the sentiment of its resolutions with the reality of action.

That is why the Australian government has undertaken the forward deployment of troops. The government believes that this decision reduces the risk of war because it increases the diplomatic pressure on Iraq and leaves no doubt of the consequences of non-compliance. This is supported by the recent acknowledgement by the UN Secretary-General, Kofi Annan, that it was the threat of military action that pressured Saddam Hussein to allow weapons inspectors to return to Iraq.

Nevertheless, it must be made clear—as the Prime Minister has done—that the government has made no decision to commit defence personnel to military conflict in Iraq. The forward deployment, known as Operation Bastille, is in addition to my earlier point also designed to ensure that Australian defence personnel are given the best opportunity to prepare for any possible conflict in the event that a diplomatic solution cannot be found. This is in the interests of their safety and their ability to carry out their task professionally, if indeed they are asked to do so.

As Australia continues to negotiate for a peaceful and diplomatic solution—and I support the Prime Minister’s ongoing efforts to secure that solution—the UN Security Council will in the coming days consider evidence from the US Secretary of State and the final report of the chief weapons inspector, Hans Blix. The UN’s response to this threat to peace will have significant consequences for its ongoing relevance in global politics and international relations. The Australian government has been criticised in recent times over its relationship with the UN. Ironically, it is this government that is leading the efforts to maintain the UN’s ongoing relevance by ensuring that it enforces its disarmament resolutions against Iraq. If the UN is to remain a major player on the global stage, it needs to be more than a talkfest where principles are lauded but not upheld.

With division in the international community, Iraq sees yet another opportunity to avoid its international obligations. Australia’s forward deployment of troops, in conjunction with other countries, keeps the pressure on the UN by demonstrating to its members that this issue will not go away and that Australia and fellow allies are committed to achieving the end of Iraq’s weapons of mass destruction. The real enemy of the UN comes from within, for there is no greater danger to its relevance than its own members failing to enforce its own determinations. While backing of the UN would give greater impetus to the calls for Iraq’s disarmament, it must be remembered that the UN is not the all-knowing guardian of world peace. It is a collective of nation states, each with their own national interests. Australia can stand proud on the world stage as a protector of liberty and democracy. This is not the case for a number of our fellow UN countries—countries which are themselves home to oppressive regimes, led by dictators who have been involved in terrorist activities or who have provided assistance to terrorists.

If the UN, with its many flaws, fails to act against the deception of Iraq, what will be the consequences? Hussein, emboldened by the success of his public defiance, undoubtedly would not just keep his current weapons but most certainly add to them. Iraq will almost certainly use these weapons in the future to fulfil its evil ambitions. It would be unlikely that Iraq will be alone after rogue states watching from the sidelines observe the failure of the international community to act. Following Iraq’s success in flouting international conventions on arms control, they will be similarly encouraged to develop their own
weapons of mass destruction. But the threat will not be from these nations alone; terrorists will be buoyed by what would be a dreadful mistake.

It has become clear to Australians over the past few years that the threat of terrorism has sadly become a reality for our nation. For the safety of our people, we cannot afford to ignore it. In this debate and in the wider community discussion, a number of people have sought to misrepresent the action and the views of the government. But this is no ordinary debate. Having heard several contributions to the debate yesterday and having witnessed the opposition's behaviour in particular, I want to remind Labor that we are not the enemy. Saddam Hussein and the world's terrorists are the enemy; they should be the recipients of Labor's vitriol. Labor should be directing all of their vitriol to condemning Saddam Hussein and the terrorists of the world. They should be attempting to work with the government rather than trying to deceive the Australian people with mistruths; they are not listening to what is actually said. The opposition should not try to invent something that is not there. It is insulting and unnecessary. The government's approach was clearly enunciated by the Prime Minister in his statement to the House yesterday when he said:

Our goal is disarmament. We want to see a renewed commitment to the principle of nonproliferation. We want to see Iraq free of weapons of mass destruction. We want to see the sanctions lifted. We want Iraq back in the community of nations—because it would be good for the world, good for Australia and... good for the people of Iraq. Most of all we want the conflict resolved without resort to military force.

In this debate it is important to remember one key fact: the onus is on Iraq and on Saddam Hussein. Iraq has to comply with the conditions of peace which it agreed to and which were supported by the international community through the will of the United Nations. It is Iraq which continues to deceive and, most importantly, it is Iraq which by fully disarming can end this debate and avoid war. The deception has gone on for 12 years, and it must not be allowed to go on for any longer.

Australians do not seek conflict—that is clear. When we fight, we do so as a last resort—one of the principles of the just war theory that St Augustine first espoused in the 5th century and which have been developed further over many centuries. Just as importantly, we fight for a just cause with the right intention, to liberate and to protect free people from the scourge of violence and oppression. Unlike our enemies, the enemies of freedom, we do not seek to conquer and we do not seek to control. We seek peace, freedom and stability. I started my remarks by commenting that Australia did not seek a war on terror—it was brought to us by evil—but we share the burden of responsibility as part of a coalition for ensuring that peace and freedom prevail.

Mr STEPHEN SMITH (Perth) (11.44 a.m.)—Iraq is in breach of United Nations resolutions and it is in breach of international law. As a consequence, it needs to be brought to account through the United Nations. The fact that the resolutions relate to weapons of mass destruction—nuclear, biological and chemical—makes it essential that Iraq be brought to account through the United Nations and be required to disarm. As well, the facts that Iraq has been in breach of these resolutions and international law for over a decade, has used weapons of mass destruction against its own people, has without cause invaded its neighbours and supports terrorist activity in its own region all underline the essential nature of requiring action through the United Nations to bring Iraq to account, to disarm.

What should be the attitude of Australia, as a nation state, to these issues? Firstly, it should be that these issues are resolved peacefully and diplomatically and that Iraq should allow inspectors into its country and be disarmed. This starting point is reflected by the very clear mantra chant that all members would have received in their electorates in the course of the summer break, with just about every member of the community at every level expressing the view that we do not want to go to war. That should be our attitude. The use of military force or military might should be a last resort and should be sanctioned through the United Nations Security Council in accordance with chapter VII of the United Nations charter. Our attitude
should also be that, if and when the United Nations Security Council makes such a decision along those lines, Australia as a nation state should then make an independent decision as to the appropriate contribution it should make to such enforcement action. There is ample precedent, of course, for Australia making a proportionate contribution consistent with our national security interests and with our desire and obligation to be a good international citizen acting in accordance with international law. The Gulf War, following Iraq’s invasion of Kuwait, provides an appropriate example in that respect.

We must ask fundamental questions in respect of these issues now facing us as a nation and as an international citizen. Is it in Australia’s national security interests for Iraq to disarm? In my view, the clear answer to that is yes. Is it in Australia’s national security interests for Iraq to disarm through the United Nations? Again, the answer, in my view, is clearly yes. Is it in Australia’s national interests to make an appropriate proportionate contribution to enforcement action if the United Nations Security Council authorises action to that effect? My view is that the answer to that question is also yes.

These days, when Australia as a nation state comes to consider its national security interests and the foundations or the fundamentals which go to the formation of its national security interests, we look to three things, three important fundamentals. The first is our alliance with the United States, conceived and implemented by Curtin at our darkest hour. John Curtin is a hero in Western Australia not because he happened to live in Cottesloe but because in World War II he forged the alliance with the United States and effected a successful outcome so far as Australia’s defence was concerned. People in outlying states like Western Australia and Queensland remember all too well notions of the Brisbane line, and they hold Curtin and the alliance in fond regard as a consequence. But our commitment to the alliance is not a craven commitment. It is a robust alliance where it is the duty of the government and the parliament to put Australia’s interests first and to robustly express to our ally, both privately and publicly, what we believe is in our joint interests but, most importantly, in Australia’s interests.

The second fundamental is, of course, the United Nations. Again, we see a great Labor tradition so far as the United Nations is concerned, with Foreign Minister Evatt being fundamental to the formation of the United Nations and the first president of the General Assembly. Australia is a middle-sized power, a nation state of less than 20 million people. These days, of course, an effective United Nations is needed for there to be international order, for there to be a multilateral effort to resolve international conflict.

The third pillar these days is our regional security arrangements with our neighbours. This tradition started with Labor Prime Minister Whitlam and was underlined and reinforced by the Hawke and Keating governments.

The great shame of the circumstances that we face at the moment is that on each of these key fundamentals the Howard government has failed this parliament and failed the Australian people miserably. So far as our alliance with the United States is concerned, we have not been arguing, either privately or publicly, to the United States that this issue should be resolved in the first instance through the United Nations and by United Nations Security Council resolution. There is a grave suspicion on the part of members of this parliament and the community that the Prime Minister and the government have committed themselves to supporting US unilateral action and making a military contribution to that effect. The predeployment of Australian forces underlines that point. We have not been arguing to our ally that it is both in Australia’s national interests and in the national interests of the United States to seek to effect this matter through the United Nations.

The Howard government has also failed so far as our fundamental relationship with and view of the United Nations is concerned. Yesterday we saw the Prime Minister reporting to this House and, for the first time, clutching like a drowning man to the notion of UN Security Council support. When, months ago, we first underlined the need for
this matter to be resolved through the United Nations, the government described us as appeasers.

Finally, I turn to the third fundamental of our national security, our regional arrangements. The government and the Prime Minister have failed miserably to consult our neighbours and our regional allies in respect of this matter. We are seen to be at the vanguard of United States unilateral action. This follows upon the Prime Minister’s declaration late last year of pre-emptive Australian action in our region. The Prime Minister now waxes lyrical about his visit to the United States, the United Kingdom and Indonesia—Indonesia being, as it always is with this government, an afterthought. The third fundamental of our modern national security—good relations with our neighbours and our allies in the region—has been fundamentally mishandled by the Howard government. In my view, that has exposed us to a greater threat so far as regional terrorism is concerned. It is no wonder that the second mantra chant of the Australian people at this point in the cycle is not just ‘We don’t want to go to war’, but also ‘What are we doing to protect and defend our own interests on our own doorstep?’

In each of these three key areas—our alliance with the United States, our commitment to the United Nations and our regional relations—the Howard government has failed us miserably. But perhaps it is the case that the most important and fundamental breach which the Howard government has effected is its failure to meet its compact with the Australian people. There can be no more sombre or sober decision than a decision by an Australian government to commit Australian servicemen and women in armed combat. There is a very grave suspicion that the Prime Minister has already made this commitment to US President Bush—something that he will say to US President Bush and something which Foreign Minister Downer hints at or says to diplomats but which they will not say to the Australian people. So it is this tearing up of trust, this betrayal of trust with the Australian people—saying one thing to our allies and their diplomats but different things to the Australian people—which now fundamentally shakes the confidence of the Australian people in the Howard government on this issue.

Let me conclude by making some brief remarks about possible US unilateral action. It is the case that a nation state or a group of nation states can take unilateral action under international law and consistent with international law. This is clearly contemplated by chapter VII of the United Nations charter, particularly article 51, but it is also clearly contemplated and reflected by the principles of international law. The Prime Minister gave an example yesterday of NATO states acting collectively in the absence of a Security Council resolution in respect of Serbia. It was clear that that action was consistent with and in accordance with international law, not only in respect of the principle of action taken to prevent crimes against humanity but also underlined by the subsequent refusal of the Security Council to pass any resolution which was critical of that intervention.

But there is a very high threshold which goes to that principle of international law, a very high threshold which goes to whether a nation state—whether it be the United States or any other nation—or a group of nation states can take unilateral action. It is clearly the situation that that case has not been made out by the President of the United States, by the Prime Minister of Great Britain or by the Prime Minister himself. It has not been the case for the 12 years in which Iraq has been in breach of United Nations resolutions and no case has been made out for it recently.

It is a matter of great regret that in this instance the Prime Minister and the government have committed too much too soon so far as Australian forces are concerned, have been too craven when it comes to our relationship with the United States, have not argued privately or publicly early enough or strongly enough the need for United Nations resolution and have clearly betrayed the trust of the Australian people by leaving the Australian people with a very strong suspicion that a commitment of Australian armed forces has already been made by the Prime Minister to the United States, irrespective of whether such action is supported by United Nations resolution or not.
In each of these fundamentals—its relationship with the Australian people, our relationship with the United States through the alliance, our relationship as a member state of the United Nations and our relationship with our neighbours in this region—the government has fundamentally failed the Australian people and fundamentally failed this parliament.

Mr HARTSUYKER (Cowper) (11.57 a.m.)—I think it is important in this debate that we are mindful of the reasons why Iraq and Saddam Hussein are of such great concern, both to Australia and the rest of the international community. Twelve years ago as part of the Gulf War ceasefire the United Nations called upon Iraq to disarm and to dismantle its chemical and biological weapons programs. Saddam Hussein ignored ceasefire terms that were laid down by the Security Council and has frustrated and circumvented international efforts to have Iraq comply.

Security Council resolution 1441 recently called on Iraq to account for its weapons of mass destruction and to demonstrate that it was in fact disarming. The UN’s chief weapons inspector, Hans Blix, has now reported back to the Security Council saying that Saddam is failing to comply. Iraq is frustrating these United Nations efforts, efforts that have been designed to ensure that international peace and stability are maintained. Iraq is continuing to evade its international obligations through noncompliance and noncooperation.

Saddam Hussein has used chemical and biological weapons against his own people. He has also attacked his neighbours, most notably in the Kuwaiti invasion. He has shown a constant contempt for his neighbours in the Middle East and a contempt for the international community. The Iraqi regime possesses a number of weapons of mass destruction and its capabilities are growing. This frightening arsenal includes: 6,500 chemical bombs, comprising mustard gas and chemical warfare agents; 1½ tonnes of the deadly nerve agent VX; 3,000 tonnes of precursor chemicals; and over 30,000 special munitions for delivering chemical and biological agents. This is a frightening arsenal, and this is what we know about. What has Saddam failed to account for?

These weapons are in the hands of a dictator such as Saddam Hussein, a dictator who shows contempt for the values of peace and the international community and who shows such contempt for human life that he has used chemical and biological weapons against his own people. These weapons in the hands of Saddam Hussein, with his track record, give rise to serious and justifiable international concern. The ball is in Iraq’s court. Saddam must prove to the international community that he has ceased his weapons of mass destruction programs and that he is in fact disarming. Only Iraq can determine whether or not the use of force will be necessary to make that country comply with the call of the international community.

The Prime Minister stated in his speech to this parliament that:

…history is replete with examples of the community of nations retreating from difficult decisions through fear of the immediate consequences only to find that those difficult decisions must ultimately be addressed and at an infinitely greater cost.

There are serious lessons from history which must be observed in this debate. One lesson is that the world cannot sit idly by while a regime which is against peace and stability builds its forces. In the 1930s the Nazi regime exercised blatant disregard for Germany’s obligations subsequent to the Treaty of Versailles by increasing its military capability.

At the end of the First World War the League of Nations was established and was tasked with facilitating international cooperation with the objectives of securing peace and stability in the world, good relations between countries, and preventing war on the scale that occurred in the First World War. The League of Nations had fine objectives and supported the highest ideals of international peace and stability. However, in the 1930s the Nazi regime in Germany began constructing a war machine. These actions were in total violation of, and were carried out with total disregard to, the obligations placed on Germany when it surrendered at the end of World War I. The League of Na-
tions and the countries of Europe sat idle while this occurred. Germany entered the Rhineland and invaded Austria in further violation of its obligations and still the League of Nations failed to act effectively. Did they know the dangers that were unfolding? Of course they did, but they failed to act. They knew there was a real and present threat to peace and stability in Europe and they did nothing.

The British Prime Minister Neville Chamberlain pursued diplomatic discussions and proclaimed that there would be peace in their time. Through the inaction of the League of Nations and the countries of Europe, the world plummeted into war. It was six years of one of the bloodiest conflicts the world has seen. Much blame can be attributed to the failure of the League of Nations and the countries of Europe to act responsibly when these dangers were developing. It was a war that perhaps could have been avoided if action had been taken earlier against Germany. Certainly, the world could have been spared much of the magnitude of the death and destruction that resulted from inaction.

World peace and stability faces a threat today from terrorism and from Saddam Hussein’s weapons of mass destruction. The United Nations and the world are presented today with an identifiable threat to international peace and security in the form of Saddam Hussein. The challenge that faces the United Nations and the entire international community is whether a rogue state like Iraq should be allowed to exist as a threat and develop until that threat is realised. The challenge presented by a rogue state acting in concert with extremist terrorist groups is one we would not wish to contemplate.

The question arises: should we, as part of the international community, allow the United Nations to become irrelevant because of a failure to deal properly with this issue or should we act using the mandates available in the United Nations Charter to allow it to continue to play a key role in international peace? As I said earlier, the obligation is firmly on Iraq to convince the international community that it has disposed of its weapons of mass destruction and is disarming.

Saddam’s track record on complying with such international requirements is poor by anyone’s assessment. The international community must, therefore, bring pressure to bear on Saddam to comply. We must show Iraq that we are serious about threats to international peace and stability and that we will move against Iraq to protect our core values if it does not comply. I believe the government’s decision to send a forward deployment of Australian forces to the region is a sensible commitment to these objectives. There are some, including the Leader of the Opposition, who dispute that this is the right course to take, but this a sensible and responsible action. It adds to international efforts to demonstrate to Saddam that the world is serious and resolute that Iraq must comply. No commitment that military force will be used has been made by Australia, but it sends a very clear message that the world is serious, resolute and prepared to use force against Iraq if Saddam is unwilling to comply peacefully. Australia stands with the world community to secure peace.

The Australian government is also supporting, and involved in, international diplomatic efforts on this issue. I repeat: no final commitments have been made by Australia. It is, however, a responsible action to plan for the eventuality that Saddam does not agree to a peaceful solution and the world community has to take action against Iraq. Australia must be prepared and our service men and women must be given every opportunity to be in the best position of preparedness for that eventuality. That is what our forward deployment will allow. The government has that responsibility to our troops and Australia’s vested interests in ensuring international peace and stability. The government has acted responsibly in sending a forward deployment and continuing to push through diplomacy for a solution. These actions are in the best interests of Australia and Australian troops.

Australian forces have a long and proud history and tradition of serving their country in various capacities around the world. I certainly hope that a decision to fully and unreservedly comply with resolution 1441 will be made by Iraq and that our troops will be able to return safely. No-one wants military con-
conflict. It would be easy to take the path of least resistance, to ignore Saddam and to allow the proliferation of Iraq’s nuclear, chemical and biological weapons and hope nothing goes wrong. How would history judge us if a catastrophe were to occur? If we were to do nothing—to avoid confronting Saddam and the weapons of mass destruction—and if these weapons were used by terrorists, we may be seen to have achieved ‘peace in our time’ much in the same way as Chamberlain.

While I believe we should attempt to avoid military conflict, we must bring pressure to bear on Saddam. We must be vigilant and resolute in our efforts to defeat terrorism. We must achieve real and lasting peace and not pursue peace which is nothing but an illusion. What Australia is seeking as a member of the international community is peace—a secure peace—and I support that objective.

Mr MOSSFIELD (Greenway) (12.05 p.m.)—On Wednesdays at 4 p.m. on the community radio station that operates in my electorate—SWR-FM, 99.9 on the dial—is a very good program called The Kids Hour, hosted by Tom, Natalie, Jarod and Ashley, who are all 10 years old, and Katie, who is seven. Last week I had the privilege of being interviewed for their program. They asked me about my grandchildren, family in general, about my job and about how the area had changed while I had been living there. They also asked me how I felt about a possible war with Iraq. It was of great concern to them and it demonstrated to me how much this issue has permeated our community. It is the one topic that everybody is talking about.

There has been a great deal said by many people in this debate. In September last year in response to the foreign minister’s ministerial statement I said that whether or not we send Australians to war was one of the most profound debates we were likely to have in this place. There has been a great deal said and written but, unfortunately, the stench of hypocrisy hangs over this debate in such a way as to cloud the facts, hide the truth and divert attention.

There are really only two questions that need to be asked in order to expose this hypocrisy, a total of four words: ‘Why Iraq?’ and ‘Why now?’ Neither question has been answered. Neither question can be answered without exposing the double standards that exist on this issue. Why Iraq? Why now? Is it because Saddam Hussein brutalises and oppresses his own people? That cannot be the reason. If it were, the US would surely be marching into Zimbabwe, Burma, North Korea, Sierra Leone and a whole host of other countries. No, there must be something else.

Is it because he possesses weapons of mass destruction? That cannot be it either. If that were the reason, the US would be getting ready to march into North Korea, China, Israel, Russia, Britain, France, Pakistan or India. We must also not forget that the world’s largest supply of weapons of mass destruction is housed in the United States itself. It has countless warheads, both conventional and nuclear, as well as factories which make anthrax and so on. No, again, it must be something else.

Is it because he harbours terrorists and sponsors terrorist actions around the world? Well, no. If it were, the US would be massing on the borders of Libya, Syria and Sudan, which have been accused of—and indeed make no excuses for—harbouring and sponsoring terrorists. It is certainly not related to the horrific events of September 11, whose perpetrators were by and large Egyptian and funded from Saudi Arabia. There is no evidence that Iraq was involved in those terrible events at all, so that is not it.

Is it because Saddam Hussein has ignored UN resolutions? If that were the reason, again, the US would be fighting a war on about 30 different fronts, because UN resolutions are ignored by countries all over the globe, including Israel and North Korea. Is it because he is being uncooperative with the UN inspectors? Let us hope not, because this government was very uncooperative when the UN inspectors came knocking on our door asking to poke around the detention centres at Woomera and Port Hedland. Besides, Hans Blix, the UN chief inspector, said in his report to the Security Council on 27 January:

‘Iraq has on the whole cooperated rather well so far with UNMOVIC—’

He went on to say:
The most important point to make is that access has been provided to all sites we have wanted to inspect ... Hans Blix pointed out that some minor issues were being worked out. The US demanded that inspectors be allowed into Iraq, yet it appears that they will not be allowed to complete their task.

Why is there this fixation on Saddam Hussein and Iraq? I do not deny that he is a brutal dictator, but he is only one of many. I do not deny that he has weapons of mass destruction—although the evidence is pretty much non-existent at the moment—but, again, he is not alone. So why Iraq, and why now? We have all seen the protest sign that reads, ‘No blood for oil.’ It is when we examine the issue of trade in oil that we can begin to see some logic in this posturing by the United States. According to CIA figures, 46 per cent of all Iraq’s exports went to the United States in 2000. The US was Iraq’s biggest trading partner. In that year alone, $7.3 billion worth of oil was sold to the United States.

When we examine where Iraq gets its imports from, the United States does not rank at all. Again looking at the figures in the CIA’s World Factbook, we see that France is the largest exporter to Iraq, supplying 22.5 per cent of imports. Interestingly, Australia ranks as Iraq’s second most important trading partner, with 22 per cent—or $2.4 billion—worth of exports to Iraq in 2000. So we have, on one hand, the United States with a $7 billion trade deficit with Iraq and, on the other, Australia with a sizeable $2 billion trade surplus.

George W. Bush has an unhealthy fixation on Iraq for no good reason other than that they have oil which the United States wants and that he wants to finish the war that drove Saddam Hussein out of Kuwait in 1991. One only has to look at his administration to see the hangovers from his father’s regime. Colin Powell, Dick Cheney, Condoleezza Rice, Donald Rumsfeld—the administration is littered with those who failed to remove Saddam Hussein 12 years ago. This is certainly no reason to get involved in a war now, with its ultimate mass destruction of human life. We cannot forget that 41 per cent—nearly half of the entire Iraqi population—are under the age of 14. The potential for deaths of innocents is massive, and we must bear that in mind when deciding the fate of so many innocent children and adults.

There is no cause whatsoever to act outside the direction of the United Nations. George Bush and the Prime Minister have both shown their contempt for the United Nations in the past, but the vast majority of Australians support waiting until the UN gives the green light. We have much to lose in participating in a strike that does not have UN approval—not least Australian lives. Like all members of this chamber, I have received hundreds of emails calling on us not to get involved, either at all or certainly not without the United Nations. Every opinion poll that I have read in the newspapers or seen on the television states that Australians do not favour the course of action taken by our government. The excuse for sending Australian troops already is, at best, weak: ‘They need to be acclimatised.’ If they were American troops coming out of the cold, snow covered north-east of their country I could give this excuse some credence, but when our troops train in the deserts of Northern Australia and our ships patrol the migration zone in the Timor Sea then the argument loses its weight.

The Prime Minister has committed our troops already, despite his promise to conduct a full parliamentary debate before doing so. The Americans have acknowledged this, even if he has not. The Australian people are against this move. France, Germany, Spain, Holland, Sweden, China, Russia and many other countries are also against this action. Even within America itself, support for action without the United Nations is at only 51 per cent, according to one opinion poll I have seen. George Bush and his government want this, our Prime Minister is playing loyal deputy sheriff and about half of the English government want it, but that is about all. Nobody else around the world seems to want it.

The United States and Britain thought it was perfectly reasonable in the past to sell weapons of mass destruction to Saddam Hussein because he was a secular leader engaged in a war against fundamentalist Iran. In
an article in the Sydney Morning Herald on 3 February entitled 'Reaping the grim harvest we have sown', Anne Summers wrote:

... a 1994 investigation by the U.S. Senate Banking Committee turned up dozens of biological agents shipped to Iraq during the mid 80’s under licence from the Department of Commerce, including various strains of anthrax subsequently identified by the Pentagon as a key component of the Iraqi biological warfare program.

Iraq has weapons of mass destruction and biological weapons such as anthrax only because the United States and other countries have been involved in the sale. Many credit the CIA with overthrowing the Iraqi royal family, helping to set up the Baath Party, and paving the way for Saddam to come to power. But this is nothing new. In Chile, the US backed the bloody dictator Pinochet over the democratically elected Salvador Allende. Manuel Noriega, the ‘butcher of Panama’ and drug kingpin, was on the CIA’s payroll for many years. The full truth of the Iran-Contra affair will never be known, but we do know that the US government sold weapons to Central American despots. And, of course, we cannot forget that the United States trained and armed Osama bin Laden—in order to fight the Russians in Afghanistan. He is a man who seems to have been completely forgotten, despite being the No. 1 fugitive after September 11.

The United States have been involved in some extremely dodgy foreign affairs policies over the years, and Australians are wary of the US motives in this case—and rightly so. If the United Nations takes the collective decision that Saddam Hussein needs to be removed, then Australia will do its bit; but, until that decision is taken, Australia should not take part in an American-led unilateral action. We have to wonder why America is leading the charge on this. In the past when there have been threats to world peace and, indeed world wars, the United States have been extremely cautious in becoming involved.

Australia entered World War II in support of Britain in September 1939, when the German army invaded Poland. The threat posed by Hitler—which was, quite clearly, a lot greater than the threat posed by Saddam Hussein today—to world peace was extreme, yet it took more than two years for the United States to join the fight. Even then, they became involved only after they were attacked by the Japanese at Pearl Harbor. Similarly, it was well into 1917 before the Americans became involved in the First World War, and it was only after the Lusitania was sunk. Holding back and waiting was in their best interests. They were cautious—rightly so—and did not want to risk the lives of their citizens by locking themselves into a war at the outset. Maybe our government needs to learn that lesson.

Australia and the United States have had a long political and cultural alliance. We have prospered as a result. The United States is our friend and our ally, but friendship does not mean blind obedience. The sign of a mature friendship is the ability to disagree and yet remain friends. There is no disloyalty in our alliance with the United States if we urge caution on this issue. Australia shows no disrespect in calling for United Nations backing before war is declared. In times like these, it is our duty as a friend of the United States to hold them back from rushing in. Let the United Nations do its job and let the weapons inspectors finish the task that they were appointed to do.

If the US strikes now, with Australia’s support and without the backing of a United Nations resolution, our standing in the world community will be jeopardised. The whole structure of the United Nations could be called into question. In the past, countries have been condemned for acting outside the edict of the United Nations. Do we seriously want to put our nation into that position? I think not.

Mr NAIRN (Eden-Monaro) (12.19 p.m.)—It is important that I speak in this debate on Iraq for two reasons: firstly, to inform the House of the many representations I have had from constituents within Eden-Monaro with respect to this vitally important issue; secondly, so that the reasons for my support of the government’s actions so far are on the public record. Like all members of this place, I have had a reasonable number of constituents write, email, fax and phone my office to express a view on the Iraq situation and the
government’s actions. It will not surprise anyone that, overwhelmingly, people do not want a war. No-one wants a war; I do not want a war. Comments from constituents do vary, though. In some cases, people have bothered to inform themselves before commenting. In other cases, they clearly have not. It is wonderful that Australians can provide their comments and views to the government without fear or retribution. We live in a democracy, so we can do that. Iraqis do not have that luxury. Let us not forget that in this debate.

I am in the process of writing to the people who have contacted me, and I am explaining the government’s position. I will include a copy of the detailed statement the Prime Minister made yesterday and encourage everyone to read it in full. The decisions made by the government have not been easy and they have not been taken lightly. An easy decision would be to follow the popular public view. That is what many of my constituents want us to do. That is what the Labor Party wants us to do. It is interesting that many of the people who want us to follow the popular view are the same people who accused us of following the popular view on matters such as border protection. The ALP accused us of following the popular view on border protection; they claimed we were poll driven. Watching the Leader of the Opposition’s performance yesterday, obviously being poll driven is now acceptable. That is just the start of Labor’s inconsistency on this vital issue for global security.

The Labor Party’s rhetoric in this debate is all about playing politics and nothing about good moral policy. Listening to much of the contribution from the other side has been interesting and instructive in that regard. Do you notice how the members opposite only ever talk about Bush and Howard? No mention is made of Tony Blair. There is talk about the US and Australia but not about the UK, Spain, Denmark and Italy—and several other European countries for that matter—which all support the actions that have been taken so far. In the nearly 15-minute contribution which the member for Greenway has just made, the words ‘Tony Blair’ and ‘UK’ did not pass his lips.

In fact, from the way in which the Labor Party in most of their contributions referred to the US, I can only assume that they would prefer not to continue our alliance. Many members opposite have spent more time in attacking the US than they have in calling on Iraq to disarm; in some cases there even appear to be excuses being made for Iraq’s actions. Unfortunately, I think one of my neighbours in this House, the member for Greenway, gave the best example of that in spending almost five minutes attacking the US but not once calling on Saddam Hussein to comply with the UN resolutions. Not once did he say that Iraq must disarm.

Yesterday the member for Fowler clearly ignored—or perhaps, more pertinently, did not understand—what this debate is all about. She called for some sort of bureaucracy to go out and identify the various weapons in Iraq. In her speech she said:

What is needed is an agency capable of identifying all stocks of these weapons, wherever they are ...

She seems not to understand that the UN requirement is for Iraq to declare those weapons. It is not a game of hide-and-seek. Iraq claims it does not have the weapons but refuses to give details as to how, when and where it got rid of them. There is no question that Iraq had those weapons. On 18 April 1991, Iraq itself declared that it had chemical weapons. On 2 August 1991, it declared it had conducted biological research activities for defensive military purposes. In a radio interview on 12 July 2002, the opposition spokesperson for foreign affairs and trade said:

It is a reasonable matter of public record that he—that is, Saddam Hussein—still possesses some chemical weapons and biological weapons capability.

So there is no question that Iraq has those weapons. If Iraq says that it does not have them any more, then where did they go or how were they destroyed? This is what the UN has been asking for some 12 years. Yet the Labor Party comes in here and says, ‘Let’s have another level of bureaucracy which is required to guess where the weapons
might be. I am not quite sure how the member for Fowler reconciles all of that.

One of the other issues raised by constituents concerns a link between Iraq and terrorism. The Labor Party, through its leader, has also expressed doubts about such a link. There is an abundance of evidence showing those links. It was well summed up by Greg Sheridan in the *Australian* on 31 January 2003, when he wrote:

Then Crean claims there is no proof of a connection between Iraq and international terrorism. Doesn’t he even read the papers? Iraq boasts of its monetary support of Palestinian suicide bombers. It has been extensively reported that a faction of al-Qa’ida is fighting the Kurds, Hussein’s enemies, in northern Iraq.

The Leader of the Opposition made much of demanding answers to questions. But why won’t he explain the Labor Party supporting the deployment of troops to the Gulf in 1998 without any UN decision and now not supporting such a deployment? Why did the then Leader of the Opposition, the member for Brand, agree that deploying troops would add to the pressure on Saddam Hussein to comply with UN resolutions while the current Leader of the Opposition disagrees with that assertion as it relates to the current deployment? Perhaps, once again, it is a case of politics getting in the way of good moral policy.

In 1998 it was Bill Clinton who requested that support; now it is George Bush. That is the only difference in circumstances. I remind the House that 1998 was the year in which Saddam Hussein basically broke off any sort of relationship with the arms inspectors and had them thrown out of Iraq. Following on from that, the US naturally wanted Iraq to comply with the UN resolutions and wanted to apply pressure. It was for that very reason that pre-deployment was carried out by the US and Australia. The member for Brand, as the then Leader of the Opposition, did not have a problem with that occurring. Now we are faced with the same circumstances and have the same UN resolutions—in fact, in 1998 there was no additional UN resolution at all.

I am quite convinced that, if the roles were reversed today and, heaven forbid, the Leader of the Opposition were in government, decisions very similar to those made by the Howard government would be made. The only real difference would be that Simon Crean would be making an early deployment and would be doing so in concert with Tony Blair. He knows, as Kim Beazley said in 1998, that a peaceful solution can only be found if Saddam Hussein fully cooperates with the UN—and, by maintaining pressure on him with the deployment of troops to the region, there is still a chance of achieving that.

It is for that reason I support the actions of this government. I accept that those actions may not be popular, but I implore my constituents to fully consider the alternatives. For 12 years Iraq has defied the world community, with Saddam Hussein thumbing his nose continually at every effort to disarm him peacefully. It is vital for world security that the UN survives. But, unless the UN ensures that its resolutions are adhered to, how can any future resolutions be taken seriously? Constituents, please look beyond the noisy politics of the Labor Party. It is Saddam Hussein who has not complied with UN resolutions. It is Saddam Hussein who can guarantee peace. He could do it today.

**Mr Latham (Werriwa) (12.30 p.m.)**—I am opposed to the government’s strategy for war in Iraq because it is the wrong way of conducting the war against terror. I am opposed to the government’s strategy because it repeats the worst mistakes of George Bush’s foreign policy. I am opposed to the government’s strategy because it comes from a Prime Minister who is too weak to say no to the Americans.

I believe that the war against terror should be conducted against terrorists, not the women and children of nation states. The best way of ensuring that weapons of mass destruction do not fall into the hands of terrorists is to rid the world of terrorists. This should have been America’s strategy post September 11: to target, fight and eliminate the terrorists. But, instead, President Bush has squandered much of the international goodwill for his country by following a flawed strategy of regime change and nation-state war, all under the flawed banner of his ‘axis of evil’. This is the wrong strategy; it is
the wrong strategy for the international community and it is the wrong strategy for Australia. At a time when Osama bin Laden remains at large, at a time when al-Qaeda continues to operate in Pakistan and throughout the Middle East, at a time when the Bali bombers are yet to be brought to justice, at a time when terrorist networks continue to grow in South-East Asia, George Bush and John Howard think the first priority—their first priority—is to wage war in Iraq. It is the wrong priority. It is the wrong strategy for our country.

For all its might and power and for all its outrageous expense and military technology, the American war machine is geared up for just one purpose: wars with nation states. In effect, it is a one-trick pony. This is a powerful war machine but it has only one strategy: to wage war against nation states. It is yet to develop an effective strategy for waging war against the terrorists themselves. Just as the United States was unaware and unprepared for September 11, it is ill-equipped to deal with the very different threat posed by terrorists. Let me quote from an article published in the Atlantic Monthly magazine in September 2001. It is an article written by a former CIA officer, Reuel Marc Gerecht—someone well regarded; certainly well regarded enough to be published in the Atlantic Monthly. This is what he had to say about the US capacity in counter-terrorism:

I would argue that America’s counterterrorism program in the Middle East and its environs is a myth.

He then goes on to quote a former senior Near East Division operative who said:

The CIA probably doesn’t have a single truly qualified Arabic-speaking officer of Middle Eastern background who can play a believable Muslim fundamentalist who would volunteer to spend years of his life with shitty food and no women in the mountains of Afghanistan. For Christ’s sake, most case officers live in the suburbs of Virginia. We don’t do that kind of thing.

Gerecht then goes on to quote a younger case officer, who put it more bluntly:

Operations that include diarrhea as a way of life don’t happen.

That is the real truth of the American war machine when it comes to the operatives and the intelligence on the ground that is needed to combat terrorism, particularly in the Middle East. Gerecht concludes his comments by saying:

Unless one of bin Ladin’s foot soldiers walks through the door of a U.S. consulate or embassy, the odds that a CIA counterterrorist officer will ever see one are extremely poor.

That is the reality of the US capacity in this debate. The Bush administration is reluctant to admit these sorts of shortcomings. Instead, it is using, as a blanket description, the slogan ‘war against terror’ to justify other aspects of its foreign policy agenda.

I see action against Iraq as unfinished business from the early 1990s. It does not directly relate to September 11 in the United States or October 12 in Bali. In practice, it is a diversion from the real war against terror: the war that targets terrorists, not nation states. Even Brent Scowcroft—someone that the other side of politics would normally cheer home—former national security adviser to Presidents Ford and Bush Snr, has acknowledged this point, stating:

Any campaign against Iraq, whatever the strategy, cost and risks, is certain to divert us for some indefinite period from our war on terrorism.

That is the Scowcroft point of view: action against Iraq diverts the United States for an indefinite period from the war against terrorism. This is a hard-headed, realistic assessment. Every dollar spent fighting and then occupying Iraq is a dollar that cannot be spent on attacking terrorist networks and improving Australia’s domestic security. President Bush’s foreign policy looks more like American imperialism than a well thought through and resourced strategy to eliminate terrorists.

Bush himself is the most incompetent and dangerous president in living memory. It is a bit rich for him to be preaching democratic values when he himself failed to win a democratic majority in the 2000 presidential election. His war with Iraq is more about revenging his father’s mistakes. It is about the things that happened in Iraq and Kuwait in the early 1990s and it is about securing domestic political advantage. It is more about those things than a rational assessment of the best way to defeat terrorism. Post September
11, Bush needs to be seen to be acting, giving the American electorate a sense of revenge and puffed-up patriotism. If he cannot catch Osama bin Laden, Saddam Hussein is the next best thing, the next best strategy, for the American Republican Right.

For our country, none of this is in our national interest; none of this is in Australia’s national interest. The government has just spent $15 million on advertising to warn Australians of the terrorist threat in this country. But if our nation is under threat, as the government argues, we should not be sending our best troops and equipment to the other side of the world. If terrorists were to take control of an international hotel in a major Australian city, where would you want our SAS and commando troops to be? You would not want them on the other side of the world; you would want them in Australia, defending Australian families and Australian freedoms. If there were a terrorist incident on Sydney Harbour, our open harbour in the biggest city in Australia, where would you want our navy and other military capacity? We would want them here looking after the Australian people, first and foremost.

Post Bali we do not have the luxury of blindly following the Americans into Iraq. We should not be placing the lives of young Australians in George Bush’s hands. We should not be contributing to the horrors of war and the slaughter of tens of thousands of innocent people when a better policy or strategy is available to the Australian government. This sentiment was perfectly expressed in a recent letter to the Sydney Morning Herald by Ros and Bob Barwick of Sunnybank Hills in Queensland. For me it summed up perfectly the anguish the relatives of our servicemen and women must be going through right now. It was an open letter to John Howard that read:

Today you sent our son-in-law to war. He is a career officer in the Navy and joined to defend his country. He sailed on the Kanimbla from Garden Island, leaving his wife of 18 years and his two daughters. Will he be back to see his girls start the new school term? Will he be home for his wife’s birthday in February? Will he be back at all? Do you really care?

Do you even remember the name of the young SAS officer you sent to die in Afghanistan? He left behind a wife and baby to fend for themselves. The widow is the same age as your daughter.

Think, John Howard. Just think. These are real people you are sacrificing.

That is the sentiment. It is the sentiment passionately and meaningfully expressed.

From time to time strong leadership comes from saying no to another country. The Prime Minister puffs himself up and talks about strength. The real strength and purpose of national leadership every now and then comes from saying no to another country. That is what Mr Howard should have said to the Americans instead of committing Australia to forward deployment and the inevitability of war in Iraq. But he is too weak, and behind him sits a weak and ineffective backbench. It has been left to the elder statesmen of the Liberal Party—John Valder, Fred Chaney, Peter Baume, John Hewson and Malcolm Fraser—to articulate a true small-l liberal position. Mr Howard and his government are just yes-men to the United States. There they are, a conga line of suckholes on the conservative side of Australian politics. The backbench sucks up to the Prime Minister, and the Prime Minister sucks up to George W. That is how it works for the little tories, and they have the hide to call themselves Australians. In my book they are not Australian at all. They are just the little tories—the little tory suckholes. The backbench sucks up to the Prime Minister, and the Prime Minister sucks up to George W. That is all they have left on their rotten little side of politics.

Australia deserves better than an American apologist as its Prime Minister. We deserve better than someone who is too weak to say no to Uncle Sam. In his statement to the parliament, the Prime Minister dismissed the opposition to war as anti-American prejudice. That is what he said—‘This is just anti-American prejudice.’ Fancy the member for Bennelong lecturing us about prejudice. This is the same member of parliament who opposed sanctions against South Africa, who wanted to cut Asian immigration, who opposed the Mabo judgment tooth and nail,
who welcomed Pauline Hanson’s first speech in this place as an outbreak of free speech. He still refuses to say sorry to the stolen generation and, to this day, cannot bear to utter the word ‘multiculturalism’. Fair dinkum, this bloke has a PhD in prejudice; he has no right to be lecturing anyone else.

I would argue that opposition to the government’s strategy is not a form of American prejudice; it is an expression of Australia’s national interest. This is not prejudice; it is Australia’s national interest. I believe there is a new nationalism in this country—the sort of nationalism that says that Australia should be part of the international community and, sure, it should be part of international engagement, but on our terms. It is the sort of nationalism that says that we should engage with other countries but with a very clear sense of our interests. Australians are saying that we are not a baby nation anymore. We are not some little colony or junior nation. We are a mature nation that takes a mature view about our interests. That is the new nationalism that stands tall in this nation.

This is the way we should now approach the United States: with an independent foreign policy that puts our interests first. We can have a defensive military alliance with the US, but we do not have to stand shoulder to shoulder with them in every single conflict and on every single international issue. Just as there were no American boots on the ground in East Timor, there should be no Australian ground forces in Iraq. Even if the UN sanctions some form of military action, Australia’s commitment should be limited. I strongly endorse the ALP policy statement of April 2002 which reads as follows:

... in light of the threat to Australia from terrorist organisations operating in South East Asia, the priority for the deployment of Australian military resources must lie within our own region. The Iraqi regime is not a direct threat to Australia. We must deal with the threat in our own part of the world first and foremost. We have higher priorities to pursue in the war against terror. I oppose the Prime Minister’s strategy. I oppose his toadyism to the United States. I oppose the way in which he is leaving us defenceless, pushing fridge magnets into the front-line of our nation’s defence while sending our SAS and other commandos to the other side of the world. He ought to be ashamed of himself. I believe he has disgraced our great nation and placed its future security and safety at risk. Every year, each and every one of us as members of parliament says ‘lest we forget’. The truth is that the Prime Minister has forgotten. He has forgotten how to stand up for Australia’s national interests. He has forgotten how to keep Australian lives safe and secure. He has forgotten how to be a good Australian, not some yes-man to a flaky and dangerous American president. I reject the Prime Minister’s statement to the House. I reject his blind rush to war with Iraq. And I trust in time—I dearly hope in time—that the Australian people themselves will reject this Prime Minister and his government.

Mr GEORGIOU (Kooyong) (12.44 p.m.)—This debate is a direct result of Iraq’s refusal to comply with the United Nations resolutions and meet its own obligations to rid itself of weapons of mass destruction. The Australian government is unequivocally committed both to Iraq’s disarmament and to making every effort to achieve this peacefully. As the Prime Minister has clearly stated, ‘the government will not make a final decision to commit to military conflict unless and until it is satisfied that all achievable options for a peaceful resolution have been explored’. I believe everyone in this chamber, and the people of Australia, share a revulsion at the thought of war and its consequences, and share a common desire to see that Iraq’s weapons of mass destruction are eliminated without the need for military conflict.
On the advice of the Australian Defence Force, Australia has recently forward deployed military forces in order to increase diplomatic pressure on Iraq. The commitment of Australian troops is not a decision that the Australian government takes lightly. Indeed, it is one of the most serious and onerous decisions that a government can take. Despite the criticism of the government for this deployment I believe that it has been a decision taken with heavy consideration of the responsibilities that it carries. It is a decision that has been made with a view to undertaking every possible initiative and exhausting every measure to ensure that Iraq understands that it must cooperate in the process of disarming its weapons of mass destruction.

That process began in 1991. As part of the terms of the cease-fire which brought an end to the Gulf War, Iraq committed to the destruction, removal or rendering harmless under international supervision of: all chemical and biological weapons; all stocks of agents; all related subsystems and components; all related research, development, support and manufacturing facilities; and ballistic missiles with over a specified range. Iraq also committed itself not to use, develop, construct or acquire nuclear or other weapons of mass destruction, and to fully declare its weapons of mass destruction programs. The terms of that cease-fire were incorporated in United Nations Security Council resolution 687.

In the period since the conclusion of the 1991 Gulf War, almost every effort to compel the Iraqi government to abide by the terms of the cease-fire and to fully and verifiably disarm its weapons of mass destruction has been frustrated. There have been multiple United Nations Security Council resolutions which have sought to enforce the terms of the cease-fire with Iraq. Iraq has repeatedly violated them and is in very real and ongoing breach of the obligations dealing with its commitment to unconditionally accept the removal, destruction or rendering useless of all its chemical, biological and nuclear weapons, and to fully declare and verify this.

Some have argued that the UN resolutions and weapons inspectors require that Iraq prove a negative. This is not the case. Iraq is required to provide evidence of the destruction of weapons of mass destruction that manifestly existed in the past and whose current status has not been explained by the Iraq government. For instance, Dr Blix has shown that Iraq has failed to explain discrepancies in the numbers of chemical bombs held by Iraq. Indeed inspectors found chemical weapon warheads that Iraq now says it overlooked. Iraq has failed to explain evidence that the UN has which conflicts with Iraq’s declaration about its production of the nerve agent VX. Dr Blix reported:

... there are strong indications that Iraq produced more anthrax than it declared, and that at least some of this was retained after the declared destruction date.

Iraq also ‘did not declare a significant quantity ... of bacterial growth media’. I could go on but the bottom line is contained in Dr Blix’s statement to the Security Council last week. He said:

... Iraq appears not to have come to a genuine acceptance—not even today—of the disarmament, which was demanded of it and which it needs to carry out to win the confidence of the world and to live in peace.

Iraq has evaded the cease-fire obligations and, worse, is potentially rebuilding its weapons program. Indeed, so acute is the failure of Iraq to comply—and the inability to date of the international community to enforce Iraq’s cease-fire obligations—that the breaches, noncompliance and the staring-down of international inspections have come to be seen by some as the norm, and the attempt to remedy them as the aberration. What we have witnessed over the last 12 years has been the victory of noncompliance and the success of Saddam’s strategy of attrition designed to wear down the international community.

Consequently, there are some who look askance at the renewed efforts to bring Iraq to account and ask: why; and why now? I do not believe that, as a nation committed to the rule of law, international treaties and the containment of unconventional weapons proliferation, we should turn away from the flagrant noncompliance of the Iraqi regime. Nations that seek to preserve international order have obligations. The view that the Iraq crisis
Represents a test for the Security Council and the United Nations has merit. The Security Council cannot credibly lay down binding mandates and threaten those in breach with severe consequences and then just walk away.

A nation that has been defeated after mounting a war of aggression, and which has sued for peace and agreed to comprehensive disarmament arrangements, cannot with impunity breach its obligations. This in my view is the fundamental basis for the imperative of pursuing Iraqi disarmament—not attempts to bring about so-called regime change. Indeed, as the Minister for Foreign Affairs has stated in this House, there is no Security Council resolution which authorises regime change. Iraq, under its leader, Saddam Hussein, maintains an abhorrent regime that represses, murders and persecutes its population. There are many regimes and despotic rulers throughout the world. It is not the prerogative of Western liberal democracies under international law to remove such governments at will.

Many other rationales have been advanced for moving vigorously against Iraq: the uncertainty of being able to deter Iraq’s use of unconventional weapons in the future, alleged links with al-Qaeda, and the issue of Iraq presenting a clear and present danger. There are varying degrees of supporting evidence for each of these rationales and the US Secretary of State, Colin Powell, will be making more information available to the Security Council tomorrow. The difficulty of presenting public evidence has ensured, however, that many issues remain in contention. Fundamentally, however, the basis of the case against Iraq is the flagrant breach of Iraq’s longstanding obligations to rid itself of weapons of mass destruction. In recent years the efforts to enforce these obligations to the international community have faltered. Had it not been for the pressure to renew the efforts in the latter part of 2002 and the build-up of forces in the Gulf, the prospect was that the international commitment to disarming Iraq of its weapons of mass destruction would have been progressively abandoned. United Nations weapons inspectors would not have returned to Iraq.

Some do say that the renewed commitment to securing Iraq’s compliance reflects unrestrained unilateralism, designed to bypass international processes, but United Nations processes have been observed. The United States, Britain and Australia, as members of the UN, sought UN approval to afford Iraq a final opportunity to disarm. This resulted in resolution 1441, which passed with unanimous Security Council support. With respect to the implementation of resolution 1441, yesterday the Prime Minister stated that he would make it clear to President Bush, to Prime Minister Blair and to the Secretary-General of the UN that ‘if military action does become necessary, Australia’s strong preference is that it takes place pursuant to a new Security Council resolution’.

The crystal clear fact is that in 12 years Iraq has not responded to anything short of credible threats and coercive diplomacy. It is my earnest hope that, with pressure building up on the government of Iraq, it will see the rationality of ridding itself of weapons of mass destruction peacefully, as it is committed to do. It is important that this pressure be built up to maximise the prospect of avoiding armed conflict and achieving the peaceful resolution that we all hope will emerge.

Mr QUICK (Franklin) (12.54 p.m.)—Another year and yet another debate taking note of the statement by the Prime Minister on the situation in Iraq. I remember making a speech of a similar ‘take note’ nature in September 2002 and reiterating my views in the speech on Remembrance Day 2002. At the end of this debate, will the many members who have spoken have the satisfaction of voting on a motion to either support or oppose a war against Iraq? No—just the satisfaction of having their thoughts aired in this place and perhaps taken up by the media in this country. Not until war is actually declared and the Prime Minister seeks a parliamentary mandate will we as members of the House be forced to publicly put up our hands one way or the other. To my mind, this is disgraceful.

Over the past six months I have been stringent in my opposition to any war against Iraq, whether sanctioned by a UN resolution or conducted through a pre-emptive strike by
the United States, Great Britain and Australian forces. I have publicly and proudly opposed the whole jingoistic approach to the issue of a war against Iraq. I did so from my long-held view that this war is wrong for so many reasons. I have spoken to rallies across the nation and, believe me, there are tens of thousands of Australians who agree with me and who are prepared to publicly express their feelings on this issue.

To have the member for Sturt allege that those who oppose this war are creatures of the 1960s and anti-American, left wing radicals is absolute rubbish. In a democracy why can’t individuals have the right to assert views contrary to those held by the majority? As a sovereign state, why should we follow blindly and subserviently the views of nations more powerful than us? To assert that because I am opposed to the way George W. Bush, Dick Cheney, Donald Rumsfeld and others in the White House are conducting this pro-war craziness I am an appeaser, an American hater and a left wing radical is totally untrue. I want the member for Eden-Monaro to know that I have visited Kuwait and seen first-hand the destruction meted out by the Iraqi regime during the Gulf War in 1990-91. I am certainly not an apologist for Iraq, and I understand what Saddam Hussein has done in the past.

As someone born in 1941 and having spent several years wandering across the USA in the mid-1960s, I became a Bob Dylan fan. Does that make me a left wing radical? One song that has stayed with me over the past 40 years is With God on Our Side. The title goes to what sustains US foreign policy, what is now being followed here—that it is all done with God on our side. Australia over the past 12 months has been swept up in a wave of fear and mistrust fostered by this government. There is a piece of poetry circulating on the Net which, for many, rightly reflects what is taking place across the globe. It reads:

Beware the leader who bangs the drums of war
In order to whip the citizenry into a patriotic fervour,
For patriotism is indeed a double-edged sword.
It both emboldens the blood just as it narrows the mind ...

When the drums of war have reached a fever pitch and
The blood boils with hate and the mind has closed,
The leader will have no need in seizing the rights of the citizenry.
Rather, the citizenry infused with fear and blinded with patriotism,
Will offer up all of their rights unto the leader, and gladly so.

Yesterday I received my booklet and fridge magnet to alert me to the things my family and I must be aware of concerning a potential terrorist threat. To use a real Australian colloquialism—and I must apologise, Mr Deputy Speaker—they were as useless as tits on a bull, and surely something to join the drug booklet sent out to me which was assigned to the nearest rubbish bin. Wait a moment—as a creature of the 1960s, I am reminded of the 1962 Presley song Return to Sender. I urge people opposed to this propagandising to send the material back to the person who authorised it—Senator Abetz, care of Parliament House, Canberra. I mentioned previously Dylan and his apocryphal song With God on Our Side. This for me encapsulates the feeling of self-righteousness that is currently being fostered and promoted within the US, Britain and now Australia. It states:

The First World War boys it closed out its fate,
The reason for fighting I never got straight.
But I learned to accept it, accept it with pride
And you don’t count the dead when God’s on your side.

When the Second World War came to an end,
We forgave the Germans and we were friends.
Though they murdered six million in the ovens they fried,
The Germans now too have God on their side.
But now we got weapons of the chemical dust
If fire them we’re forced to, then fire we must.
One push of the button and shot the world wide
And you never ask questions when God’s on your side.

In yesterday’s Tasmanian Mercury an excellent letter appeared on this issue, and I want to read it to the House:

Agitators for war must be getting desperate if the best argument that they can muster in its favour is a comparison between the current situation and the appeasement of the Nazis prior to World War II. (Letters, January 28).
Germany was then a militarily powerful regime driven by a virulent expansionist ideology, and few countries could doubt that they figured in its imperial ambitions. Iraq, however, is neither powerful nor expansionist.

Sanctions and daily bombing raids conducted by British and US forces since the Gulf War have crippled its military and civilian infrastructure.

The only way in which Iraq constitutes the remotest threat to us is the possibility of it providing weapons of mass destruction to terrorists.

So far no evidence has been put forward to suggest it has, and logically it will not.

If Saddam Hussein does have such weapons, they are to increase his leverage and power within the region, and he would gain nothing by providing them to terrorists whose ultimate goal is the creation of an Islamic super-state and the destruction of secular states such as Saddam’s Iraq.

However, be assured that if he does have such weapons he will use them if attacked, including against our own troops.

Then our children will have yet more gory history to draw the wrong conclusions from.

In my speeches here in the House, which I have repeated at rallies in Canberra, Melbourne and Hobart, I have emphasised the following points as to why I am totally opposed to this war. Why should we blindly follow the USA, a nation that has torn up more international treaties and disregarded more UN conventions than the rest of the world has done in the past 20 years? The USA has permitted CIA hit squads to recommence covert operations of the kind which have included in the past the assassinations of foreign heads of state. The USA has sabotaged the small arms treaty, undermined the International Criminal Court, refused to sign the climate change protocol and, just recently, sought to immobilise the international convention on torture so that it could keep foreign observers out of Guantanamo Bay. How hypocritical of a nation that proudly espouses the following words at the Statue of Liberty:

… Give me your tired, your poor,
Your huddled masses yearning to breathe free,
The wretched refuse of your teeming shore;
Send these, the homeless, tempest-tost to me,
I lift my lamp beside the golden door!

The message I would like to see being espoused across Australia and throughout the world is one given to us by the Dalai Lama:

… there can be no peace as long as there is grinding poverty, social injustice, inequality, oppression, environmental degradation, and as long as the weak and small continue to be trodden by the mighty and powerful.

Rather than wasting billions of dollars on weapons of mass destruction in a war against Iraq, why can’t the nations of America, Europe, Canada, Australia and New Zealand formulate a 21st century Marshall Plan to undertake a massive transfer of medical technology, farming technology, manufacturing and industrial technology, administrative expertise and capital to the developing world?

I proudly wear my ‘no war on Iraq’ badge in this House. I am totally opposed to a war that will unleash a war of catastrophic proportions. Thousands of innocent civilians will die and tens of thousands of children will be rendered homeless, parentless and destitute. There is a better way; a more peaceful, constructive and humanitarian way.

Mr Somlyay (Fairfax) (1.04 p.m.)—I commence my remarks by saying that no-one in their right mind wants war or likes war. I do not like war. I do not relish the thought of voting to commit Australian lives, to risk the lives of young Australian men and women, to a war, particularly on foreign soil. In my time in this parliament I have seen too many graves of and memorials to Australian people lost in places in many countries, such as Gallipoli, the Somme, Flanders, Britain, Palestine, South Africa, New Guinea, Thailand, Vietnam, Korea and Singapore.

Twelve years ago, in January 1991, I spoke on a motion before this House. It was a bipartisan motion moved by Prime Minister Bob Hawke and seconded by the then Leader of the Opposition, John Hewson. I pointed out that, when I entered parliament a mere 10 months before, it had not occurred to me that I would have to exercise my vote in this place on a motion which would see young Australians at war on foreign soil. That decision at that time was not easy, as many of my colleagues have said, and many people agonised
over it. I personally had to be totally convinced that there was no other option at the time.

It is no different in 2003. I found it difficult to send troops to East Timor. I found it difficult to accept that our troops were going to Afghanistan. In 1991 I conveyed the views of my electorate of Fairfax as they were expressed to me at the time. As Minister Abbott said in debate on this issue earlier today, no matter what our positions are, we are here to represent the people of our electorates. Twelve years ago I gave what I believed were the views of my electorate of Fairfax then. In summary, everyone hates war, as I said earlier. Some people have expressed the view that we should not participate in any action against Iraq under any circumstances, but the majority believe that Australia should not participate in any action unless it is sanctioned by a UN resolution, and I think the opinion polls are saying the same thing.

A group of local people in my electorate, under the banner of ‘Noosa for Peace’, organised a rally in Noosa last weekend. That rally passed a resolution, which I will read into Hansard so that I give a balanced view of the various opinions in my electorate on this issue:

The following Declaration was considered at a Noosa for Peace meeting held on February 1, 2003, and approved unanimously by those present...

The UN Inspectors’ Report of January 27, 2003 provides no justification for a war with Iraq. With many hundreds of thousands of people likely to be killed or maimed, such a war could well be one of the worst terrorist massacres in history. Noosa for Peace opposes Australian involvement regardless of UN authorisation.

It is immoral that Australian troops have been sent to a potential battle zone without parliamentary debate. Noosa for Peace urges the immediate recall of all troops.

On the principle that violence begets violence, any military action will have far-reaching and intractable consequences on a regional and a global basis.

Noosa for Peace demands that the Australian Government acts to avoid war in Iraq, and instead promotes peace in the Middle East through the United Nations.

I do not agree entirely with that resolution. As I said, I abhor war—as most people do—but there comes a time when we have to take a collective view in this parliament, for the good of the nation. This morning I had word that the Noosa council is considering a motion which calls for no action without UN sanction. There is overwhelming support, though, from the telephone calls, letters and emails that I have received, for taking action against Saddam Hussein if it is supported by the United Nations.

The UN, Australia, the USA and all nations have to make a decision, and it is a fundamental decision: whether to do something or to do nothing. To do nothing, I believe, at this stage is no longer an option. The consequences of doing nothing are stark. If the world does not act over Iraq, that would give a signal to every rogue state and rogue dictator that the UN is weak and will not enforce its resolutions. That would be an open invitation to ensure that instability and terrorism would rule the 21st century.

Diplomacy has run its course for the last 12 years, so I think the options are clear. The solution to this crisis is entirely in one man’s hands, and that man is Saddam Hussein. He started this by invading Kuwait in August 1990. He was defeated by the coalition forces and forced out of Kuwait in 1991. The conditions of peace were set out 12 years ago by the United Nations. Twelve years later, we are arguing about enforcing those conditions. The view of the majority of the world is that Saddam Hussein’s time is up and that diplomacy has run its course.

A peaceful resolution is still possible. We pray it is, but that is up to Saddam Hussein and no-one else. The first option is for Saddam to comply, abandon the practice of ‘cheat and retreat’ and hand over the weapons we all know he has hidden. Compliance with the UN resolution by Iraq can result in a peaceful resolution. The second option is an option of UN enforcement. The Prime Minister, in his statement to the House yesterday, outlined that the government’s preferred option, in the absence of a peaceful resolution, is to seek a UN resolution of enforcement. The world cannot tolerate the manufacture and use of weapons of mass destruction. The
UN must act to support its own sanctions. To do otherwise would weaken the UN, with consequences only too well known. I expect that in the final analysis the UN will, by resolution, sanction the use of force against Iraq. Australians, of course, would support that resolution. Our forward deployment of troops to the Middle East would be part of the enforcement process.

The opposition claims that the Australian government has already committed to joining with the USA and the UK in a unilateral decision to use force against Iraq without UN sanction. That is wrong. It is clear from the PM’s statement that a peaceful resolution has been and is everybody’s aim. As time goes on, a peaceful resolution becomes a more and more remote possibility. UN-sanctioned force is the second option and that is the process to which Australia’s efforts are directed. Any other possibility claimed by the opposition is hypothetical. Circumstances change daily. International pressure must be kept up on Iraq in the hope of a peaceful resolution.

Mr MELHAM (Banks) (1.13 p.m.)—When the parliament last debated the question of Iraq, on 17 September last year, the UN Secretary-General, Kofi Annan, had just announced that Iraq had agreed to readmit UN weapons inspectors. That development was welcomed around the world and by many speakers in this parliament on that day as a step towards a peaceful settlement of this crisis. The United States was notably less than enthusiastic, with the White House saying that the Iraqi offer was merely a tactic aimed at giving false hope that Iraq intended to comply with the relevant Security Council resolution. Nearly five months later, the UN inspectors have returned to Iraq. They have been allowed to conduct inspections. They have found a number of munitions that could be used to deliver battlefield chemical weapons, but these appear to be old, non-operational stocks. No stockpiles of chemical or biological agents, nor any production facilities, have been found.

There are still many unresolved questions about Iraq’s chemical and biological weapons programs. There are also concerns about continuing Iraqi efforts to conceal material and information, and a lack of proactive co-operation. These are serious issues, but the fact is that inspections are under way and are delivering results. And yet we are on the brink of war.

Secretary of State Colin Powell will make his presentation to the Security Council overnight. UN chief weapons inspector Hans Blix and IAEA head Mohamed ElBaradei will return to Iraq on 8 February for a new round of talks. They will make a further report to the Security Council on 14 February. Matters will probably come to a head in the second half of this month.

Other members have discussed many aspects of this crisis. My focus today is on the legal basis for any military action. There is a fundamental principle that should guide Australia’s stance, which is that we should abide by, and support, the rule of international law. We should be standing with the collective authority of the United Nations. The US and the UK will seek a measure of endorsement for military action against Iraq from the UN Security Council. Some form of Security Council authorisation may be forthcoming, but, failing that, the US and the UK will attack Iraq anyway. They have made that perfectly clear, and our Prime Minister has left no doubt that he will be committing Australian forces to such an attack. This action would violate the UN charter and international law.

International law prohibits the use of force, with two limited exceptions. Firstly, the Security Council can authorise the use of force to maintain international peace and security. Security Council decisions are taken by a majority vote of the 15 members elected to represent the international community. The majority vote must include each of the five permanent members of the Security Council—China, France, Russia, the United Kingdom and the United States. I should add that the veto power is entrenched in the UN charter. It is a fundamental part of the UN system and it is a power that the US is very familiar with. After all, the US itself has vetoed no fewer than 22 draft Security Council resolutions on the Middle East which all other council members supported.
The second circumstance in which a state may resort to force is by way of individual or collective self-defence in response to an armed attack. States need not await an armed attack; evidence of a threat of such an attack is sufficient. However, the threat must be so plainly imminent and overwhelming that there is no time to seek to avert the threat by means other than the use of force in self-defence. States then have a duty to refer the situation to the Security Council, which can authorise collective self-defence to defeat aggression.

The United States has repeatedly argued that the Security Council has already authorised military action against Iraq. But this argument is difficult to sustain when one examines the Security Council resolutions adopted since the 1991 Gulf War cease-fire. The key resolution is resolution 1441, adopted on 8 November 2002. This resolution contains no automatic trigger enabling any country or group of countries to use force against Iraq. The procedure clearly described in the resolution is that, in the event that a material breach of Iraq’s disarmament obligations is reported to the council, the Security Council will convene immediately to consider the situation. Resolution 1441 does recall that the Security Council has previously warned Iraq of serious consequences in the event of non-compliance, but this is not sufficient to authorise the use of force against Iraq. Nor can the United States or its allies rely on the right of collective self-defence. The onus is on the US to demonstrate the existence of an imminent and overwhelming threat. They have not done so, and appear unlikely to be able to make a credible case to that effect.

On the evidence presented to date, there is no evidence that Iraq possesses nuclear weapons, and only circumstantial evidence as to Iraq’s possession of biological and chemical weapons. Nor has evidence been presented indicating that Iraq has given, or plans to give, weapons of mass destruction to terrorist organisations. Secretary of State Powell will apparently present new information to the Security Council, but Americans are already telling the world that they have not got a smoking gun linking Saddam Hussein and al-Qaeda. It follows that in present circumstances any military action without Security Council authorisation would violate international law. Moreover, any military action undertaken with Security Council authorisation should be conducted in a manner consistent with, and limited by, the objectives and purposes of that authorisation. Any further Security Council resolution, whatever its terms, must not be treated as a blank cheque.

The US is clearly not contemplating merely disarming any Iraqi weapons of mass destruction capability but planning for regime change—the forcible overthrow of Saddam Hussein’s regime and its replacement with a pro-American Iraqi government. The overthrow of the government of a sovereign UN member state is an extraordinary undertaking and something that the UN Security Council is unlikely to explicitly authorise. Resort to unilateral force or unauthorised regime change will be in contravention of international law. It will serve to severely destabilise the existing international legal order. Without the rule of law, it is the law of the jungle. Might is not always right.

This has serious implications for a middle-power country such as Australia, which depends much more on the rule of law than does a superpower like the United States. Unlike the US, we cannot throw our weight around. Australia’s national interest, our own national security, is best protected and advanced by upholding international law. I repeat this, because it is basically a summary of what I have had to say today and I think these arguments can be brought right down to this level: Australia’s national interest, our own national security, is best protected and advanced by upholding international law and not by breaking international law.

Today Australia should be speaking up against unilateralism. We should make it clear that there can be no case for military action while weapons inspections are continuing. In the event of Iraqi obstruction, military action should follow explicit authorisation by the Security Council only. That is the basis of international law. A further Security Council resolution is essential if military action is to have any legitimacy, and that will require the concurrence of all five
permanent members of the council. Australia should neither support military action without this explicit authority nor support military action that extends beyond the terms of an explicit Security Council mandate.

The United Nations and the rule of law, however imperfect, are irreplaceable as fundamental principles and pillars of the international legal system. That, in my view, is the crux of it. You cannot uphold international law by breaking international law. Australia should not be in breach of our international obligations. Australia must not be an accomplice to breaking international law. That is it in a nutshell. This will be a continuing issue. It will involve other countries down the track. I repeat: the rule of law is something that I, as a practitioner of the law, have always abided by. Sovereign states should abide by the rule of international law. The law of the jungle, the law of ‘might is right’, is no replacement in the short term, in the immediate term or in the long term for international law. That is why my plea is that it is in the national interest, in the security interests, of this country to abide by international law, not unilateralism. History is littered with the mistakes of the past. We should learn from these mistakes and not repeat them.

This is a solemn time for us to be discussing this matter before the House. It will not be the last time we do it. This is an appropriate forum. The principles that I have enunciated today—the abiding principles to which this nation has contributed, with the formation of the United Nations and since—are what will hold us in good stead in the international community and in any venture that we and our troops engage in in the future. We should be operating under the umbrella of international law, not the umbrella of ‘might is right’.

Mrs MAY (McPherson) (1.28 p.m.)—I rise today to support the Prime Minister’s statement on Iraq. As I tried to collect my thoughts on this very important debate, I was reminded of a day and a time in 1991 when my workmates and I sat around a radio listening to the first news reports of Desert Storm, the Gulf War. Who will ever forget the larger than life General Norman Schwarzkopf, ‘Stormin’ Norman’, and his nightly briefings on our television screens? But, for those of us who had never had any involvement in war, Desert Storm seemed to be unfolding in a place miles from home. Most of us had little or limited knowledge of the Middle East. Baghdad was a place we read about in fairytales, and now it was on the front page of our daily newspapers and was the lead-in story every night on our television news. Who could forget those enormous pictures of Saddam Hussein, the ‘Butcher of Baghdad’?

But that was 1991. Today I rise as the member for McPherson, a member of the Howard government, to speak on behalf of my constituents on the Gold Coast, a number of whom have contacted me to raise their concerns through letters and phone calls. I should say at the outset that no-one, not one political leader around the world nor indeed our own political leaders here in Australia, wants to send our sons and daughters to war. We all shared in the grief that was felt by so many families whose lives were shattered when so many of our young people were killed during that senseless terrorist attack.

The next two months will be decisive for Australia and the international community. At issue is not just the future of Iraq or even peace in the Middle East. Decisions made over the next few weeks by our government, our leaders and indeed leaders around the world will greatly affect the prospects for global security for years to come. We are all aware of how the world has changed since September 11 with the attacks on the World Trade Centre and the subsequent terrorist attack in Bali, right on our doorstep, but let me say there is no easy formula for protecting modern industrialised countries against terrorism. The list of potential terrorism targets boggles the mind: nuclear plants, water supplies, computer systems, the bombing of civilian targets. Where to start?

It is important to state at the outset that Saddam Hussein’s leadership, ever since its formal inception in 1968, has proved to be both morally and politically indefensible. Saddam Hussein is a brutal dictator, and one
cannot but be appalled by the nature of his dictatorship, his brutal suppression of his people, his gassing of Iraq’s Kurdish citizens and his history of aggression against Iran and Kuwait, as well as his attempts to defy UN resolutions despite his humiliating defeat in the Gulf War 12 years ago. In fact, Iraq has been in violation of 16 Security Council resolutions since the end of the Gulf War. These violations include the failure to allow weapons inspectors to oversee the elimination of weapons of mass destruction and the failure of undertakings not to develop new weapons programs or acquire any such weapons, to cease the support of terrorism and to end the repression of the Iraqi people.

Saddam Hussein has continually refused to admit human rights monitors into Iraq. The UN Commission on Human Rights and the UN General Assembly issued a report that strongly criticised the systematic, widespread and extremely grave violations of human rights and international humanitarian law which have resulted in the ‘all-pervasive repression and oppression sustained by broad-based discrimination and widespread terror’ of the Iraqi people. Saddam Hussein needs to be challenged; he himself has challenged international order. He has blatantly dismissed the resolutions that have been brought down by the United Nations Security Council. He has been brutal towards his own people, and he has not hesitated in the past to use chemical weapons against them. His people live in a constant climate of fear, intolerance, uncertainty and deprivation. Saddam Hussein is a butcher who is a threat to international peace. He must be disarmed. His noncompliance with resolution 1441 will have serious ramifications. His intentions have only ever been to cause destruction and pain; they have never been for the good of mankind. Notwithstanding this man’s history, Australians do not take lightly the prospect of going to war. No government wants to send its sons and daughters to war. To imply that the Prime Minister and this government do not take seriously the enormous impact that war would have on our country and the rest of the world is outrageous. Any decision to commit Australian troops to war will be a decision not taken lightly. The Howard government is a responsible government—a government that will carefully consider the consequences if in fact we commit Australian troops to any war on Iraq.

I fully support the build-up of military forces in the Persian Gulf to keep up the pressure on Iraq to disarm. It is not the time to go soft on this dictator. The pressure must continue. Saddam Hussein must not be allowed to continue to hold the international community to ransom. The man has form: he has used weapons of mass destruction in the past, and he will use them again. The threat of military action may prove to be the most effective way of sending a very strong message to Hussein that the international community is tired of his posturing and tired of the cat and mouse games. He must be made to realise it is time to disarm.

The United Nations Secretary-General, Kofi Annan, has also supported the build-up
of military forces in the gulf as an effective strategy and one which allowed the weapons inspectors back into Iraq. The build-up of military forces is a valuable strategy that I believe will continue the pressure on Iraq and send a very strong message that the international community is united in seeing Saddam Hussein rid his country of weapons of mass destruction.

I commend the Prime Minister for announcing he will visit and talk with the President of the United States, the Secretary-General of the United Nations, the Prime Minister of England and the President of Indonesia. This mission of peace by the Prime Minister is crucial to putting forward Australia’s position with regard to any war on Iraq. The Prime Minister has made it very clear that, if military action becomes necessary, Australia’s strong preference is that it takes place pursuant to a new Security Council resolution. The strong support of the United Nations Security Council will see a strong coalition of international leaders supporting any military action against Iraq.

The goal for Australia is disarmament—Saddam Hussein must comply with United Nations resolution 1441 and dispose of any weapons of mass destruction. The Iraqi people must be freed from this monstrous dictator, and his disarmament will be a huge step towards world peace and stability. As I said at the outset, no-one likes war and I know our Prime Minister will do everything in his power to help solve this difficult situation without the need for war. But the problem will not go away if we bury our heads in the sand. The difficult decisions that have to be made by our leader will be made in the best interests of Australia and ultimately the world.

Mr EDWARDS (Cowan) (1.38 p.m.)—Like many Australians, I have followed the issue of war against Iraq with intense interest and with increasing concern and increasing pessimism. Try as I may to judge these crucial issues and balance them in Australia’s interest, I hear the echo of Vietnam and see too many parallels with the war of that era.

I remember Vietnam and I remember it well. I remember the lies told to parliament about Australia’s deployment of troops by then Prime Minister Menzies as he set out to court America. I remember the arguments borrowed from America and used in Australia to encourage support for that deployment. I remember the fine, patriotic speeches made by many conservative politicians as they invoked war and encouraged Australians to send their kids to war—always someone else’s kids. I remember the reference to the domino theory in relation to the spread of communism and the fall of other South-East Asian nations if the threat was not stopped. I remember the vilification of those who stood against the war and the accusations of treason directed to those who spoke against Australia’s involvement or the Liberal government of the day. I remember those things well because I dismissed those warning signs, like the thousands of other young Australians who volunteered or were conscripted and served in Vietnam. I do not now want to make that same mistake on behalf of someone else’s kids simply because we choose to forget the lessons of the past.

We have seen too much rhetoric of war from the PM and his foreign minister. It is only of late that we have heard him talk of peace. Undoubtedly, the polls are biting. We heard yesterday a speech from the Prime Minister which was full of domino rhetoric but short on evidence and far from convincing. We heard the Prime Minister relate the Bali bombing to the need to invade Iraq but we did not see any evidence to link the two. We heard a shrill, almost hysterical, fear-driven speech from Mr Pyne, the member for Sturt, as he accused the member for Bendigo of communism simply because he questioned the Australian government.

We well remember the accusations of treason levelled by this government just recently against Mr Jim Wallace, a former commanding officer of the Special Air Services Regiment, simply because he questioned a unilateral strike against Iraq. We see again, through the speeches of the likes of the member for Sturt, the urgings for Australians to send their kids to war—always someone else’s kids. These heroes of the House speak from the recently upgraded and increased safety and security of this parliament as they
urge other Australians to war and untold danger.

Australians have faced danger before, and I know that the calibre, character and courage of our current members of the Australian Defence Force will stand them in good stead if they have to do so again. That is not in question and neither is our support for our troops and their families. In this debate, I have heard much about our alliance with America and Britain and I have heard much about our need to stand with the United Nations but I have not heard enough about the interests of our own nation, our own people and our own region. Contrast this with the sentiments expressed by the President of the United States of America when, in his State of the Union address, he said:

This government is taking unprecedented measures to protect our people and defend our homeland.

He then went on to say:

... the course of this nation does not depend on the decisions of others.

Contrast those words with the sentiments expressed by our own Prime Minister as he defers decisions on the security of our nation in our region to the President of the United States of America and as he weakens our defences and capacities to prevent terrorist attacks in our own country by sending our key counter-terrorist troops overseas.

I am sympathetic to the incredible difficulties any Prime Minister would have in balancing our need for a strong alliance with the United States with our need to strongly support the United Nations, with our leadership role in our own region and with our own nation’s security as part of this region. I truly appreciate those difficulties but I believe that we have got the balance wrong. I believe that we have got it wrong because this Prime Minister and his foreign minister look too long and too often to America to set our foreign policy. The deputy sheriff has handed his badge of authority to the United States marshal, and I have no doubt that Australia will pay a price for that abdication.

Anyone who thinks a pending war with Iraq will be over with a quick military strike is wrong. Make no mistake: the ramifications of this war will leave Australia vulnerable in many ways for many years to come. That should not stay our hand, however, if the need to support a United Nations-led strike against Iraq is necessary. We have faced adversity before as a nation and we will do it again—I have no doubt about that—but if we must be put in that position then let us have clear evidence of the need for war. Let us have some truth, some independent assessment and leadership and sovereign interest put before the people of this nation so that if we go to war we know that we do so in the best interests of Australia and in the best interests of our people. I am yet to see that evidence.

In his speech yesterday, the Prime Minister referred to the pre-positioning of Australian forces and the contingency planning with the United States military. I do not quote him, but I think they were his words, word for word. What this means in effect is that some many weeks ago senior Australian military officers were sent to Kuwait to help draw up battle plans for a US-led attack against Iraq. Australian troops are now an integral part of those battle plans. In short, our troops are committed to war. What I want to know from the Prime Minister is: why he did not have the courage to look our troops in the eye on the day of that farewell, to look their families in the eye and, indeed, to look the people of Australia in the eye and tell them that he has committed them to war—because that, Mr Prime Minister, is what you have done. Is it any wonder that we hear the echo of Vietnam in this place and in this debate and that we see the duplicity, the deceit and the divisive intent of that era reflected in this Prime Minister here today?

Mrs GALLUS (Hindmarsh—Parliamentary Secretary to the Minister for Foreign Affairs) (1.47 p.m.)—As I arrived at Parliament House yesterday morning, a small number of people held up placards. There were two simple messages: no war with Iraq and peace. Those holding those signs thought they were asking for the same thing. We all want peace and we all want to avoid war with Iraq, but they are not the same thing. We will have peace and we will avoid war if there is a full disclosure by Iraq of its weapons of mass
destruction and the subsequent destruction under UN surveillance of chemical and biological weapons that Iraq is known to possess in great quantities—and if there is an end to Iraq’s programs to develop nuclear capability. That is all that is needed.

But what if Iraq continues to refuse to provide evidence to the international community that it has destroyed its weapons of mass destruction? Should we, the world, walk away and allow this madman to further develop these weapons and use them against his own people and his neighbours or even against countries further afield? Imagine the nightmare of a biological or chemical weapon being smuggled into New York, Sydney, London, Paris, Manila or Jakarta and killing thousands and possibly millions of innocent civilians. And what happens when Hussein has developed his nuclear program? Who should be most afraid—Iran, Kuwait or the Kurds in the north of his own country, the people who have already suffered under this madman?

Is that the sort of peace that protesters with placards really want? And what would it take for Hussein to target his other enemies in the Western world, either by himself or with the help of one of the growing number of terrorist organisations with cells in Britain, in Indonesia and, no doubt, also within Australia? This is the sort of peace we can expect if Hussein refuses to disarm and the international community sits on its hands. Clearly, there are genuine concerns for the civilians in Iraq—in particular, the children. Everybody shares those concerns. We would be monsters if we did not. But what about the children in the countries neighbouring Iraq and, indeed, the children in our own country? We have a duty of care to them as well. Letting Hussein continue as he has is putting them at risk both from Saddam and his terrible weapons and from terrorist organisations that could get their hands on them.

No-one wants war and so the international community continues to give Iraq breathing space, but this cannot last for long. In the immediate future Iraq must either give up its weapons or be forced to do so. There is no other choice except to walk away and let Hussein continue the reign of terror in his region and possibly in the rest of the world. The Australian government has made its position clear: if Hussein does not disarm then, for the long-term peace and security of the world, it will expect the UN Security Council to act. The UN has already passed resolution 1441, giving Iraq a final opportunity to comply with its disarmament obligation. This resolution does give legal sanction for military action, as Iraq has failed to take up this final opportunity to comply.

The opposition argues that it will accept an offensive on Iraq only if there is a new Security Council resolution. Indeed, that is the government’s preferred position if Iraq does not disarm. But there are five countries which can veto such a resolution—the US, the UK, France, Russia and China—so let us be very clear about what the opposition is saying; that is, that any of these countries could determine Australia’s role in any future action against Iraq. The opposition accuses the government of blindly following the United States, yet it is prepared to put Australia in a position where, for example, Russia might determine what we do as a nation or where France has the deciding vote on our decision. I do not believe the Australian people would find that acceptable, just as they would not find it acceptable for us to blindly follow the United States—if in fact that were true.

What if there were such a veto and Australia walked away? What would you say to the men, women and children who will suffer under Hussein? What would you say to the men, women and children who will die from exposure to Hussein’s chemical and biological weapons and, in the long run, from his nuclear weapons? Do we let the US do all our fighting for us? Do we depend on the UK to do what is right while we sit at home in smug self-satisfaction at our own purity? Is that the sort of ally that we are?

Iraq must be disarmed. The most desirable outcome is that Hussein agrees to do so. If he does not, then it is in everyone’s interest for the Security Council to pass a new resolution committing the UN to attack Hussein and rid Iraq of him and his weapons. But if the Security Council is unable to issue such a determination because of the veto of one or even two of its members, what then? I believe
Australia has a duty to do what it knows is right, understanding that peace is not just the absence of an immediate war but the removal of those who would wage war without rules and without regard for the lives of any person in any country.

Mr DANBY (Melbourne Ports) (1.55 p.m.)—As a lifelong social democrat, I have always been informed on three particular issues that are relevant to this important debate. The first is internationalism, the second is support for human rights and the third is a longstanding support for disarmament. There are many genuinely held views on the issue of disarmament, and many important people, including our own former head of UNSCOM, Richard Butler, have played an important role in this crucial debate that the world is now having.

The Labor Party’s position, which we have held since April 2002, and also the position of the majority of the Australian public, is that military action against Iraq, if it is to be undertaken, is one of the gravest decisions that the world will take, and it should be taken only under the auspices of the United Nations. I also believe—as does Mr Blair; I believe he has got the President of the United States to agree to it—that, as the leadership of the Labor Party has announced, there should be a second resolution of the United Nations if there is to be military action to enforce the disarmament resolutions of the United Nations Security Council against Iraq.

Dr Blix’s report to the United Nations Security Council was very serious and very grave. His report had two main aspects. The first is the apparent compliance of Iraq, if it is to be undertaken, is one of the gravest decisions that the world will take, and it should be taken only under the auspices of the United Nations. I also believe—as does Mr Blair; I believe he has got the President of the United States to agree to it—that, as the leadership of the Labor Party has announced, there should be a second resolution of the United Nations if there is to be military action to enforce the disarmament resolutions of the United Nations Security Council against Iraq.

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Iraq

Mr CREAN (2.00 p.m.)—My question is addressed to the Prime Minister. Prime Minister, why haven’t you told the Australian public what the leaked Downer memo shows: that Australian forces in the Gulf will not be withdrawn if the United Nations process breaks down and the US goes to war with Iraq?

Mr HOWARD—The leaked memo does not show that. The leaked memo, as confirmed by the interlocutor of the foreign minister, does not show that. You know that. You know that that discussion between the foreign minister and the High Commissioner concerned comments that the foreign minister made about the Multinational Interception Force. The foreign minister has explained that in some detail—and, I think, very convincingly—today, and so has the New Zealand High Commissioner.

Iraq

Mrs GASH (2.01 p.m.)—My question is addressed to the Minister for Foreign Affairs. Would the minister inform the House of the
government’s efforts to promote the United Nations as the key forum for considering whatever further steps may be necessary to ensure Iraq is disarmed of weapons of mass destruction?

Mr DOWNER—First, can I thank the honourable member for Gilmore for her question. I appreciate the serious interest she shows in this profoundly serious issue. The government knows only too well that it is deeply important that the United Nations remain engaged on the issue of Iraq, and of course the United Nations is so engaged, through both the Security Council and the weapons inspectors. We believe that the United Nations Security Council should be centrally involved in decisions on this issue.

The government is strongly of the view that the Security Council should remain the key forum for considering whether further steps may be necessary to ensure Iraq is disarmed of weapons of mass destruction, and this has been the government’s view throughout. This is a view that has been expressed at a number of levels by the Australian government to other governments. It is a view I have expressed on several occasions to Secretary of State Colin Powell. It is a view that I have discussed at some length during the last 10 days or so with my European counterparts: with Javier Solana, the European Union’s high representative on foreign policy; with Chris Patten, the EU commissioner on foreign relations; and with the foreign ministers of France and Germany. This is a view that we have discussed.

We have supported continually the role of the United Nations Security Council. I think there is very much an increasing international consensus that it would be appropriate and it would be desirable, if the United Nations weapons inspectors in the end, tragically, are not able to do their job—and that is a conclusion, and we have not reached that point yet, though we have come quite close to it—if the weapons inspectors do reach that conclusion, for this matter to go back once more to the Security Council for consideration of a further Security Council resolution. I think there is an international consensus around that, and that is certainly the view of the Australian government. I note that it was a view very strongly expressed by British Prime Minister Tony Blair when he recently met with President George Bush at Camp David and in Washington. So the government will continue to play an active role in ensuring the United Nations has a central role in the whole of this process.

Let me conclude by saying again, as I have said on so many occasions, that we deeply hope that, at this very late hour, Saddam Hussein and his regime will change tack and decide to fully cooperate with the United Nations weapons inspectors—not to cooperate just on process or just on substance, as Hans Blix said, but to cooperate fully on both process and substance. That is the best way for war to be avoided. We hope Saddam Hussein understands that message and understands it only too clearly.

Iraq

Mr CREAN (2.05 p.m.)—My question is again addressed to the Prime Minister, and it refers to the answer he gave to my first question. Prime Minister, what credibility can your explanation have when the official record of conversation cleared by the minister’s office shows that the discussion that he was having was specifically about the issue of UN support for, and I quote, ‘action in Iraq’?

Prime Minister, if your foreign minister was talking about war, then weren’t his comments about the impossibility of withdrawing our ships and other presence expressly made in the context of war?

Mr HOWARD—The answer is no. I would like to point out to the Leader of the Opposition that it is possible, in a conversation lasting three-quarters of an hour, to canvass a lot of subjects. Quite clearly, one of the things that came up in that discussion was the continued defiance by Iraq of the proper demands of the United Nations. Both the foreign minister and the New Zealand High Commissioner have put into context that discussion. The foreign minister was referring to the Multinational Interception Force. I know that it suits the political purposes of the Leader of the Opposition to try and represent things otherwise, but I remind the House that this conversation took place on 24 October 2002; the decision taken by the Australian government to deploy forces to the Gulf oc-
curred on 10 January 2003. Self-evidently, the discussion between the high commissioner and the foreign minister could not be put in the context of the deployment of those forces.

The foreign minister has already explained at great length the nature of that discussion, and I frankly do not have anything to add to what he has already said. But I take this opportunity because it goes to the heart of the issue raised by the Leader of the Opposition—that is, whether a final decision has been taken by this government to involve itself in military action against Iraq. The answer to that question is that no such final decision has been taken. The reason no decision has been taken is that the processes of the United Nations are still being worked through. It would be a very foolish government surrendering the flexibility that any government may have if it were to give—as the opposition leader falsely alleges; and he knows the allegations are false—some kind of unconditional commitment. The reality is that no unconditional commitments have been made.

Quite obviously Australia has, unlike many other countries, put itself in a position to contribute to a military operation against Iraq if we judge in the national interest that those circumstances require that we do so. We have put ourselves in a better and stronger position than most other countries to do that. The Leader of the Opposition can spend all of his waking hours making those allegations. They are false and they will remain false. I have made it very clear that, by the deployment of Australian forces, we are putting ourselves in a position to participate and to participate effectively and in circumstances that will guarantee the maximum possible safety for our forces. There is nothing unusual or unprecedented about the deployment of forces in advance of a final decision to commit to military conflict. They were the circumstances under which the deployment was made in 1998—a deployment supported by the then Leader of the Opposition, the member for Brand. They were the circumstances in which that deployment was made. The member for Brand knows that you can deploy in advance of making a final decision without being falsely accused of making a final decision and of keeping that from the Australian public, because that in reality was what we did with his support in 1998.

I repeat: for the reasons I outlined in my statement yesterday, the government hopes that, if there does become a necessity for military action, that process occurs after all of the processes of the United Nations have been gone through and that a new resolution authorising force comes forward. I do not believe that that is necessary as a matter of international law, but I believe that if you had a second United Nations resolution you would get more countries supporting the action called for in the resolution and more countries participating—and that is therefore desirable. Of course it may well be, as I said yesterday, that the result of the United Nations deliberation is that you do not have a black and white situation: you do not have a total rejection of enforcement or you do not have some kind of mandating of military action—you get something in the middle. In that event, governments and political parties, not only here in Australia but around the world, will have to make decisions about what their attitude is. We have put ourselves in a position, if we judge it at the time to be in the national interest, to commit to military conflict. That decision has yet to be taken. That will be taken against the circumstances and all of the information which is available at the time. Nothing in that leaked memo yesterday contradicts that. The discussion between the foreign minister and the high commissioner related to the Multinational Interception Force, and in those circumstances the claim made so vigorously by the Leader of the Opposition is, as usual, quite wrong.

Economy: Performance

Mr KING (2.12 p.m.)—My question is directed to the Treasurer. Would the Treasurer please advise the House of the outlook for the Australian and international economies in 2003? What major factors are likely to impact on the Australian economy in the year ahead?
Mr COSTELLO—I thank the honourable member for Wentworth for his question. I can inform him that, since the House last met, the international economy continues to disappoint, with weakness in Germany, France and Japan, and with Canada alone of the G7 economies showing signs of sustained recovery. The United States growth was 0.2 per cent in the December quarter—a respectable 2.8 per cent for the year—but it was led mainly by consumer spending. Until we see sustained evidence of business investment in the United States, people will continue to perceive downside risks on economic growth in 2003. The US President sent his budget to Congress in the last day and has put forward a budget program with a projected deficit of 2.8 per cent of GDP for the United States in 2003—a sum of some $US300 billion. In Australian terms, that would be the equivalent of a deficit in our budget of $A20 billion in the forthcoming year. Obviously, that is very substantial fiscal stimulation, which we welcome. And we welcome the fact that fiscal stimulation, together with monetary policy, is now being put forward to stimulate a return to sustained growth in the United States, which is still so important as the engine of economic growth to the world. As world growth picks up, Australia’s exporters should find better opportunities.

Aside from the international situation, which continues to disappoint, the drought in Australia continues to extract a very heavy price, with agricultural production in the September quarter very substantially down. I would expect the effect on exports in the agricultural sector to continue in January, February and March. We continue to await the breaking of the drought and hope that it will come before the planting season for the winter crops in March and April of this year.

Notwithstanding a very difficult international economy and notwithstanding a very severe drought, led by the non-farm sector Australia continues to be one of the most strongly growing economies of the world. Our GDP grew at 3.7 per cent to the end of the December quarter, business investment is very strong at 12.2 per cent, and in the year 2002 more than a quarter of a million new jobs were created in Australia. There are real opportunities for the people of Australia, notwithstanding very difficult international and climatic conditions.

This government remains determined to continue the strong economic record that it has put in place and to continue to reform those areas of the Australian economy which require continuing improvement. Led by an opportunistic Labor Party, the Australian Senate has now decided to try to prevent necessary economic reform in this country. We have put in place important changes in relation to welfare reform and PBS reform. We have put before the Senate important changes in relation to labour market reform. We say this to the Senate: the reforms of today will drive our economic prospects of tomorrow, just as the reforms of the last seven years drove our economic prospects through this period of international weakness. We call on the Australian Labor Party to cease and desist from its opportunistic position in the Senate, to support the necessary economic reforms and to give Australia the kind of economic opportunity that it deserves into the future.

DISTINGUISHED VISITORS

The SPEAKER (2.17 p.m.)—I inform the House that we have present in the gallery this afternoon members of an official parliamentary delegation from Italy. It has been the pleasure of the President and I to meet the delegation. With some other members, we will have another opportunity to meet them tomorrow evening. On behalf of the House, I extend to them a very warm welcome.

On behalf of all members of the House, I also extend a welcome to other visitors in the Speaker’s gallery this afternoon. We have the Rt Hon. William Hague, member of the House of Commons and former Leader of the Conservative Party, and Mrs Hague; Lord Ashcroft, former Treasurer of the Conservative Party; and the Hon. Shane Stone, former Chief Minister of the Northern Territory.

I am sure the House will also note with pleasure, as I do, the presence in the gallery of Dawn Fraser, Australian swimming legend and a former Australian of the Year. On behalf of the House, I extend to her a very warm welcome.

Honourable members—Hear, hear!
QUESTIONS WITHOUT NOTICE

The SPEAKER—Members may be interested to know that the young people in the gallery on my left are people who were successful in the Heywire competition that is part of the ABC’s promotion of young Australia. I extend a warm welcome to them.

Iraq

Mr CREAN (2.19 p.m.)—My question is again directed to the Prime Minister and follows the response that he gave to my last question. You said in that answer, Prime Minister, that the foreign minister’s remarks had nothing to do with the context of war with Iraq. How can you expect the Australian people to believe that response when Minister Downer’s answer, the content of which he has not denied, was in response to the specific question about whether Australia would prefer a mandate for action in Iraq?

The SPEAKER—Before I recognise the Prime Minister, I remind the Leader of the Opposition of the obligation to address remarks through the chair. Since questions are considered before they are asked, I ask him to resist the use of the word ‘you’.

Mr HOWARD—The Leader of the Opposition was given an answer to the first two questions and I can only return to it. Of course they discussed the UN processes. What the foreign minister referred to was the Multinational Interception Force. The reason why he was clearly referring to the Multinational Interception Force was that the conversation took place on 24 October. The decision to deploy in the context of possible military action against Iraq was not taken until 10 January. Self-evidently, it could only have been in relation to the Multinational Interception Force.

I know the Leader of the Opposition is casting around for something, but can I say to the Leader of the Opposition that he will not find it here. On 24 October, there had been no decision taken to deploy any forces in the context of a possible operation against Iraq. The vessels that had been deployed were part of a Multinational Interception Force established pursuant to Security Council resolutions, described not just by the government but also by the former Leader of the Opposition. On these matters, it always does to trawl through the statements of the former Leader of the Opposition. In answer to a question asked of him on Meet the Press on 28 March 1999, he was asked whether the opposition agreed with an announcement made by the government that HMAS Melbourne would go to the Gulf. It was the eighth time that we had been on battle stations there with regard to containing Iraq. This is what was he was asked:

Do you support the decision to send the ship again?
Beazley said:
Yes. It’s actually an enforcement of sanctions rather than containment.

He was correctly describing the role of the Multinational Interception Force. That was to enforce the sanctions of the United Nations in relation to the cessation of the 1991 coalition war against Iraq.

The two contexts are quite clear. The New Zealand High Commissioner supports very strongly what the foreign minister has said. Self-evidently it could not have related to the deployment which you have criticised. There is a sharp difference between the two situations. I assume that the Leader of the Opposition still supports Australian participation in the Multinational Interception Force. I do not know; maybe he does not. I assume by his silence that he still supports it, and yet he opposes the deployment. Through a combination of his own condemnation of the deployment and his silence about the Multinational Interception Force, he must see those two things as quite separate. They are quite separate. What the Leader of the Opposition has criticised is the deployment that was foreshadowed by me on 10 January. What the foreign minister was talking about were the ships that had been sent there to enforce the mandate of the United Nations.

The original decision to send those ships—correctly, with our support in opposition—had been made initially by the Hawke government in 1991 and ships have been maintained there. The foreign minister made a perfectly legitimate statement in relation to the status of those vessels. I can only again repeat to the Leader of the Opposition that this line of questioning does not give any credibility to
your argument. Our position remains in relation to the matter now concerning Iraq, and that is that we hope the processes of the United Nations lead to a peaceful resolution. It is not a great hope; it is a very thin hope. But I have to repeat what I said in my speech yesterday to the House: if there is to be found any hope of a peaceful resolution, it is to be found in all of the countries of the world coming together through the Security Council and calling in the strongest possible terms for compliance with resolution 1441.

That is what we are working towards. That is what I will be arguing in my discussions with President Bush and with the Secretary-General of the United Nations, and in my discussions in London with the leader of the British Labour Party, who I have to say has shown conspicuously more backbone on this issue than the leader of the Australian Labor Party.

Iraq: Human Rights

Mr HUNT (2.25 p.m.)—My question is to the Minister for Foreign Affairs. Would the minister inform the House of the current state of human rights in Iraq? Would the minister also outline to the House international reports detailing summary executions, systematic rape and institutionalised torture under the regime of Saddam Hussein?

Mr DOWNER—I thank the honourable member for Flinders for his question because I think it is a profoundly important component of the totality of this debate about Iraq, although these are not matters that are subject to United Nations Security Council resolutions.

I am delighted to see in the gallery William Hague, the former leader of the Conservative Party—a seriously good man. Just the presence of him and his charming wife there remind me of the strength of the British parliament—in particular the British Prime Minister and the opposition in Britain—on this question of Iraq. I notice with a great deal of interest that in all the critiques from the Leader of the Opposition on this issue of Iraq he never mentions the name ‘Tony Blair’. He always criticises George Bush and John Howard but he never criticises Tony Blair, Iain Duncan Smith or William Hague.

The honourable member for Flinders has raised a very important issue, and Britain is one of the countries along with the United States which has released reports cataloguing Saddam’s atrocious treatment of his own people. Saddam Hussein became the first leader in the world systematically and aggressively to gas his own people. During a campaign in 1988-89 the Iraqi military attacked more than 40 Kurdish villages with chemical weapons.

Opposition members interjecting—

Mr DOWNER—I would have thought members of the left of the Labor Party would be particularly focused on these egregious human rights abuses. I would have thought for the left this would be a very big issue, not a subject of constant interjection and mirth.

The regime has summarily executed opponents. In February 1998, 400 prisoners at the Abu Ghraib prison were executed. Two months later 100 detainees from the Radwaniyah prison were buried alive.

Opposition members interjecting—

Mr DOWNER—I notice members of the opposition think this is an enormously funny issue. I actually happen to think that human rights abuses in Iraq are extremely serious. As I was saying, the killings in the prisons were supposed to clean out the prisons. More than 3,000 people have been killed in a similar fashion since 1997. Saddam’s regime has poisoned political prisoners by giving them slow acting poison—thallium—which slowly infiltrates the system and takes several days to bring death. Iraqi citizens have often been decapitated in front of family members and at other times they are shot in front of family members and the family is charged for the cost of the bullet. Under Saddam Hussein’s orders, Iraqi citizens are systematically tortured. Beatings, rape, breaking of limbs and denial of food and water are commonplace in Iraqi prisons.

Mrs Irwin interjecting—

The SPEAKER—I warn the member for Fowler!

Mr DOWNER—Saddam Hussein’s regime has also invented unique and horrific methods of torture, including electric shock treatment, pulling out fingernails, suspending
individuals from rotating ceiling fans, dripping acid on victims’ skin, gouging out eyes and burning victims with a hot iron or a blowtorch. Large numbers of Kuwaiti citizens were murdered, tortured and raped during the Gulf War. More than two dozen torture centres in Kuwait City have been discovered, and photographic evidence confirms reports of electric shocks, acid baths, summary execution and the use of electric drills to penetrate victims’ bodies.

Many innocent civilian citizens were also used as human shields. In 1994-95 alone, large numbers of soldiers had portions of their ears cut off for deserting the army. An X was branded on the forehead of these soldiers so that Iraqi citizens did not think they had been wounded as war heroes. Doctors who refused to perform these atrocities were threatened with reprisals and many have been arrested and detained. The Iraqi authorities also issued a decree in 1994 making it illegal for doctors to perform plastic or corrective surgery for victims of branding and amputation. Indeed, in 2000, a new Iraqi decree was issued authorising the government to amputate the tongues of citizens who criticise Saddam Hussein or his government.

I have spent a moment reminding the House of these atrocities, which have been collated by not just the British and American governments, but also non-government organisations in Amnesty International, because it is one of the reasons why the international community—and certainly very much this government—feel deeply and passionately about this issue. This is an evil and wicked regime led by an evil and wicked man. We make no apology for him—he is an evil and wicked man. The thought of somebody with this type of record with chemical and biological weapons and with the prospect of also having nuclear weapons is, for us, truly horrific.

Iraq

Mr CREAN (2.32 p.m.)—My question is to the Prime Minister. Prime Minister, on what precise date did the government order the refit of the HMAS Kanimbla in preparation for its forward deployment to a possible war against Iraq?
1997 and more recently the softening of the global economy.

The latest ABS figures for December 2002 highlight that total exports to East Asia remain firm and are up two per cent over December the previous year—again, at a time when the global economy is very soft. We have seen exports to China rise by 23 per cent, exports to Japan rise by seven per cent and exports to Indonesia rise by five per cent. We have an excellent reputation in East Asia, and this has certainly been illustrated in recent times by some of the significant deals that have been done by Australian exporters—for example, the LNG gas deal with China, worth $25 billion over the next 25 years; and, more recently, in the last month or so, the LNG deal that has been done with South Korea, which is worth $1 billion over the next seven years. This demonstrates the confidence in us of our key trading partners in the region. We have recently completed and we will shortly sign a Singapore free trade agreement, a Thai free trade agreement is well under way and progressing very well and we are engaged in negotiations with China and Japan on trade and economic agreements with those major economies in North Asia.

Last year I travelled to Indonesia, China, Japan, the Republic of Korea, Thailand, Singapore, Malaysia and Brunei to promote Australia’s export interests throughout the Asian region. Not once during that time was a negative reference made about our strong alliance with the United States by any of those major trading partners that we have in the region. A key message I received in all those countries was that Australia’s exports were competitive, Australia had quality products and reliability of supply and it was seen as an important economic player in the East Asian region.

I might suggest that the Labor Party could take a leaf out of the government’s book and look at the way in which our trade relationships have developed and strengthened in East Asia in recent years. It has been done in a very diplomatic way and in a successful manner—not, as alleged, by stepping away from Asia but by stepping up to Asia.

Iraq

Mr CREAN (2.37 p.m.)—My question is to the Prime Minister. Prime Minister, when you farewelled the refitted *Kanimbla* last month, didn’t you tell the crew, the Navy clearance divers and the other members of our defence forces who sailed with her—and their families—that they were going to the Gulf to join the Multinational Interception Force? Isn’t this the same interception force which, according to the leaked memo, will not be withdrawn from the Gulf in the event of a US war with Iraq? Prime Minister, if your government can tell a foreign diplomat that the *Kanimbla* will not be withdrawn, why won’t you tell our troops who sail with her?

Mr HOWARD—I do not have the benefit of the record of exactly what I said. I certainly did indicate that, initially, the *Kanimbla* would be joining the Multinational Interception Force. I did say that—

Mr Crean interjecting—

The SPEAKER—The Leader of the Opposition has asked his question.

Mr HOWARD—but I do not think that alters in any way the two issues before us. The gravamen of the attack by the opposition is that the foreign minister was prepared to disclose some deep, dark secret to the New Zealand High Commissioner which the government is now not willing to do, and the deep, dark secret is that on 24 October, apparently, we had already decided to commit ourselves to a military operation against Iraq. Stripped of all the permutations, what the Leader of the Opposition is asking the House to believe is that, effectively, on 24 October last year the foreign minister told the New Zealand High Commissioner that we had already decided to commit ourselves to a military operation against Iraq. That is absolutely absurd. Nothing that I said—correctly and appropriately—to the men and women of the Australian Defence Force when the *Kanimbla* departed in any way alters the fact that on 24 October the foreign minister was not talking about a war commitment against Iraq; he had in mind the position of the Multinational Interception Force.
The situation in relation to a final commitment is that we have not taken a decision in relation to a final commitment. For the purposes of the debate, let us assume that discussions, deliberations and so forth go on for another year. I am not saying they will—in the current circumstances I think it is highly unlikely—but let us assume that they do. The Multinational Interception Force will still be in the Gulf, because it will still be enforcing the sanctions imposed by the United Nations in 1991. When the foreign minister was talking about the withdrawal of the ships and the difficulties imposed, what he clearly had in mind was that it would be very difficult—impossible in a diplomatic sense—in view of our obligations to the United Nations. Let us assume for the purposes of the discussion that things did go on for another six, nine or 12 months. The Multinational Interception Force would still be there. We would not think it appropriate to pull those ships back. I assume the Leader of the Opposition would agree with me on this, but maybe he does not—he is very silent on this. We would think that our obligation would be to leave the vessels there and we would hope to get the support from the current Leader of the Opposition that we got from the former Leader of the Opposition.

They are obviously related issues. We are dealing with the same area of the world; we are dealing with the continuum of a dispute with Iraq. The situation simply remains that, until all of the circumstances that will enable us to make a final decision have elapsed, that decision will not be taken. I have never disguised the fact that we have put ourselves in a position to make a contribution. For months now, senior ministers and I have indicated that contingency military planning with the United States has been going on. Contingency discussions and planning have occurred between the United States military and the Australian military. As the Leader of the Opposition should know—and I know that many who sit behind him do know—if you are a country that wants ultimately to be in a position to make a contribution if you believe the circumstances are right, you have to involve yourself in preparation and contingency planning. There is no point in not acknowledging that, and I have never sought to disguise it. If this country does decide to take part in military action, I want our soldiers, sailors and airmen to be in a position to do it safely and effectively. I do not want them disadvantaged by hasty, last-minute preparations. I do not want them to be in a position where, because of political manipulation, they are put at greater risk than they should be put. I do not want that to occur. I want them to know that they have the opportunity of getting ready.

I also happen to believe that predeployment can increase diplomatic pressure. That was the view that your predecessor correctly took in 1998 and it is the view that the Secretary-General of the United Nations has correctly taken. The Secretary-General of the United Nations has said to the world that, if it had not been for the American build-up in the Gulf area, the weapons inspectors would not now be in Iraq. The reality is that the United Nations did nothing about Iraq for four or five years until they were re-energised—and I think I use the words of the former Leader of the Opposition in describing the United Nations in 1998—or reactivated, and they were reactivated by President Bush when he went to the United Nations General Assembly on 12 September and said, ‘It is your responsibility under the obligations of the United Nations charter to do something about Iraq’s serial noncompliance with the resolutions of the United Nations.’ All of that is the relevant history to where we are now. We all hope—difficult though that hope may be to embrace with a great deal of enthusiasm because of the difficult situation we find ourselves in—that there can still be a peaceful outcome.

If, in the end, that hope disappears and the government of this country decides that it is appropriate that Australian forces be part of an operation against Iraq, we—by our predeployment and our actions—will have put ourselves in a position to do that effectively and efficiently. But that does not mean, as alleged falsely by the Leader of the Opposition, that we have already decided to do that and that we have told others without telling the Australian people. That is the charge made by the Leader of the Opposition, and he will go on making that charge while he has breath. He
can do that. It is not correct. It is self-evidently foolish of any government, of any persuasion, to throw away the flexibility of retaining, until the last moment, the opportunity of taking that decision.

I do not know the final outworking of the Security Council process, I do not know the shade of grey that may come out of the Security Council—and neither does the Leader of the Opposition. That is why, until I know that, the cabinet will not be making any decision about a final military commitment. That is the position of the government. The Americans understand that, the British understand it, other countries understand it, the New Zealand High Commissioner understands it. But the Leader of the Opposition—for his own base political purposes—refuses to understand it.

**Foreign Affairs: World Cup Cricket**

Ms JULIE BISHOP (2.46 p.m.)—My question is addressed to the Minister for Foreign Affairs. Would the minister update the House on Australia’s efforts to have World Cup cricket matches relocated away from Zimbabwe to another, safer location in Africa?

Mr DOWNER—I thank the honourable member for Curtin for her question. I recognise the interest she has shown all along in this issue. A lot of members on this side of the House have shared the view of the Prime Minister and me that it is quite undesirable for World Cup cricket matches to proceed in Zimbabwe. The Australian government have said on many occasions that we would prefer that the International Cricket Council move the six games which are scheduled to be played in Zimbabwe, by a number of teams, to a more appropriate venue. For our part, we do not want to see our great cricketers used as pawns by President Mugabe in a propaganda campaign, and I do not know that many cricketers—Australian and otherwise—want to be used in that way.

It is unfortunate that a part of the World Cup should be held in a country whose government has systematically undermined democracy, human rights and the rule of law. It would betray the cricketing ideal of fair play and hand, as I mentioned before, a propaganda victory to President Mugabe. Recently, our high commissioner in Harare, Jonathan Brown—who is an outstanding Australian diplomat—visited Bulawayo, which is where the Australian team is scheduled to play on 24 February against Zimbabwe. His report back from Bulawayo was disturbing. Amongst other concerns is a shortage of fuel. He said that queues for fuel, if I recall correctly, lasted for approximately two days. He made a very serious point, and that was that he had the expectation that there would be demonstrations in Bulawayo at the time of the Australia-Zimbabwe cricket game on 24 February. He had been told this by the opposition. They will obviously use this as an opportunity to highlight their plight. He went to the police, who said that they would control the demonstrations, but when the high commissioner asked whether the police would give an undertaking not to crack down excessively on the demonstrations, thereby creating a confrontation, the police would not give that undertaking.

Consistent with that point, yesterday riot police used unnecessary force at the High Court in Harare to disperse a crowd of opposition supporters, journalists and diplomats—including the American ambassador—at the so-called ‘treason trial’ of the MDC leader, Morgan Tsvangirai. Our travel advice for Zimbabwe was updated on 3 February, a couple of days ago, and it notes the likelihood of protest activity in the period surrounding the World Cup. It points out the heavy-handed police responses to past protests and that they had resulted in injury to protesters and innocent bystanders, and it advises Australians to avoid protests and large public gatherings. Around 400 tickets have been sold to Australians for the game in Bulawayo, so we have not only the team, the management and the like to be concerned about but also the Australian spectators.

Jonathan Brown, the high commissioner in Harare, has met with the Australian Cricket Board and the Australian team, and he has sat down with the Australian team and discussed this issue closely. He has also been in communication with the International Cricket Council and will maintain our communication with them. I note that yesterday the
England and Wales Cricket Board announced that it will formally request the International Cricket Council to move England’s Harare match to South Africa for safety and security reasons. I welcome that request by the England and Wales Cricket Board. It is, of course, ultimately a matter for the Australian Cricket Board and the International Cricket Council to decide what to do. We have always said that we would like the International Cricket Council to make a decision to move all matches from Zimbabwe so that no team would be penalised by boycotting a game there, the competition could continue to run in a fully competitive way but, at the same time, President Mugabe would not have the propaganda victory that he would otherwise have.

Iraq

Mr CREAN (2.51 p.m.)—My question is to the Prime Minister and it follows the answers he has been giving in relation to the HMAS Kanimbla. I ask the Prime Minister what he says to the mother of one of our troops on board the HMAS Kanimbla, who wrote to me—

Government members interjecting—

Mr CREAN—I do not think the members on the other side are interested in this, Mr Speaker.

Government members interjecting—

The SPEAKER—The member for McEwen and the member for Herbert! The Leader of the Opposition has the call.

Mr CREAN—Prime Minister, what do you say to the mother of one of our troops on board HMAS Kanimbla who wrote to me today, saying:

During September/October 2002, in the weeks prior to Alexander Downer making these statements to NZs High Commissioner ... HMAS Kanimbla was performing ‘beach landing’ exercises off Townsville with the troops from ‘Ross Island’, some of the same troops now on board on their way to the Gulf.

The mother goes on:

Following this exercise the crew of “Kanimbla” were on standby to go to the Gulf—

on stand-by, and this is in September and October—

it would appear not to replace one of the two ships “doing sanctions” but to carry Australian troops from Townsville’s ‘Ross Island’ base to Bush’s war on Iraq.

Prime Minister, if you can tell foreign diplomats, why can’t you also tell the parents of our armed forces the truth about the promises that you have made to George Bush and when you made them?

Mr HOWARD—I can only repeat what I have said earlier: no secret undertakings have been given to the President of the United States or to the British Prime Minister. I have made no secret of the willingness of this government—if, in the final analysis, it judges the circumstances to be right—to consider and to commit military forces to an operation. I have made no secret of that.

Regarding what the Leader of the Opposition has referred to—I do not know the full context of the person’s letter and I respect the anxiety of the parent of any service man or woman at the present time—I can only say, as I did to the service men and women when they left, how much the government supports them and how much I believe the overwhelming majority of Australians support them. I was perfectly candid with them. When they left, I said what they were going for as best I could at that time.

I do not know finally what will happen. I do know this: if something does happen, I would want them to be prepared.

Mr Crean—You would want to tell them the truth.

The SPEAKER—The Leader of the Opposition has asked his question.

Mr HOWARD—The cruellest thing that you can do to the armed forces of this country is to leave them in a position where they are put in danger without adequate preparation. That, at its heart, is one of the reasons why we have been involved in contingency planning. It beggars belief that a nation that is contemplating making a military commitment would do absolutely no preparation in advance of the decision to make that military commitment. It beggars belief that you would do that. Yet this, in a sense, is the construct of what the Leader of the Opposition is asking
I do not apologise for one second about the fact that we have put our armed forces in a position to do their duty magnificently if we ask them to do it. I will never make an apology for that. I have too much respect for them. I say to the mothers and fathers of service personnel that we will always ensure that, if they are put in a position of danger, they will have been given all the opportunities and so forth to be ready.

But, if the Leader of the Opposition is going down some trail of asking about contingency planning, let me save him the effort. Of course there has been contingency planning—and we disclosed it months ago—between the United States military and the Australian military. When I addressed CEDA in November and announced that the SAS would be coming home from Afghanistan, I said that the ADF was undertaking contingency arrangements against the possibility that they might be required. It has been out there on the public record. I have made no secret of that fact.

I am proud of the fact that we are getting our people ready in case they are needed. That is my duty to them and to the Australian people, and the Leader of the Opposition knows this. He cannot have it both ways. He cannot say that he wants to create the best circumstances for the men and women who defend this county if they go into battle yet deny them the opportunity to be trained, prepared and ready for that conflict should it come. That is what the Leader of the Opposition is asking this House to believe. I believe the House and the Australian people will totally reject him.

Mr Crean—I seek leave to table the letter, from which I have just quoted, from the mother of one of the troops on board HMAS Kanimbla.

Leave granted.

Mr Howard—On indulgence, out of respect for the lady concerned, I do not object to it being tabled. I just note that the names have been blacked out; I understand that.

The SPEAKER—That point was made by the Leader of the Opposition.

PRIME MINISTER
Censure Motion

Mr Crean (Hotham—Leader of the Opposition) (2.59 p.m.)—by leave—I move:

That this House censure the Prime Minister for:

(1) the Prime Minister’s breach of trust with the Australian people in not telling them the truth, that he has already committed Australian troops to a war against Iraq regardless of whether that action is authorised by the United Nations;

(2) the Prime Minister’s continuing deceit of the Australian people through his statements that he has not committed Australian troops to war against Iraq despite the leaked record of conversation between the Minister for Foreign Affairs and the New Zealand High Commissioner which shows that “Australia was not in a position, if the UN process broke down, to withdraw our ships and other presence from the Gulf”;

(3) the leaked record of conversation’s admission that the commitments made by the Prime Minister “could [not] be made publicly”; and

(4) the Prime Minister’s continuing failure to deal adequately with the real and immediate threat to Australia and Australians from terrorism in our region.

This censure motion goes yet again to the credibility of our Prime Minister—the credibility which is always at the forefront of his decision making. This is a Prime Minister who, on previous occasions, could not be
believed, but this is the gravest circumstance in which that credibility is being put to the test. He has committed young Australians to war. He has committed them by way of forward deployment, without the mandate of this parliament, the people or the United Nations. He has committed them to war and he has not told them that they will not be able to come out if the processes with the UN break down.

The reason this censure motion has to be moved today is the leaked document that was revealed last night on television news, because this involves a massive deceit of the Australian people by the Prime Minister and a massive deceit of our troops who are already being deployed to war. The leaked document shows that the government, without UN backing, has committed us to a war. It also shows that, once the troops are deployed—and we know from what the Prime Minister has said that there are some 2,000 who have been deployed—they will not be withdrawn. Thirdly, it shows that this is something that the government will not say publicly. That is the essence of the leaked document that we are talking about today.

Let me go to the leaked document. The Prime Minister would have you believe that this was a record of conversation only in relation to the Multinational Interception Force that Australia has been part of for some 10 years. The Prime Minister talked before about releasing all of the document, and I would urge his government to release all of this document to give us further context. Under the heading ‘Iraq’, the record says:

Mr Downer said that Australia would indeed prefer UN backing. However, and this was not a point that could be made publicly—

this is the minister speaking—

Australia was not in a position, if the UN process broke down, to withdraw our ships and other presence from the Gulf.

Prime Minister, there are two simple questions that you have to answer when you respond. If in fact you say that the foreign minister was only talking about the Multinational Interception Force—something that was on the public record—why couldn’t he say it publicly? If it is on the public record, why couldn’t he say it publicly? His answer to the New Zealand High Commissioner specifically says, ‘This is not something that we can say publicly.’

Secondly—and this is a terribly important point—the document itself does not just talk about the vessels that are up there as part of the Multinational Interception Force; it talks about ‘other presence’. Last night the foreign minister was asked by Kerry O’Brian on the 7.30 Report what that ‘other presence’ involved, and the foreign minister said that the document does not say ‘other presence’. He went out to the press conference—and he knows this: there is another document here, and I allege it is a doctored document. It is a corrected version of this record that the foreign minister knew he ultimately could not put out because the two would have been exposed; the two would have shown the inconsistency. So, in the end, he put out the draft. But the draft showed that he was talking about ‘other presence’. He said—this is what the foreign minister said last night—that there was no other presence up there except the two vessels.

That is not true. We know from the parliamentary record that our troops are up in the Gulf assisting with preparations for a war against Iraq. They are in Qatar and they are in Kuwait—and that is on the parliamentary record. They are not there as part of any Multinational Interception Force; they are there because of a commitment this government has given to, and forward planning it has made with, the United States.

When the foreign minister responds to the New Zealand High Commissioner and says
that he is talking about the vessels as well as our troops—our troops that are not there as part of the Multinational Interception Force—he says:

... Australia was not in a position, if the UN process broke down, to withdraw our ships and other presence from the Gulf.

In other words, the troops that have been forward deployed—the troops that are already there—cannot be withdrawn and will not be withdrawn. That is what the foreign minister told a foreign diplomat, but it is not what the Prime Minister will tell the Australian people. Honest John will say again, hand on heart, ‘I’ve made no commitment.’ But his foreign minister was out there babbling away to the High Commissioner from New Zealand, saying, ‘This can’t be said publicly, but we won’t be withdrawing the troops.’ This is significant.

In the other house today the defence minister confirmed that Minister Downer’s reference in this leaked document included other ADF personnel; it was not limited to the ships that the Prime Minister told us about today. The defence minister in the Senate today said that, other than the Multinational Interception Force, there are ADF personnel in the region, including naval support and headquarters element. This is in direct contradiction to what the Prime Minister will tell the Australian people. Honest John will say again, hand on heart, ‘I’ve made no commitment.’ But his foreign minister was out there babbling away to the High Commissioner from New Zealand, saying, ‘This can’t be said publicly, but we won’t be withdrawing the troops.’ This is significant.

The point that the foreign minister also makes is the sequence of timing. My charge, Prime Minister, is this: you have made the commitment to the US to back them in relation to a war in Iraq that does not have UN backing, but you have not told the Australian people—and this was known by the foreign minister when he had the conversation. Much has been made about the date 24 October that this memo relates to and the timing. The Prime Minister says that no deployment of troops had been made until he announced on 10 January that they were going to do some forward deployment. The mother of one of the troops on Kanimbla has just blown him out of the water in that regard. She says that the preparation for the deployment in relation to the Gulf and support for a war in the Gulf was taking place back in September and October. Why is that significant? It is significant because the foreign minister wants us to believe that, when he was talking to the High Commissioner from New Zealand, no such decision had been taken. They have been caught out, and the truth does come out when you have a Prime Minister who continues to deceive the Australian people about the true extent of his statements.

Let us go to the sequence of timing, because this is terribly important in the context of slotting in the 24 October discussion. On 13 June, in Washington, John Howard, the Prime Minister, had a meeting with President Bush and the issue of Iraq was discussed. For the next three months after that meeting, the Prime Minister is on the record as consistently saying that Australia would consider sending Australian troops to the Gulf but that such consideration would only be given when such a request was made by the United States. In all of those statements, from June through to September, no mention was made of going through the United Nations—none whatsoever. It was always: what will be the request of the United States? Indeed, when we on this side of the House were arguing that you had to go through the United Nations, we had you and your ministers accusing us of being appeasers of Saddam Hussein. Do you remember that, Prime Minister? That was your attitude back from June to September after your first meeting with President Bush.

This is why the ‘other presence’ reference in the leaked memo becomes so important: subsequent to that meeting in June, it is now on the public record that you were putting military people in place with the United
States to plan an attack on Iraq. The parliamentary record shows that 40 troops were sent to the forward command post of the US military at Camp Doha in Kuwait to help plan the Iraq attack. This is a camp under US control in which Australian planning and participation is occurring, and that is in agreement with the United States. These troops are working under the US command. How can you extricate them from that, Prime Minister, if you have already made the commitment to put them under it and the foreign minister says that they cannot be withdrawn? That is what his minute says. You have locked them in and if there is a war with Iraq, other than in circumstances in which the UN supports it, you will back it. In other words, you will go in with what the US says.

Those troops were not part of the Multinational Interception Force; they were engaged with planning an attack on Iraq. As I said earlier, they are the ‘other presence’ mentioned in the foreign minister’s memo, because they were already there. The leaked memo admits that, in the event of a war that does not have UN backing, they cannot be withdrawn. The government will not withdraw them. But the Prime Minister said, and still continues to say, differently in this parliament. He is saying one thing privately to foreign diplomats and the President of the United States, but he will not tell the Australian people that which he has told those people. He tells the truth to the foreign diplomats, but not to the Australian people.

September was then important in the sequence of events because of the road to Damascus conversion by the Prime Minister—the embracing of the UN position. Why? Because he worked out that George Bush was going along to the UN General Assembly to urge them to take a tough stance in relation to Iraq. George Bush said, ‘We’ve got to go through the UN,’ so the Prime Minister said, ‘How quickly are we in with you there, Mr President?’

Then he started talking the UN talk. He had a meeting with President Bush on 28 October, the day before the 29 October AUSMIN meeting—the ministerial meeting that included the foreign minister and the defence ministers. We know from reports in the Age on 22 November that, at one or both of those meetings, not only was our commitment to back the US without UN approval confirmed but detailed preparations for forward deployment were discussed. The 28 and 29 October commitment is interesting because the meeting that the foreign minister had with the New Zealand High Commissioner took place on 24 October. He was having the meeting with the New Zealanders four days before his AUSMIN meeting. So it is not true to say that they were not involved in any planning of Australia’s forward deployment.

He would have known exactly that when he was talking to the New Zealand High Commissioner. It had nothing to do with the Multinational Interception Force; it had everything to do with Australia’s detailed preparation and commitment to the United States. So I think it is very important to understand the timing sequence here. We have a foreign minister being specifically asked a question in relation to a mandate for action on Iraq. He was involved with discussions within less than a week on the detail of planning that action on Iraq and his answer was, ‘We can’t make it public. But, if we go in with the US because the UN breaks down, we won’t be withdrawing our commitment.’

So the charge that I am making is that the Prime Minister did lock in last year—and he locked in firmly around the time of 28 and 29 October. And that was firmly in the mind of the foreign minister when he had his discussion with the New Zealand High Commissioner. It is also interesting that at his CEDA speech on 20 November the Prime Minister said that he was withdrawing the SAS troops from Afghanistan and any commitment to Iraq would be of similar order. The newspaper headlines were, ‘SAS pulled out of Afghanistan; troops sent into Iraq’. We said at the time that this was the wrong priority. This happened just after the events in Bali and Australia’s priority should have been the utilisation and securing of our defence and security in the region.

Despite the fact that the Prime Minister ignored those suggestions, he did not just make a commitment to Iraq of similar dimension to what was in Afghanistan, he doubled
it. The size of our forward deployment in terms of Iraq is double what we have sent to Afghanistan. At what point did the statement the Prime Minister made in relation to his CEDA speech end up with a doubled commitment? When was the next conversation he had that extended that commitment? What we have is a Prime Minister and a government who have been involved in detailed discussions and have made a commitment to the US to go into Iraq regardless of what the UN does. But the Prime Minister will not tell the Australian people about it.

This is the Prime Minister who consistently deceives the Australian people when he says that no final decision has been taken. But the leaked memo blows the lie. The leaked memo says that the foreign minister specifically said, in answer to a question about a mandate for action in Iraq, that we would prefer the UN backing; however—and this is a point he could not say publicly—Australia was not in a position, if the UN process broke down, to withdraw our ships and other presence. This government has forward deployed. It has forward deployed our troops to a very large extent. It pretends that it has not made a commitment for them to go to war but in making that forward deployment—seen in the context of the minister’s admission—those troops will not be in a position to be withdrawn. If the US decides to go it alone, John Howard has locked Australia into going. Labor will not support that position, Prime Minister. We will support the UN but we will not support unilateral—(Time expired)

Mr HOWARD—so the name of another person is missing from the censure motion. This is not a motion censuring me. It is a censure of the New Zealand High Commissioner. I have in front of me the transcript of an interview this morning between Steve Price of radio station 2UE and the New Zealand High Commissioner. The compere, Steve Price, said to the New Zealand High Commissioner:

And did you get the impression, when the conversation turned to Iraq, that the minister was referring to already the resources we had in the Persian Gulf in the so-called ‘Multinational Interception Force’?

Kate Lackey said:

Yes, I did. That was very clear to me. Both Australia and New Zealand have contributed to the Multinational Interception Force.

This is very interesting. By joining New Zealand the Leader of the Opposition has blown his argument out of the water, because New Zealand’s position on this issue has been different from Australia’s. New Zealand has not been in favour of predeployment. If he claims that this has blown the foreign minister out of the water because it is not talking about the Multinational Interception Force, he is saying, in effect, that New Zealand is part of the forward deployment. He cannot have it both ways. He cannot say that the Multinational Interception Force is part of the forward deployment in relation to a possible war against Iraq but then acknowledge that New Zealand is part of that effort, as verified by the High Commissioner. He cannot have it both ways. New Zealand has made it very clear that she will not be involved in forward deployment in advance of a United Nations decision.

I notice that the frontbench of the Labor Party nods in agreement. You cannot have it both ways. You cannot approve of the fact that New Zealand is not part of the forward deployment but then allege that something that New Zealand is part of is part of a forward deployment. That is fundamentally what has been argued by the Leader of the Opposition.
Let us return to the central charge that has been made throughout all of this. The Leader of the Opposition says that I have misled and deceived the Australian people, that I have not been open and honest with the Australian people, that I have given a private commitment to the President of the United States and, perhaps by extension, to the Prime Minister of the United Kingdom that, come what may, no matter what the circumstances are, Australia will be there alongside the United States in military action against Iraq. I want to say to the House very calmly and very deliberately that that is not the case. The truth is that we have forward deployed forces. We have taken a diplomatic stance, and we have backed that diplomatic stance to a much greater extent than other countries, with the exception of the United Kingdom. The truth is that Australia and the United Kingdom, more than any other countries, have been supporting diplomatic pressure being put on Iraq through the United Nations process. The forward deployment that we have made is part of that process and part of that pressure.

I do not apologise; I do not qualify, I do not seek to place conditions in any way on that central reality. It remains the case that a final decision to commit to military operations has yet to be taken. One of the reasons it has yet to be taken is that the process in the United Nations has yet to work its way through. Indeed, no final executive decision has been taken by the United States. I constantly hear from leaders of the United States that no final executive decision has been taken. Certainly the United States has congressional authority—their constitutional processes are different than ours. There is nothing strange, unprecedented or unusual in a country deploying forces in advance of a final decision being taken. That was the case in 1998.

Just as we do not hear Tony Blair talked about much in this debate, we do not hear very much from the Labor Party about the circumstances of 1998. The reason we do not hear much about them is that in 1998 the Labor Party was led by somebody who understood this country’s international obligations. The Leader of the Labor Party at that time supported the forward deployment of 150 SAS and two 707 refuellers—a significantly greater contribution than Australia had made under Bob Hawke’s leadership in 1991. He explained the reason he supported it then. He said that it would bring pressure on Saddam Hussein, it would re-energise the United Nations and it would particularly re-energise Russia and France—he singled out two permanent members of the Security Council of the United Nations as countries that would be energised at that time. He understood the realities of what we were doing. He also understood that those troops, as I said at the time, were being deployed in advance of a final decision.

Clearly—and I have never denied this—by making a predeployment, by taking the stance we have, we have been a lot more up-front in support of this process than any country other than the United Kingdom. I do not deny that, and I have never denied that to the Australian people. I have made it plain for months that we are part of contingency planning. The Leader of the Opposition knows what that means: it means that you are getting troops ready in case they might be needed, it means that you are training them, it means that you are familiarising them with the circumstances in which they may be called into combat. That is the only right and decent thing to do. It is not about making a final political commitment.

There are many examples over past decades where troops have been forward deployed. Their use has been planned and then at the last minute, because of changed political and diplomatic circumstances, they have not been used. Thankfully, that happened in 1998. We sent our SAS to the Gulf in 1998 fully expecting them to be involved in dangerous search and rescue activity. We thought that was going to happen. We took that decision in the full knowledge that that could happen, believing that we had the legal authority to do so and knowing at the time that we had the bipartisan support of the Australian Labor Party. Thankfully, at that
time they were not needed and they were brought home. But the circumstances were almost exactly analogous: no specific United Nations resolution and a forward deployment against the possibility that they might be needed. In the end they were not needed and they were brought home. That is what we are doing. We are getting ready, so that if we do decide in the end to commit those forces they will be able to play a very constructive role.

I would have thought that the Labor Party would have agreed with us, as they did in 1998, but they did not. But, even if they do not agree with us, as they did in 1998, surely they would agree with the concept, in the appropriate circumstances, of predeploying troops against the possibility that they will be needed, even if they do not agree with the circumstances on this occasion.

The Leader of the Opposition’s constant charge is that I have privately given a promise to the President of the United States. That is not the case, and it is not demonstrated by anything on the public record. The fragile basis of what the Leader of the Opposition has alleged in this censure motion is destroyed by no other authoritative source than somebody who was there. I know the Leader of the Opposition has great powers of perception. I know he has understandings of the deep meaning of things that I say and members of the front bench say. I have to remind him of one thing: he was not there. But two people were there. There was my honourable friend from Mayo, the Minister for Foreign Affairs, and there was the New Zealand High Commissioner. Both of them together have said that they were talking about the Multinational Interception Force which, by courtesy of the member for Brand, we are reminded was there not for containment purposes but for enforcing of sanction purposes—in other words, under the 1991 resolution.

Yet, despite that evidence—despite the fact that he was the man who wasn’t there—the Leader of the Opposition knows, of course, that we were really talking about the upcoming war against Iraq and that we were not talking about the Multinational Interception Force.

Mr Crean interjecting—
nity of nations, out of fear for the short-term consequences of something, walking away from difficult decisions and difficult issues, only in the end to be required to confront those same issues and those same difficulties at an infinitely greater price and with infinitely greater consequences.

I am constrained by the office I hold to take those considerations into account. I cannot play fast and loose with the cheap jibe; I cannot play fast and loose, as the Leader of the Opposition has done. I cannot afford to respond to every last opinion poll on this. I have a responsibility. I believe that what I have done is right. I believe that what this government is doing is right. I believe that it is in the interests of the world to ensure that Saddam Hussein is disarmed. I believe it is overwhelmingly to be desired that that be done by the Security Council of the United Nations. I have ensured, by the actions I have taken, that I have put the men and women of the Australian Defence Force in the best position to do, in a professional and effective and safe way, what they may be asked to do if in the final analysis the Australian government commits military forces to conflict. I make no apology for anything I have done. I believe I have served the interests of Australia by what I have done over the past few months.

Mr RUDD (Griffith) (3.36 p.m.)—One of the most appalling spectacles in this parliament is when we see John Winston Howard masquerading as Winston Spencer Churchill. What we have had today is the most appalling example of a polemic from the most poll driven Prime Minister in the history of this federation. The reason, Prime Minister, the people of Australia are sceptical about your policies is that they think they are arrogant and wrong. The reason the people of Australia support our policy on Iraq is that they believe our policy to be correct.

For me and for others in this House and this country, the straw that broke the camel’s back in this nation’s debate on Iraq was the Prime Minister’s announcement of 10 January on the forward deployment of the ADF personnel to the Gulf for possible war with Iraq. He did so without consulting his party, he did so without consulting the parliament and he did so without consulting the people, from whom he had no mandate on this matter. His party—some publicly, some privately, many in this chamber today—have been appalled by the arrogance of that decision. The parliament is outraged by the decision because his previous commitment was to consult the parliament before dispatching our armed forces for war—that is what it is intended for. The people are outraged by the arrogance of his decision to place 2,000 of our men and women in uniform in harm’s way, because they have been sent there in the absence of a UN Security Council mandate.

In America, when these decisions are taken, some basic civilities apply. The basic civility is this: when a decision of this gravity and magnitude is taken, the President of the United States consults with the leaders of the Congress—Democrat and Republican, House and Senate. No such civility has been observed here. If I am right, the Leader of the Opposition was not consulted on this matter; the shadow minister for defence was contactable but was not consulted on this matter; I was in the country but was not consulted on this matter. How did we, the opposition, find out about this grave decision? We saw it on the six o’clock news. That is how we found out about this matter. This is a Prime Minister who says he still seeks bipartisanship on Iraq. Prime Minister, the people of this country have some basic questions for you on this: why have you decided to forward deploy; why did you choose once again to ignore the absence of a UN Security Council mandate; and why have you chosen for us to be one of three countries of the 191 countries of the United Nations to forward deploy defence forces to the Gulf?

The answers given by the government are interesting indeed. The first answer that the government gives is that this adds to the military and diplomatic leverage on the government of Saddam Hussein to comply with UN Security Council resolutions. I would simply say that, when it comes to Saddam Hussein confronting 150,000 US troops, four carrier battle groups and 28,000 British troops, is the addition of 2,000 Australian troops going to matter one jot or tittle from his perspective? That argument falls apart.
because of its inherent numerical ridiculousness. To the second argument advanced, that these troops have to be put into the field now so that they are acclimatised and trained against the possibility of future action, I would simply say that it seems to underline the assumption that these are forces to be used in an initial assault on Iraq if and when the command to go into war is taken. Why need that be the case for the Australian ADF complement? Why is it that this Prime Minister assumes that we have to be in an initial invasion phase? This of itself makes no inherent sense in terms of the argument being advanced by the government.

These arguments obscure the fundamental reasons for the forward deployment: namely, a commitment at the political level has been made some months ago—perhaps at the AUSMIN meeting at the end of last year, which Minister Downer, who is at the table, attended—that Australia would be a member of the coalition of the willing, so-called, with or without a UN Security Council mandate. If you want some external evidence of this, look to US Deputy Secretary of Defense Wolfowitz. He refers to a coalition of 12 nations which would support the United States with or without a Security Council mandate. Minister Downer, are you sitting at the table and telling us that Australia is not listed now as one of those 12 in the document and the statements being put about the international community by deputy secretary Wolfowitz? I think not. No-one believes that is the case—no-one in this chamber, no-one in the Australian community.

The Australian people would like some straight talking from the Prime Minister on this issue. The Prime Minister needs to say plainly and simply—in language which average Australians, the people of this country, can understand—precisely what his intentions are for the use of this force that has been deployed to the Gulf. The Australian people would prefer a simple explanation in simple English. What is wrong with simply telling the truth on this matter, or has the truth become a permanent casualty of this government, particularly in the conduct of its foreign policy, the truth itself has become a foreign country. The Prime Minister, as on many of these things, is trying to walk both sides of the street, saying publicly to the Australian people that he has made no decision on the use of our forces for war in Iraq without a UN mandate, while knowing privately that he has already made this decision.

Why do I say this? I cannot know the Prime Minister’s mind. I say it because the Prime Minister knows that in terms of alliance management with the United States, once you forward deploy forces to a potential theatre of war, it becomes effectively impossible to withdraw them. This is the real world of international politics and, in particular, international strategic politics. Is there a person in this parliament, in the gallery or in the nation today who believes the proposition that if and when the President of the United States picks up the telephone in the period ahead and says to the Prime Minister, ‘We’re going in tomorrow, John,’ that he will under any circumstances say no? Is it faintly credible? No-one in the country believes that proposition, yet day in, day out we have a Prime Minister who parades around the country as if this decision still weighs heavily on his mind, when we know in his heart the decision is already taken.

But if there were any doubt whatsoever on this, who has come to the rescue to allay our doubts on this? None other than Twinkletoes, the foreign minister, who sits opposite at the moment. There is Alexander sitting down having tea and crumpets with the New Zealand High Commissioner, having a chat about a few things. In fact, he had a chat about several things.

Mr Downer—Grow up!

Mr Rudd—I would be mindful of pots and kettles if I were you, Minister. They were having a chat about a few things. One of those things was the future of the MIF; the Multinational Interception Force; another was the likely shape of a war; and a third was the interrelationship between those propositions. Today’s statement by the PM in question time is extraordinary—as already indicated by the Leader of the Opposition. He said in response to a question from the
Leader of the Opposition that the foreign minister’s remarks did not occur in the context of a conversation with the New Zealand High Commissioner about a war with Iraq. Let me again, for the record, read what the foreign minister’s own record of conversation has to say. What is line 1? Line 1 is that Mrs Lackey, the New Zealand High Commissioner, asked if Australia would prefer a UN mandate for action in Iraq. Was it a UN mandate for dialogue with Iraq? Was it a UN mandate for negotiation with Iraq? Was it a UN mandate for tennis and bridge with Iraq? No, it was none of these things; it was for action with Iraq. That of itself torpedoes fundamentally the argument put in a fit of sophistry we saw from the Prime Minister earlier today in question time.

However, the government’s problems do not stop there. Last night, the foreign minister resorted to his own self-defence. Who saw the foreign minister last night on television? I saw the foreign minister on the 7.30 Report, where we heard the term ‘autobabble’. By Lateline at 10.30, it had become, I think, ‘psychobabble’. By the Today program this morning, it had become, I think, an episode of ‘Alexander Dreaming’. It reminded me very much of those shots of Alexander back there in the dream time in 1995.

Let us go to the core of what the minister had to say in his defence. Forget about the fact that, in his attempt to defend, there were two versions of his document. Forget about the fact that he told Kerry O’Brien that the record of conversation made no reference to a military presence beyond the naval presence, even though the document says quite clearly that is not the case. Let us focus on one of the cornerstones of the minister’s defence. He made explicit reference to an article by Kim Beazley, the former Leader of the Opposition, published in the Australian on 8 August 2002, on what would happen to the MIF in the event of a war with Iraq and that his own view on this was no more remarkable than what Kim Beazley had had to say. Let us see what Kim Beazley had to say. It is most instructive. Kim Beazley, the former Leader of the Opposition, said this:

The RAN—
the Royal Australian Navy—

presence does render somewhat academic the question of Australian involvement in any more extensive military campaign against Iraq. After all, it would be difficult for Australia to withdraw from the naval activities as more allied ships moved into the Gulf as part of a wider war.

There you have the private views of Kim Beazley, backbencher, that the Multinational Interception Force would be rolled over into a war fighting role in the event of a war in the Gulf. These are the remarks that last night on television you owned yourself, out of your own mouth—that the MIF would be rolled over into a war fighting function in the absence of any UN sanctioned war. Let me return to the record of the text of the Downer conversation:

The MIF could not be withdrawn from the Gulf in the absence of a UN Security Council mandated war on Iraq and this should not be told to the Australian people.

To this we add the unfortunate detail of the Prime Minister’s farewell to the Kanimbla. In farewelling the people on the Kanimbla, he did not just farewell them to a possible war with Iraq. What else did he farewell the Kanimbla for? He farewelled the Kanimbla as they went on their path to join what force in the Gulf? The MIF—the Multinational Interception Force. This is a force which you, by virtue of identifying yourself with remarks in the Australian on 8 August, have said would be rolled over into a war fighting function and furthermore that, having been rolled over into a war fighting function, they would remain on station in the Gulf in the absence of a UN Security Council resolution. Didn’t your minders sort that one out for you first?

The SPEAKER—The member for Griffith will address his remarks through the chair.

Mr RUDD—Didn’t the most honourable the foreign minister resolve that matter with his advisers prior to him going on television for his exquisite performance last night? I would say the minister has hanged himself through his own remarks last night. If that is not so—

Mr Downer interjecting—

Mr RUDD—Minister, I went to a state school. I apologise. Minister, there is a very
simple test alive in all this. The proposition you owned last night was that the MIF would be rolled over into a war fighting function and that the naval units which are part of the MIF would remain in the Gulf in the absence of a UN Security Council mandate. You can scotch this theory right here and now by telling us that in any future war against Iraq the naval units attached to the MIF will not be used. Just tell us that. Provide us with that assurance right now. Minister, it would be very helpful if you provided us with that assurance. If not, we can only assume that this remains not just a proposal that is alive and well but a proposal made and a decision already privately taken. The PM’s argument runs aground on this and many other issues.

Also, the Prime Minister advanced a canard of an argument before when he said, in reference to the New Zealand participation in the MIF, ‘Oh, here is the killer line. The New Zealanders are in the MIF. They won’t go into a forward deployment in the Gulf in a war fighting situation because they are opposed to it.’ Well, Minister and Prime Minister, I know we are not Rhodes scholars over here, but let me just say this. It is possible that the government of New Zealand—

Opposition members interjecting—

Mr Rudd—My apologies to those who are. It is just possible that the government of New Zealand could issue instructions to its components of the MIF and the Australian government issue different instructions, a decision which you have already made. This and so many other factors leave your arguments on this matter and those of the Prime Minister lying in tatters. There is so much evidence of earlier decisions taken—planning decisions taken, troops on alert, the fit-out of the Kanimbla, the Kanimbla on exercise.

Colleagues, I conclude on this point. There was a moving letter written by a mother, I believe, of a service person aboard the Kanimbla, alerting those of us in the opposition to what this vessel was doing prior to this deployment. There was an interjection by the minister for territories saying that that letter is in effect a fraud. I call upon that minister—

Honourable members interjecting—

Mr Rudd—he made an interjection across the table. He referred to it as ‘Like Chris from Waramanga’, effectively saying that from their perspective that is a fraud. I challenge him to come in and apologise to that family and apologise to the House. Your argument lies in tatters. (Time expired)

Mr Downer (Mayo—Minister for Foreign Affairs) (3.51 p.m.)—As the Prime Minister has made clear, the government obviously rejects this motion of censure, coming from an opposition which has no idea what it believes on some of the great issues that the world is now confronted with. I noted a couple of things yesterday listening to the Leader of the Opposition’s speech, which I notice has been fairly universally attacked for its weakness and lack of direction—and appropriately so. I noticed a couple of things that were missing from that speech.

One of them was a very notable omission of any reference to the British Prime Minister, Tony Blair. I have noticed constant references in doorstops, in press conferences and in speeches to Bush or George Bush or whatever and how somehow the Australian government pays total deference to President Bush. But I have never noticed any reference to Tony Blair, the leader of the British Labour Party. I must say that I find that absence of reference to Tony Blair particularly noticeable and particularly relevant and informative if one reflects on what the implications of that could be.

The second thing I have noticed is that in the Leader of the Opposition’s speech yesterday, as there was today, there was the usual fusillade of denunciation and personal abuse of the government. We have put up with that for six and three-quarter years and I suppose we will have to put up with it for another six and three-quarter years. But that is not really the point. As we always say privately amongst ourselves, it comes with the territory in Australian politics and we live with it.

But I have noticed how little time the Leader of the Opposition devotes to criticism of Saddam Hussein, to drawing attention to Saddam Hussein’s human rights record and to Saddam Hussein’s weapons of mass destruction capability—which the opposition says he has, and the opposition is right: he
does have that capability. I must say I would have thought that the great issue that the world faces today, and in most countries most major political parties, regardless of their complexion—centre left, centre right or even a bit on the fringes—recognise this, is: what are we going to do about Saddam Hussein, a man who, I would put it to the House, has the most egregious human rights record on earth and who has chemical and biological weapons capabilities and the potential to develop a nuclear weapons capability? He has tried to do so in the past.

For me, not just as the foreign minister but as an Australian and as part of the global community, that is the most profound issue that we all face today. None of us wants war. I have never met anyone who wants war. The Australians sitting in the gallery here today do not want war. Nobody wants war; nobody in this House wants war. But on the other hand we are faced with an extraordinarily unpalatable and difficult dilemma. How are we, the international community, going to get Saddam Hussein to abide by international law, to comply with United Nations Security Council resolutions and to get rid of his weapons of mass destruction capability—to get rid of his chemical and biological weapons and his incipient nuclear weapons program? How are we going to do that?

That argument boils down to essentially three options. I do not know what the opposition thinks because they just talk about what terrible people the Prime Minister and the defence minister and I and my excellent colleagues are. I very seldom hear the opposition say very much about Saddam Hussein or what they think should be done. But I think all right—thinking people believe: and Australians, I know, massively believe this—that if the weapons inspectors, following United Nations resolutions, can get the full cooperation of Saddam Hussein and succeed in getting him to disarm then that will be a great outcome; that will be an outcome for peace, and that is what we want. That is the optimal outcome.

What happens if he does not do it? What are we going to do if the Security Council’s resolutions continue to be flouted—not, as the Leader of the Opposition said yesterday, flaunted, but flouted? What are we going to do in those circumstances? There are options. Neither of those options are good options. Both of them are bad options. When you have an argument about this, you must concede that both options are bad options.

One option without any doubt is that you could pass a new resolution through the United Nations Security Council reinforcing—strengthening—the authority of the United Nations Security Council for a coalition of nations to take action against Saddam Hussein and to force upon him disarmament. I do not pretend that that would be an easy option or an attractive option. But the alternative would be to do nothing, and I do think we should reflect on that—the alternative would be for the international community to walk away and do nothing.

I have to say that, no matter how much the Prime Minister and I and others on this side of the House or Tony Blair or President Bush or Jack Straw or Colin Powell or whoever it may be are berated and abused on this issue, we cannot, as the Prime Minister said, and we will not walk away from our responsibilities to get the right outcome to this terrible problem.

The Labor Party claims, and I know has claimed on many occasions, that this is a government completely driven by opinion polls. We had the opposition spokesman on foreign affairs, the garrulous member for Griffith, claiming today that we are a poll driven government, particularly on foreign affairs. I am afraid your polls do not necessarily give us a great deal of comfort on this issue. It is a difficult issue. It is a very difficult issue with the community, and the community is right: they do not want war; no-one wants war. These are difficult choices that we and the international community are faced with. None of them are attractive. I can absolutely assure the House it is not good food for polling, and I think sensitive members know that only too well.

These are the issues which we are confronted with. Today—and I find it very curious, and I think the opposition is completely wrong to pursue these tactics—we just have a fusillade of abuse, of verballing of the New Zealand High Commissioner and me over a
meeting we had back on 24 October and of endeavours to rewrite history, put words in people’s mouths and get into a frantic, abusive debate. It is my view that the public do not thank the opposition for that. I do not think it is impressive and I do not think that for most people it is the slightest bit interesting. They want to know what the opposition would do to disarm Saddam Hussein. They want to know what the government would do to do that—that is their priority. Now there has been a forward deployment.

In all the time I have dealt with him—and, I can tell you, 18 years is a long time, although, Mr Speaker, you have dealt with him longer than I have—the Prime Minister and I, admittedly, pretty much agreed on most things. There would not be many things in those years we have disagreed on.

Ms Gillard—Leadership?

Mr DOWNER—There have obviously been moments.

Mr Martin Ferguson—She’s got you on that one.

Mr DOWNER—that’s right—there have obviously been moments of disagreement. What I have always found with the now Prime Minister, the member for Bennelong, is that he is scrupulously honest. Endeavours by the Labor Party to portray him as dishonest and dishonourable will always fail with the Australian public. Bob Hawke used to say that you should not underestimate the intelligence of the Australian people. The Australian people know only too well an honest man when they see one, and that is one sitting right there: the Prime Minister of Australia. We are proud to have in this country a Prime Minister so well regarded around the world and so honest.

He has come forward on this question of forward deployment not pretending that it is popular—it is not. It is not poll driven; it is not popular. But he has come forward and announced the forward deployments in order to make a contribution to strengthening international pressure on Saddam Hussein to comply with Security Council resolutions and to let the inspectors do their job. Kofi Annan, the Secretary-General of the United Nations—presumably not a man poorly regarded by the opposition—has said that forward deployment has led to the re-entry of weapons inspectors. Saddam Hussein is a dictator. You cannot deal with dictators softly and easily. A cup of tea is not going to solve the problems with Saddam Hussein. There is no doubt that if it had not been for the forward deployment forces, obviously particularly by the United States but also by Britain and Australia, then Saddam Hussein would never have allowed the weapons inspectors back in—it would never have happened.

The Labor Party says that there should never have been a forward deployment. The Labor Party is wrong. If there had been no forward deployment, there would have been no weapons inspectors back on the ground and the chances for peace would have been less, not more. Never forget that. Should Australia participate in this? The Labor Party is quite right in saying that there should be as broad based a coalition as possible in order to place pressure on Saddam Hussein. How do we contribute to as broad based a coalition as possible by turning around and saying that we ourselves will scurry away and do nothing to try to help this great global problem? What sort of Australia would that be? How contrary to our instincts, how contrary to the traditions of this great country, for us to walk away and say, ‘Leave it to others to do the job.’ No, that is not our way, and that is not what we will do. I know that if the worst comes to the worst—and I pray that it will not—then many other countries will be involved. These are the issues at heart.

Let me conclude by coming back to the conversation I had with the new New Zealand High Commissioner. She must wonder what has hit her. She has only just started here and—whack—the Labor Party is on TV verballing her, I am afraid. So let me stick up for the New Zealand High Commissioner. She and I had a very good conversation on 24 October. This was not a conversation about forward deployments by the Australian Defence Force—how could it be? This was 24 October; we made no decision until 10 January. Nor does the record suggest it was a conversation about forward deployments. There is nothing at all about forward deployments in the record of the conversation. I
have been on television, on radio, in newspapers and so on to say that this was a conversation about the Multinational Interception Force. That is what this conversation was about—at least this relevant part. That is all we talked about in that context. We had a long discussion about many other things.

The Labor Party says that is definitely not true. As the Prime Minister says, who from the Labor Party was actually there during the conversation? Was anyone there? Does the Labor Party bug my office? I suspect not. I know it is a bit of paranoia for the Left to think that the Right are bugging them, but I do not actually think the Left are bugging my office. You have absolutely no idea what happened at the meeting except for what is in this document, which is not a transcript of a discussion but a summary record of a conversation. The New Zealand High Commissioner has said:

When we discussed the difficulties if the UN process broke down, at no time did I conclude from my discussion with the foreign minister that Mr Downer was talking about anything other than the Australian contribution to the Multinational Interception Force in the Gulf.

Where was the New Zealand High Commissioner on that famous afternoon of 24 October? She was in my office; she was actually there. Is the Labor Party seriously suggesting that she would not tell the truth? I think you on the back bench would not be suggesting that. Of course the New Zealand High Commissioner is telling the truth. I would have thought that was, frankly, an open and shut case. I note, by the way, in conclusion, that although the Prime Minister was neither at the meeting nor listening in from some other room he was asked a whole lot of questions in question time about this meeting. I was at the meeting. I am very happy to answer any questions you might have about this issue, should you ever wish to know any truth about it rather than just play cheapskate politics. (Time expired)

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

The House divided. [4.11 p.m.]
(The Speaker—Mr Neil Andrew)
Mr Howard—I ask that further questions be placed on the Notice Paper.

QUESTIONS TO THE SPEAKER

Questions on Notice

Mr MURPHY (4.17 p.m.)—Mr Speaker, I am seeking your help under standing order 150. I draw your attention to the fact that question on notice No. 43 to the Treasurer has been on the Notice Paper for 12 months. It is about what percentage of income tax—

The SPEAKER—The member for Lowe needs to indicate which other questions have not been responded to.

Mr MURPHY—It is about the income tax that barristers and solicitors are not paying. Question No. 43 to the Treasurer is the first one. Mr Speaker, I know you have followed that up a number of times, but I want you to try again. I further draw your attention to question Nos 36, 37 and 42 to the Treasurer. I also draw your attention to the following questions to the Treasurer: on 27 May, question No. 396; on 19 August 2000, question Nos 669 and 670; on 20 August, question No. 785; on 26 August 2002, question Nos 853, 854 and 856. I draw your attention to the following questions: on 28 August, question No. 876 to the Prime Minister and question No. 878 to the Treasurer; on 14 October, question Nos 977 and 979 to the Minister for Transport and Regional Services; on 16 October 2002, question No. 1003 to the Treasurer; on 14 November 2002, question No. 1127 to the Minister for Transport and Regional Services and question No. 1137 to the Minister assisting the Minister for Defence; on 2 December, question No. 1147 to the Treasurer; and, on 3 December, question No. 1171 to the Minister for Revenue and Assistant Treasurer. I put that on because the Treasurer did not answer question No. 43. It is a replica of the question about what percentage of barristers and solicitors pay the top marginal rate of tax. They do not pay much tax, I promise you, and I am worried about that.

I further draw your attention to the following questions on 4 December 2000: question No. 1194 to the Treasurer; question No. 1195 to the Minister representing the Minister for Revenue and Assistant Treasurer; and, finally, question No. 1203 to the Minister representing the Minister for Revenue and Assistant Treasurer. Please crack the whip and round up those recalcitrant ministers and the Prime Minister.

The SPEAKER—If it will assist the member for Lowe, I will speak to the Government Whip but, as is my responsibility, I will take up those issues as standing order 150 provides.

AUDITOR-GENERAL’S REPORTS

Reports Nos 23 to 27 of 2002-03

The SPEAKER—I present the Auditor-General’s audit reports Nos 23 to 27 of 2002-03 entitled No. 23—Protective security audit—Physical security arrangements in Commonwealth agencies; No. 24—Performance audit—Energy efficiency in Commonwealth operations—Follow up audit; No. 25—Financial statement audit—Audits of the financial statements of Commonwealth entities for the period ended 30 June 2002 Summary of results; No. 26—Performance audit—Aviation security in Australia—Department of Transport and Regional Serv-
ices; and No. 27—Performance audit—Management of Commonwealth guarantees, warranties, indemnities and letters of comfort.

Ordered that the reports be printed.

MATTERS OF PUBLIC IMPORTANCE

Children: Services

The SPEAKER—I have received letters from the honourable member for Gellibrand and the honourable member for New England proposing that definite matters of public importance be submitted to the House for discussion today. As required by standing order 107, I have selected the matter which, in my opinion, is the most urgent and important; that is, that proposed by the honourable member for Gellibrand, namely:

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

Mr ABBOTT (Warringah—Leader of the House) (4.21 p.m.)—I move:

That the business of the day be called on.

Question agreed to.

MINISTERIAL STATEMENTS

Iraq

Mr DANBY (Melbourne Ports) (4.22 p.m.)—Prior to question time, I was saying that the Labor Party have historically taken the issue of disarmament very seriously. In April 1984, a special investigatory mission to Iran found that chemical weapons had been used in the Iran-Iraq war. A number of governments, led by Australia, placed licensing requirements on the export of chemicals used in the manufacturing of chemical weapons. When certain companies, mainly in Europe, made attempts to circumvent these new procedures, Australia proposed that export licensing measures be harmonised. Accordingly, we saw the first meeting of the Australia Group take place in Brussels in 1985. After the formation of the Australia Group, the former foreign minister Gareth Evans led the organisation of the chemical weapons regional initiative in June 1988. Most importantly, particularly for those merchants of death in the chemical weapons trade—whom I am going to return to in a couple of minutes—the Labor government furthered their commitment to abolishing all chemical weapons when they convened the Canberra Government-Industry Conference Against Chemical Weapons. This conference was attended by representatives from 66 countries and the world chemical industry. To quote former foreign minister Gareth Evans:

The achievement of that Conference was to produce the first collective statement by the world’s industry of its commitment to assist governments in bringing about a total ban on chemical weapons through [the CWC]—that is, the chemical weapons convention. The Labor government played a leading role in the finalisation of the chemical weapons convention in 1992 through the United Nations. That convention was passed in 1993, and country after country committed to it. This is largely the background to the crisis that we now face with Iraq. The world tried to address the proliferation of chemical warfare by cooperation. Australia played an important role in opposing chemical and biological proliferation in Iraq in those days. Unfortunately, we are back to the situation where one of the countries that led to this whole international concern and action by the Labor government in the 1980s appears to still be in violation of those UN Security Council conventions—and certainly in contravention of the chemical weapons convention. As I said, the chemical weapons convention was passed in 1993. Australia was one of the first countries to sign the convention, on 13 January. We were the sixth country to ratify it, in May 1994, and it entered into force for Australia on 29 April 1997, after sufficient countries had ratified it.

The opposition have been serious about disarmament for a long time. In this current situation, we prefer the diplomatic route. We believe that it is preferable that international fora establish a stable world. As the member for Brand explained, we believe that engagement with Asia is very important in establishing stability, particularly with this current crisis. The member for Brand argued—very persuasively, I believe—that the Prime Minister and the foreign minister should have done much more to go around our region before Australia took this attitude of military deployment. Anyone who saw the Indonesian
The Howard government has spent years criticising world bodies, almost totally withdrawing from the ILO, despite the fact that we had been elected onto the governing body of the ILO nearly continuously since the body was founded after World War I. The government has cut funding for Asian languages in schools, all because—as I am sure all members would disagree!—Asian languages are not that important. This is what the government thinks. Here we have Australia involved in an international situation, without proper consultation and involvement with our region.

While we are considering the issue of weapons of mass destruction, there is apparently a belief in the general community that the Americans provided these weapons to the Iraqis. Any evaluation of the historical record would show that the then Soviet Union overwhelmingly armed Iraq. The US, very inadvisely, provided some satellite photography at the height of the Iran-Iraq war in the late 1980s, but it was European countries, particularly Germany, which supplied significant amounts of chemical weapons, precursors and dual-use agents. This is particularly the issue I want to focus on and conclude with—because I believe that the irresponsible activities of European and German companies, in particular over the last 20 years, are largely responsible for the situation we face with Iraq. They can change their names from Thyssen Krupp and I.G. Farben to the names that they have now, but they are still up to the same activities that they were in the 1930s. They are still the merchants of death, as far as I am concerned.

The 7 December 2002 report on Iraq to the UN Security Council shows that German firms made up the bulk of the suppliers of Iraq’s weapons of mass destruction. In 1991, let us remember, Iraq fired dozens of missiles at Kuwait, Saudi Arabia and Israel and threatened to arm the missiles with poison gas and biological warheads. Most of the content of those warheads was made in Germany, and the rockets were made with the aid of German engineers and technology. Over the years, well over half of the precursor materials—according to the UN report, which people should read—and a majority of the tools and know-how for the material’s conversion into weapons were sold to Iraq by German firms, both prior to and, most significantly, after the 1991 Gulf War. August Hanning, the head of the German Security Service, the BND, recently told Welt am Sonntag newspaper that Iraq was developing a new class of chemical weapons. He reiterated his alert on Iraq’s missile programs and said that several German companies were continuing to deliver to Baghdad components needed for the production of poison gas.

The list in Iraq’s 1998-current chemical weapons declaration contains 31 major suppliers, 14 from Germany. The 1996 current nuclear suppliers list has 62 company names on it, 33 from Germany. So it is a very regrettable role that European firms have played in developing this terrible problem that the world now faces with Iraq and what we should do about it.

I appreciate that we have honest differences of opinion in this parliament on all sides of this House on the measures that should be taken towards Iraq—whether we should support military action against them or not. Midway through last year, the government made a serious mistake after accusing the opposition of appeasement on this issue. That partly explains the reason why there is a serious division in public opinion. It turns out that the policy that the Labor Party suggested in April is the policy that is being supported by Mr Blair through international fora. It appears that this has finally been adopted by the American government. It is a policy that we have been pushing since April. The government is lucky, in my view, that it still has a majority of Australians who support action against Iraq if there is a UN mandate, given the fact that it tried to be so divisive about it in the beginning. At the end of the day, the opposition argues that the grave issues of human rights and disarmament in Iraq, which I have dealt with earlier in my remarks, must be weighed against the very serious issue of military action against a sovereign state—even a sovereign state as repugnant as the Baathist regime in Iraq.
Australia’s involvement in military action with Iraq is therefore a great dilemma, especially as we have Australian service people involved. But it is good to see that the government finally is adopting the policy that the opposition has held since 2002, and that is that there should be two Security Council resolutions, that the matter ought to have UN authorisation before it is taken further and that we ought to give the weapons inspectors and all of the processes all the time that is needed before we eventually form our view and decide what should happen.

We will all listen with interest to Secretary of State, Colin Powell—who, within the US administration, has played a sensible role in this discussion—when he makes his remarks late tonight, Australian time. We will also look with interest to see, very importantly, the second report of Dr Blix. I must say that many observers were surprised at the strength of the first report. The second report is due on 14 February and will, I think, inform a lot of reasonable-minded people about the seriousness of this situation. The policy of the opposition is that there should be no military action taken to disarm Iraq without UN authority. The government should support a decision of the Security Council to enforce resolution 1441, because we do take the issue of the disarmament of this particular regime very seriously, but we do not believe that there should be unilateral action against Iraq.

Mr Anthony (Richmond—Minister for Children and Youth Affairs) (4.33 p.m.)—I have been a member of this parliament since 1996, and there have certainly been few issues that have attracted as much correspondence and media comments in my electorate of Richmond as has the situation in Iraq. Other debates—on euthanasia, the republic, the new taxation system and stem cells—have generated more discussion, but there certainly is an enormous amount of community inquiry and angst on this issue.

The views presented to me by my constituents range widely from zero involvement, regardless of any ruling by the United Nations, to 100 per cent support for any independent action taken by our allies. However, the large majority of constituents stated that, if sanctioned by the United Nations, they would support military action against Saddam Hussein. This was underlined to me in a meeting I had with representatives of the Put War Last Movement last Friday. The delegation, headed by Mr John Weiley of Broken Head, was appointed following a public meeting in Byron Bay on Australia Day and included Mr Gareth Smith, Ms Cathy Henkel, her daughter Sam Henkel, Dr Jane Barker, Ms Kate Williams and Professor James Rankin. The delegation advised that, in its opinion, participation by Australia and its armed forces should only be with the endorsement, through a resolution, of the United Nations and as part of a multinational force; and, as a consequence, that Australia and its armed forces should not be involved in armed conflict by US forces not sanctioned and endorsed by the United Nations. I appreciate the time these people took to make me aware of their views and I undertook to present the opinions expressed by the delegation to the parliament.

However, we are fortunate that here in Australia everyone has the right to express an opinion. Unfortunately, those in Iraq do not have the same luxury. A recent cartoon summed up the difference between the Howard-Anderson government and that of Saddam Hussein, in drawing the gates of the Lodge and the gates of Hussein’s palace. Outside the Lodge here in Canberra were protesters with placards. Outside the palace were placards, a pile of dead bodies and a guard with a smoking gun. There is no debate on the type of ruler Saddam Hussein is. An article in the 4 February Bulletin magazine called ‘Tales of the tyrant’ graphically illustrates his cruelty towards his own people:

Ultimately, guilt or innocence doesn’t matter, because there is no law or value beyond the tyrant’s will; if he wants someone arrested, tortured, tried, and executed, that is sufficient … Compassion, fairness, concern for due process or the law, are all signs of indecision. Indecision means weakness. Cruelty asserts strength.

Saddam Hussein has weapons of mass destruction. He has used chemical weapons on his own people and on his neighbours. He has invaded two neighbouring countries and has presided over the torture and execution of his enemies. Known stockpiles of chemical and biological weapons have not been ac-
counted for and no proof has been given of the destruction of these weapons of mass destruction.

The argument that Australia is a long way from Baghdad and has no national interest in Saddam Hussein and his weapons of mass destruction is, to say the least, naive. The links between Saddam Hussein and international terrorism seem to have been overlooked. Recent events in Bali have demonstrated that this area of the world is not excluded from terrorism and the networks which support and promote it. Saddam has paid the families of Palestinian suicide bombers, provided shelter to terrorist groups and operated secret terrorist training facilities within Iraq. What many people conveniently overlook is that Australia was previously involved in military action in the Gulf against Saddam Hussein.

To bring an end to the Gulf War, the United Nations brokered a cease-fire. The conditions of that cease-fire were that Saddam Hussein disarm his weapons of mass destruction and allow weapons inspectors in to demonstrate that this had occurred. That was in 1991. Twelve years on, disarmament has not occurred, despite United Nations resolutions, economic sanctions and the diplomatic efforts of many nations during that time. It has only been since the threat of military intervention has increased that he has allowed the weapons inspectors back into his country. It is clear that without such a threat Iraq would continue to disregard the terms of the cease-fire and ignore the directions of the United Nations.

There is an argument that this conflict is about oil, not weapons of mass destruction. If this were true, a resolution of the stand-off could have been achieved long ago. Countries such as Britain and the United States could have overlooked Saddam Hussein’s actions and lifted the trade embargo to ensure a renewed flow of cheap oil, but this has not been the case. Unfortunately, the role of the United States has given critics an opportunity to express their anti-American views and push the line that we are again merely following America in everything. They seem to disregard the fact that Tony Blair, the Labour Prime Minister of Great Britain, has been as ardent as George Bush in his pursuit of Saddam Hussein and as strong in his resolve to see these weapons of mass destruction destroyed. You do not hear the Leader of the Opposition criticising Tony Blair as he does George Bush, and you have to ask why this is so.

Another argument used is that the United States has a history of selectively backing questionable regimes, has supported Saddam Hussein in the past and has in fact armed him. This needs to be clarified. It has mainly been Russia and European countries, particularly Germany, that have supplied many of the precursor materials to Iraq for its chemical weapons program and for part of its nuclear program before that. The fact is that alliances do shift. For example, Britain and Russia were allies in the First World War but enemies after the end of the Second World War. The USA and many of its allies supported the division of Germany and Berlin, yet rejoiced in the destruction of the Berlin Wall and the reunification of Germany. Australia has a close relationship with Indonesia, yet our support of the East Timorese demonstrated that things can change.

I note that many of those who oppose our involvement in Iraq without United Nations action are the same people who demanded action in East Timor with or without United Nations involvement. The intervention in Kosovo is a classic example of action being taken without United Nations sanction in the interests of peace and stability. The butchery in Rwanda is another classic example of the failure of the United Nations to act. There is an old saying that, if you want to ensure nothing happens, you appoint a committee. Although this may be an exaggeration, it seems that the Security Council has been waiting for Iraq to comply with the terms of its cease-fire for the last 12 years. It is apparent that, without the threat of military enforcement, Saddam Hussein would continue to pursue his weapons of mass destruction program in direct contravention to UN resolutions.

It is now up to the Security Council to discuss the next steps and determine what action it will take. I hope that tonight, after Colin Powell makes his presentation to the UN, the
United Nations will act to enforce its sanctions, whether through diplomacy or through force. The United Nations cannot allow this issue to go on as it has. Twelve years is long enough. We do not want to see it become an irrelevant organisation, which was the final downfall of the League of Nations in the thirties. It is clear that, if we continue to allow countries to disregard such strong rulings from the UN, others will believe that the United Nations is a toothless tiger, unwilling and unable to enforce its resolutions. If the UN is to remain relevant, it must act decisively now.

We in Australia—from the Prime Minister to my constituents in Richmond—would of course like to see a peaceful solution; but ultimately, if military force is needed, so be it. ‘Speak softly but carry a big stick’ may in the end prove to be the only way to force Saddam Hussein to disarm his weapons of mass destruction. By forward deployment of its troops, Australia has increased the pressure on this tyrant’s regime to comply. Call it gunboat diplomacy if you will but, if a demonstration of military might and international solidarity brings this tyrant to accede to UN demands, it will be worth the angst the threat of war generates in our communities. Australia values its freedom. Indeed, many good men and women have lost their lives to ensure that the freedoms and liberties we enjoy today remain. Evil persists if good men do nothing and, in the end, history may judge us not for what we did but for what we did not do.

Mr KATTER (Kennedy) (4.43 p.m.)—My family has lived for a very long time in the northern half of Australia and, in the last world war, we had no armaments because of Mr Curtin. It always amuses me to read in history books how wonderful a man Mr Curtin was. I read a book on Mr Curtin because I thought he must have been a wonderful man, and now I feel great anger in even mentioning his name. He was the man who three times opposed the increase in the budget prior to the 1939 war so that Australia went into the war with no defences at all. His attitude towards Churchill was so supine that, although he was lauded for bringing the troops home, it was some seven months before the troops left Africa.

Prime Minister Curtin knew that 56,000 Japanese were massing on the Malaysian border for an attack, ultimately on Australia, and we had four divisions to defend this country—the 6th, 7th, 8th and 9th. Three divisions were defending the Libyan desert, and the fourth division was defending the Singapore naval base—which was rather interesting. We were defending a naval base that had no ships in it. I see very little purpose in a division of 10,000 men defending a naval base that had no ships to defend. In the meantime, Australia had no divisions at all.

One must be very delicate in the language one uses, Madam Deputy Speaker, but you would like to read Mr Steiglitz’s book on globalisation. It is no lightweight. He won the Nobel prize for economics two years ago, he was the head of the President’s economics advisory council and he was head of the World Bank. The book constantly refers to Indonesia, to American intervention in the economy of Indonesia and how that intervention was so colossally damaging to those poor people. Their income was $1,600 per person before the intervention; after the interventionist actions, it was $1,000. Those people are not gauged to be particularly well disposed towards us. Rupert Murdoch, in a very uncharacteristic act, took half a page in his own newspaper to berate the Australian government—something he very seldom does—over its backing of American intervention in Indonesia. That was very uncharacteristic for a man who was very conscious of the mistakes that were made in the First World War—his father sacrificed his journalistic career fighting in the war.

It is not possible to read Chalmers Johnson’s book—another very famous person—and Steiglitz’s book without being deeply troubled by the degree to which we have antagonised our neighbours, through no conscious intention on our part. There are 230 million people in Indonesia, crammed onto five or six tiny islands. The way they see it, we took half of one of those islands off them. They believe that, because these people are Christian and they are part European, this influenced our judgment in taking the action
that we did. But this was not to enamour these people towards their neighbouring country, Australia. I was very pleased to see that the Prime Minister put Megawati Sukarnoputri on his list of people to see in Indonesia. I dare say that the visit will not achieve the result that we need.

Our troops are moving over to the Middle East, and every thinking Australian would say that there is some real danger to Australia and that we need to be looking after the home fires. I must say that the number of troops being committed is very small, and we thank the Prime Minister and the government for being thoughtful in that way. I have said in this place on numerous occasions—in a most passionate manner, because I am deeply troubled by this—that I represent an area where there are 8,000 kilometres from the Cairns-Cooktown area around the border of Australia to Perth. Of that 8,000 kilometres, there are only 100 kilometres that show any sign of human habitation. If you take out the golden boomerang of the east coast across to Adelaide, the 80 per cent of Australia that is left has virtually the same population as it had when Captain Cook arrived here. Yet that 80 per cent—my family’s homeland—contains all of the hardrock mining wealth. Sixty per cent of this nation’s export earnings come from mining and 30 per cent of that is from hardrock mining. Virtually all of this nation’s water resources are in that area. Some three-quarters of the nation’s rainfall run-off is in that area. The great wealth of this nation is in that area that is vacant.

Madam Deputy Speaker, put yourself in the shoes of a person in Indonesia. They find out that the Gulf Country can support a population of 100 million people. I have gone into the detail of this on many occasions; I do not have time to do it today, but this is not a figure plucked out of the air—it is an actual figure. These people say to themselves, ‘There is one little area, where there is no one living, and they are not using any of the resources there.’ There is nothing there except for a few cows that eat some grass—and we go out on horseback a couple of times a year and catch any of them that cannot get away, because they are not real fast at getting away. That is about the same as the way it was 300 years ago, but instead of cattle it was kangaroos. They were able to get any that were there with a spear and a woomera and bring them in. Very little has changed.

I cannot help but mention Jan Carston and his report to the governor of Batavia in 1624, where he said that the people of this country seem to live at or near the beaches, do no work, wear little or no clothing and produce nothing of interest to the rest of the world. I always get howls of laughter when people ask, ‘So what has changed?’

Mr Sidebottom—Is Indonesia going to invade us? Is that what you’re on about?

The DEPUTY SPEAKER (Ms Gambero)—Member for Kennedy, can I bring you back to the subject?

Mr KATTER—Yes. In 1941, the Sydney Morning Herald had a front-page article which talked about the Japanese not being able to see really well, having tiny bullets and not being technologically advanced to deal with the weaponry that was available to us. History tells us that Churchill gave his two best battleships to us: the Repulse and the Prince of Wales. They had just sunk the Bismarck. He sent both of them and he sent two squadrons of Spitfires—which he could ill afford to do—out to the Pacific. Within five weeks, there were no Spitfires in the sky—the inferior Asian race had blown them to smithereens—and the two greatest battleships on earth were lying at the bottom of the ocean. They were in the Pacific region for three days. It was the B-grade team playing in the A-grade.

How is this relevant to us today? We should never have been in the Boer War. Nobody should have been in the First World War—most certainly not us. Regarding the Second World War, yes, we absolutely should have been in that. But were we there? Our troops were defending the Libyan Desert and a British naval base in Singapore and there were no troops here at all. The government of the day should be condemned in the most vile terms—not just Mr Curtin but also Mr Menzies, who predominated in that period as well. It was a horrific event. Then the government could not get them home; it took five or six months. Whether it was because of
weakness, intransigence or a lack of shipping, it took that length of time to get them home.

How is this relevant today? This country simply has to grow up and become a country in its own right. We cannot afford the luxury of clinging to coat-tails in some modern-day translation of colonialism, hoping that Big Brother will come and rescue us. Big Brother has to look after his own country. It is patently obvious to me in retrospect that I should praise Winston Churchill; he looked after England. But who the hell was looking after us? Our troops were fighting Britain’s battles in the Libyan Desert and in Singapore. The question before us today is: are we once again fighting the battle of our modern-day colonial masters and are we clinging to their coat-tails, doing their bidding and acting in their interests rather than our own?

We know absolutely one thing that will happen if we go into Iraq: we will greatly antagonise our neighbours who feel very great kinship with the people of that region because of religious and various other ties. We would do this against a background of being a nation that is not in occupation of its entire continental landmass. Some 8,000 kilometres of our coastline has no human occupation, no defence and no development whatsoever. To take the action that we are taking in Iraq, having virtually no defence forces and considering the situation of the coastline of all of northern Australia, is not a smart thing to do. The previous speaker quoted Theodore Roosevelt’s words: ‘Walk softly and carry a big stick.’ It seems to me that we have a big loud mouth on us. We have run around being heroes and champions everywhere and making a big noise, and we have no stick at all. So we are doing the complete opposite of those words of Theodore Roosevelt.

I plead with those who have been given the power of governing Australia, those in this chamber and those who form the government of Australia and its ministry: occupy your continental landmass; you have no right to hold it if you do not. Secondly, I say: develop Australia’s resources. God gave you these wonderful resources and you have a responsibility to the rest of the people on the planet to develop them. And, if you are going to develop those resources, you need to populate these areas. Thirdly, I say: you have to defend this country.

I am not an expert in defence matters. As a kid, when I left secondary school, I was handed a rifle and told to go up and fight in Borneo; we were at war with Indonesia. Two years later, many of my friends were involved in another war in Vietnam. Maybe that colours my judgment somewhat. When we went into East Timor we had one operational submarine, 50,000 silly little plastic rifles and no radar. The previous speaker said, ‘Walk softly and carry a big stick.’ Do you seriously think that one operational submarine, 50,000 silly little plastic rifles—I use that term because the SAS refused to take them to the Gulf War, and quite rightly so; I have used that rifle and it is a very inferior piece of machinery—and no radar are sufficient?

People say, ‘But no-one’s got the ability to get here.’ We would not know whether they were coming because we do not have any radar. The over-the-horizon radar simply does not work, and I think anyone involved with it would agree with that. The next thing to do is to get some defence and to have an overlapping radar system, not just a singular system—and I praise the government for buying the AWACs; it is a step in the right direction. But a lot more needs to be done. To defend northern Australia properly, 100 guided missile equipped patrol boats or frigates, 15 or more submarines and another three or four brigades—at the very least, another six battalions—need to be placed out there.

Please let us learn from the past. Please let us learn from our involvement in the Boer War, where 28,000 women and children perished in concentration camps—one of the worst cases of genocide in human history. We were involved in that war because we had to cling to the colonial coat-tails of our imperial masters. In the First World War we suffered the highest casualty rate of any participant, and it was really a war that had nothing to do with us. We most certainly should have been in the Second World War—but we were not. Our troops were de-
fending every other country and serving the interests of other places. *(Time expired)*

Mr CAMERON THOMPSON *(Blair)*

(4.58 p.m.)—Over a period of 12 years, there have been nine resolutions of the Security Council condemning Iraq’s noncooperation with weapons inspectors. Also some 27 provisions have been placed on Iraq by the Security Council in successive resolutions and, of those, Iraq has ignored 24; Iraq has thumbed its nose at them.

Today in the House we heard a statement being made by the Minister for Foreign Affairs, in which he gave some examples of the extreme nature of the Saddam Hussein regime: executing opponents, with 400 prisoners having been executed in one incident and another 100 being buried alive; gassing 40 villages full of people in 1988-89; 3,000 people have been killed in that country since 1997—in the last five years; poisoning of political prisoners with thallium; decapitating people in front of their families; people being beaten, raped, having their arms broken and being given electric shocks; suspending people from ceiling fans; people having their tongues amputated; and people being branded. These outrageous measures by Saddam Hussein are an example of the way he treats Iraqis.

I have heard President Bush on the TV saying to the Iraqi people, ‘Your enemy is within.’ That is absolutely the case. No person on the face of the earth should have to put up with a governing regime that behaves in that way. Yet that same regime has weapons of mass destruction. How do we know that it has weapons of mass destruction? For a start, he has told us. The number of bombs and the quantity of anthrax and mustard gas shells—those sorts of things—that, according to Saddam Hussein, have apparently just disappeared, evaporated, ceased to exist and which he no longer has, defies belief.

Mr Tanner—He might have sent them back to the Americans.

Mr CAMERON THOMPSON—Efforts by the members opposite to play that down do them no credit at all. We are speaking about a genocidal tyrant with a thirst for blood and a willingness to kill and maim and take any steps that he might feel on a whim he wishes to take to achieve whatever aim it is that he would like to achieve.

I think all members in this parliament have stated that they support disarmament. You bet! I think all Australians would support the idea that the Saddam Hussein regime should be required to disarm. The UN supports disarmament, and the ALP tell us they support disarmament. But the fact is that, if the United Nations—and the opposition are the ones who keep saying this—goes weak and no longer stands by its principles and decides, ‘No, we’re not going to require Iraq to disarm,’ the ALP are quite happy to collapse too and say, ‘It’s perfectly all right for Saddam Hussein to have as many of these devices as he happens to have; we’re not going to require disarmament.’ That is something the ALP say they are going to do if the UN decides that that should be the case.

In its craven search for success in opinion polls, the ALP is prepared to support the populist line that is being trotted out by the media. The ALP is not taking a leadership position on this issue; it is merely following the baying that it hears ahead and is just proceeding in that direction. If we do support disarmament, whether we be members of the United Nations or ordinary people in the street, in the end we have to be prepared to support force to remove those weapons of mass destruction. If you are a member of the ALP and you say that Saddam Hussein has to be disarmed, surely you have to be prepared to support that with the use of force. But the members opposite are vociferous in their support of the idea that the United Nations has the right to do nothing and should be able to do nothing if that is what it chooses to do. ‘The UN can choose to do nothing,’ they say again and again.

If that happens, how will it happen? It will happen because a country like France or Russia will use their right of veto. So, on the say-so of Russia or France, the ALP will bug out; no longer will the ALP support the idea of the disarmament of Saddam Hussein. The ALP will just say, ‘Well, sorry; Russia or France or somebody has said no, that it is a veto,’ and away it will go. The point is that you need to be able to enforce the continual
requirements that have been placed on Iraq by the Security Council. I repeat: nine resolutions over 12 years. If at the end of the day you are not prepared to reinforce that with force, what is the point of the United Nations making resolutions? Such resolutions are then just hot air.

Since 11 September 2001, concern over terrorism and the idea of asymmetric warfare—as it has been christened—has grown steadily. The idea that, left alone, rogue states and the terrorists that they may harbour will do nothing, that they will just remain there in a benign sort of slumber, has been smashed to pieces; people do not believe that. That was a kind of fairyland that existed before, but that is certainly not the case today. People know that, if you have people with the track record of a Saddam Hussein or of a regime like that of North Korea, sooner or later it is going to come unstuck.

For example, take the case of Afghanistan and al-Qaeda. I am extremely happy to see women today being able to go to school in Afghanistan and not so much, as was the case in the past, being stoned, shot or whatever, on a whim, in the street. It is a fact that that is the way it was. But what is happening in Afghanistan today? The fact is that women can go to school, which is a freedom that the rest of us in the world take for granted. What would that country be like today if the ‘war against terror’, as it was christened at the time, and the invasion of Afghanistan and subsequent actions had not occurred there?

What would be happening there today if we had all turned our backs and stuck our heads in the sand and said, ‘No, Afghanistan is some kind of sovereign nation that we apparently respect’—just as, apparently, the ALP likes to respect Iraq’s right to be some kind of separate nation that we should think twice about remonstrating with? For example, would Afghanistan be a compliant, friendly community in the world community of nations or would it be planning even more atrocities to follow up on the successes of their previous ones?

Iraq has 6,500 chemical bombs, 550 mustard gas shells, VX gas and 8,500 litres of anthrax. I have been reading media articles about how it also has pilotless drones—or at least aircraft that have been converted so they can fly without pilots. Only one gram of anthrax is enough to kill millions of people. How many grams could you put in a pilotless aircraft and where could you fly it to? These are the sorts of things that people need to be concerned about with such quantities—8,500 litres of anthrax manufactured by Iraq.

The opposition says that it is happy to do nothing if that is what the United Nations says to do. I do not think that is acceptable to Australians. We cannot turn our back on the serious threat posed by Saddam Hussein, by 6,500 chemical bombs and by all of those issues that I have talked about. The only people who are talking up the United Nations failing to pass a resolution are the members of the ALP. They keep telling us that the United States, Australia and the UK will be required to act alone. I do not think that that is going to be the case at all. I am confident that the United Nations will make a decision that it will need to support the use of force to disarm Iraq. I am confident of that, and I am sure that most people who look into the arguments would say that that is exactly the position that the UN is going to take. But we are constantly being told by the opposition that that is not going to happen and that the US, Australia and the UK are going to be acting independently. That is an argument that they use purely to stir up trouble among people who are naturally concerned about the impact of war.

No-one wants war, and it is absolutely unacceptable that the ALP continues to pick at this and say that, alone and unsupported, we are going to be required to go into a very difficult situation. That is the kind of fear in the community that they want to play on. It is very cheap trick, because I am confident that the United Nations will make a decision to support action against Iraq. Surely self-preservation by the United Nations will require that it take that step. The United Nations is not going to have much relevance left
Rep. TANNEY (Newcastle) (5.10 p.m.)—

I strongly support the resolute stance that the Prime Minister has taken on this. The constant carping criticism and this playing the field by the opposition in trying to dredge up anything it can to pick holes in the government’s position does not do it any credit. The more that time goes on, the more the strength of the government’s position and the strong support that the Prime Minister has on this issue are demonstrated.

Mr TANNEY (Melbourne) (5.10 p.m.)—

War must always be an absolute last resort. I can see no justification whatsoever for the impending invasion of Iraq or for direct Australian military involvement in any such invasion. The Labor Party and I are committed to the rule of law, to international law and to ensuring that the organisations that have been built up as a result of a century of appalling conflict, carnage and bloodshed, like the United Nations, can perform their role in preventing and avoiding military conflict. It is crucial for a nation like Australia that we do not allow to re-emerge a world in which might is deemed to be right and in which all-powerful nations like the United States can decide that they wish to invade nations that they do not like, because that is the world of the 19th century. That is the unstable world of military alliances, military adventures and powerful, wealthy nations taking military action and invading other nations whenever they feel like it.

George Bush wants to take the world back to the 19th century, back to a world where there are no rules but force, where might is right, where duplicity and hypocrisy are the norm in international relations, where there is no international law and where there are no effective international institutions—and John Howard wants to take Australia along for the ride. It is essential that we examine, dispassionately and calmly, the issues at stake in this momentous decision that our nation will soon face. In a proper and considered way, we must look at the core principles at stake and deal with the question of whether Australia should support and participate in an invasion of Iraq.

The United Nations charter only justifies military action by a member state without the full endorsement of the United Nations in the case of self-defence. There is no credible evidence of a serious imminent threat of attack by Iraq upon another country. Like many countries, Iraq may possibly harbour thoughts or desires of doing so if it thought it could get away with it. It has launched invasions of other nations in recent times, as has the United States. But there is no evidence that it is in an imminent position of attempting to do so. Attacking Iraq will mean that a new doctrine emerges in international affairs—a doctrine of pre-emption. We survived the Cold War in this country and throughout most of the rest of the world because neither the Soviet Union nor the United States felt it appropriate to take a position of pre-emptive strikes: to attack before they believed they would be attacked. What will it mean for other conflicts and for other hot spots in the world if we establish a principle that pre-emptive strikes are appropriate because of a perceived threat from another nation? What will it mean for relations between Pakistan and India, China and Taiwan and, indeed, Turkey and Cyprus? There are a host of other issues and situations that could be similarly cited. If pre-emptive strikes are allowed to become the new norm in international law and international relations, it will mean more conflict, more people dying and more carnage.

The world accepts—and we accept—that, if somebody attacks you, you are entitled to defend yourself. If a person comes at you with a knife, you are entitled, as a last resort, to respond by shooting them or in some other way seeking to disarm them. You are not entitled to do it when they buy the knife. You are not entitled to do it even if they start making threats to you. There are other mechanisms by which society seeks to prevent those threats from being actuated. You are not entitled simply to go around to their house and say, ‘You’ve said you want to kill me. You’ve got a knife. Bang—you’re dead.’ But that is the implication of the American position and the Australian government’s
position with respect to Iraq—that you are entitled to shoot in those circumstances. In international law there are equivalents, which are short of military action, to deal with those situations where a country acquires the equivalent of a knife—that is, threatening weapons—and even makes threats to use them. These include sanctions, containment and a variety of actions, all of which are inevitably imperfect. None of them are likely to work perfectly, but they do still achieve a broad result and in this case they have effectively kept Saddam Hussein contained for 10 years and have been at least partially successful.

The various justifications for war that have been promulgated in this situation do not stand up to any rational analysis. They are built on foundations of sophistry and hypocrisy. Yes, Saddam Hussein is a brutal dictator but there are numerous brutal dictators around the world and many of them have been propped up over the years by the United States and, in some cases, by Australia. Most notorious among them was the former dictator of Indonesia, President Suharto, who managed to preside over the killing of many of his own acquired citizens in East Timor. This occurred over an extended time when both political parties were in office in this country, without any suggestion that he should be invaded.

Yes, Saddam Hussein has attacked and killed many of his own people—most outrageously a large number of Kurdish people in 1988—but that does not suggest that we should invade and conquer Iraq. Of course when Saddam Hussein did commit that outrageous crime he was a friend of the United States and he was being supplied by the United States—with the direct authorisation of the Reagan administration—with weapons of mass destruction like anthrax, botulinum toxin, missile delivery systems and missile guidance systems. All of this was exposed by a 1994 United States Senate report. There are plenty of regimes around the world which have committed appalling atrocities against their own people. At a similar time to Saddam Hussein’s attack on the Kurdish people, the Tiananmen Square massacre was taking place in China. On our own doorstep, for an extended time we had atrocities occurring in East Timor. If that is the basis for invading a nation then we will spend the rest of our lives engaged in military action.

It is claimed that Saddam Hussein is mad, irrational and crazy. He is clearly a brutal, evil dictator and he is clearly a person who has committed appalling atrocities—again, like many other regimes—but there is no question that there is a thread of self-interest and survival throughout all of his actions. There are obviously miscalculations; but nonetheless the notion that he is going to behave like a suicide bomber is lacking any evidence. The argument that he has weapons of mass destruction and that he may ultimately acquire nuclear weapons is cited as a reason for invading. There are a number of points that need to be made in response to this.

First, the primary initial supplier of weapons of mass destruction to Saddam Hussein was the United States. Second, there are numerous regimes in the region—many of them with similarly dubious credentials—which also clearly have weapons of mass destruction. Many other nations, including our friends such as the United States, have weapons of mass destruction. If the possession of weapons of mass destruction by regimes we do not like is to become a criterion for military attack then what are we to do if there is a regime change in Pakistan and Islamic fundamentalists come to power? That is quite conceivable; there is a military dictatorship in place there at the moment. Pakistan is a nuclear power. What are we to do if there is a serious regime change in Russia, or in some of the former Soviet Union states, and regimes that we do not like come to power and come into possession of the existing weapons of mass destruction?

The claim that Saddam Hussein might give weapons of mass destruction to al-Qaeda is again completely lacking any evidence. If he wishes these weapons to be used, why doesn’t he just use them himself rather than give them to people who hate him and who could use them against him? He has no control over their actions and would therefore run the risk of coping any consequences as a result of the use of those weapons, whether
he liked it or not. It is said that his own people will celebrate if he is removed from power. I am sure that that is true, but there are many countries in the world where that is true. On that criterion we would be invading Burma, which is governed by an equally evil and appalling regime.

It is said that the opposition to war is built on knee-jerk anti-Americanism. That is rubbish. I supported the American invasion of Afghanistan because it was clearly a proposition built around the principle of self-defence. The Americans had been attacked by a group which was being harboured by the Afghani regime. They were entitled to respond to that attack and it was entirely appropriate for Australia to assist. But this is an entirely different situation and I have a different view. Those who seek to throw out cheap labels like ‘anti-American’ are simply avoiding the core issues in the debate, the merits of the issue, the facts: whether or not it is appropriate to invade.

Finally, it is said that the United States aims and objectives here are entirely benign. The UK Foreign Secretary, Jack Straw, recently admitted that oil is a very important strategic consideration in the position that is being developed, and there is no question that the future of the world’s oil reserves is fundamental to the Americans’ considerations. If the Americans are truly dedicated to bringing democracy to the Middle East then what are they going to do about self-determination for the Kurds, given the problems they have with Turkey? What are they going to do about self-determination for the Shiites in southern Iraq, given the problems they have with Saudi Arabia? What are they going to do about the continuing Syrian dominance in Lebanon and its military presence there? What are they going to do about Israel and the Palestinian problem? What are they going to do about repressive regimes in other Middle Eastern countries, some of which, like Egypt, they have propped up for many years? That will be the test: when they confront the collision between their own interests and their own rhetoric. I have no doubt that, as in the past, their interests will prevail, not the rhetoric about democracy.

It is horrifying that the United States President is openly speculating about the possibility of the use of nuclear weapons in this prospective conflict. It is something straight out of Dr Strangelove that we have an American President prepared to regard the use of nuclear weapons as just another option in this situation. I would like to know where our Prime Minister is on that particular issue and what he has got to say about the possibility that Australia will be involved in a conflict that may involve the use of nuclear weapons in this way. It is something that is too appalling to contemplate—that we have an American President who is threatening the use of nuclear weapons in these situations.

I see no justification for war in the situation as it stands. The United States has been spinning like fury and spreading disinformation about the Hans Blix report in order to try and sustain the momentum for war. I believe that, although containment and sanctions are imperfect, that strategy should be continued and that the United Nations should be seeking to develop an alternative strategy in the future to deal with these issues. Ultimately, if the United Nations does endorse military action, Australia should not participate in any direct way through the use of ground troops or any direct military involvement, and any participation should be limited to the kind of role that we played in 1991. The Middle East is not our direct region. Our involvement in such a conflict will carry enormous costs and enormous dangers and future risks for Australia. Any involvement should mirror the United States involvement in the UN mission in East Timor, which relied upon Australian effort to bring home the situation.

John Howard’s eagerness for war will hurt Australia badly in the long term. It will cripple many of our relationships in our region. It will make us complicit in the appalling loss of life and damage. It will increase the risk that we will suffer retaliatory attacks in a whole range of ways that we cannot possibly contemplate or predict. No valid case has been made for war by the Bush administration or by the Howard government, and we should reject emphatically the attempt by George Bush and John Howard to return the
world to the rule of the 19th century where ‘might is right’.

Mr CHARLES (La Trobe) (5.24 p.m.)—I rise to support the Prime Minister’s statement on Iraq. The alternative Prime Minister, the Leader of the Opposition, has been baying for blood for some time, demanding a parliamentary debate on Iraq and on United States actions towards Iraq. I remind the Leader of the Opposition that we had such a debate on 17 September. We had one yesterday and we have resumed it today, although it might have been better if we had waited until tomorrow. By then we will have heard Secretary of State Powell’s statement to the UN about evidence with regard to Iraq and its violation of the UN dictates.

This debate is about terrorism, about weapons of mass destruction, about the possibility of war and about a rogue state—terrorism. I remind the House that, on 11 September 2001 and 12 October 2002, the world witnessed terrorism the likes of which we have not seen before. The world is no longer the same place that it was. It is a different place; it is less stable. I suspect that the Cold War was a lot easier to deal with than this threat of indiscriminate murder, barbarism and terror which has overtaken some in the world. As I said in a previous contribution to the terrorism debate, the terrorists are not religious terrorists, they are just terrorists. It has nothing to do with religion.

Saddam Hussein continues to defy his responsibilities to disarm. After he invaded Kuwait and was contained by forces, including the United States, Great Britain and Australia, he agreed to dismantle his weapons of mass destruction and prove to the United Nations inspectors that those weapons had been dismantled and removed. He failed to do that. Four years ago he threw the inspectors out of Iraq. Now they are back, but he has had four years to hide his complicity, hide his duplicity and run from examination by the rest of the world.

Some argue that if we participate in military action against an evil Iraq we will invite terrorist attack on Australia. That is the most appalling argument I have ever heard. So we should let a man who has proven his evil capabilities continue to do as he likes—continue to dissemble, continue to hide and then give or sell his weapons to those unnamed terrorists who will kill many hundreds of thousands or millions of unnamed, innocent human beings around the world? I do not believe that taking action against such a dictator will invite the sort of retaliatory action that some predict. We know that Saddam Hussein presides over a regime that has weapons of mass destruction—chemical and biological weapons. We know that they are there. We know that he has stockpiles of ingredients to make more. We know that he has potential for nuclear weapons. The Prime Minister outlined a compelling case yesterday, as did Prime Minister Blair some time ago to the United Kingdom parliament.

There is a new terrorism paradigm which increases the possibility and, indeed, likelihood that Saddam Hussein will use his weapons of mass destruction or sell them to the terrorists and put all of us under unconscionable threat. I do not believe that is a way we should go. I do not think that we should back down to terrorists. I do not think that we should show a soft side. I do not believe that we should give in to the schoolyard bully, because the schoolyard bully will never learn his lesson as long as we capitulate, as long as we run or as long as we hide.

No-one wants war, least of all me. I deplore war. War is despicable. On Anzac Day and other celebrations, including Remembrance Day, I meet with my former diggers and I thank them for what they did in earlier actions to help save and protect democracy, Australians and Australia. They went the extra mile. Many gave their lives. The lives of some were ruined by weapons or disease that disabled them. They are truly heroic individuals. They went out and put their lives on the line to help save us and save democratic institutions. The world, I might say, has been a far better place during the short time it has known democracy than it ever was before.

There are times in human discourse and action when words are just not enough. We have talked and we have talked: time and again Hussein has been told that we will no longer put up with his stockpiling of chemical and biological weapons or with his push towards nuclear weapons, and time and again
he hides and runs away. Neither our Prime Minister, our foreign minister nor our Minister for Defence has committed us to war—notwithstanding what some in the opposition say when they stand at the dispatch box or in their places in this House of Representatives. They cannot convince me, and I do not think they have convinced the Australian people.

It is argued by some in this debate that George Bush is more dangerous than Saddam Hussein. I am not going to ask you about that, Mr Deputy Speaker Scott; I suspect I know your view on that topic. Such an analogy is absolutely ridiculous. George Bush represents the greatest, most dynamic democracy in the world. Thank goodness we have him, because he helps keep the world a safer place. Some argue that Iraq’s noncompliance with UN resolutions on weapons of mass destruction has not been proven. I think the Prime Minister comprehensively disproved that yesterday, as have George Bush and Tony Blair in the UK. I think that is a ridiculous, nonsense argument. It is argued by some that innocent people will be killed if there is a war in Iraq. Of course they will. How many hundreds of thousands of innocent people have already been murdered in Iraq by a dictator named Saddam Hussein? We do not even know how many hundreds of thousands, but certainly he has murdered his own people and he has tortured them. If you listened to the foreign minister today, you would have heard about some of those methods of torture, which are absolutely despicable.

Some argue that war against Saddam Hussein will unleash religious extremists. Well, good grief! Let us go hide, shall we? Let us hide and let us not fight evil or hatred, because somebody might stand up and criticise us! That is a nonsense argument. Some argue that the United States have weapons of mass destruction. My oath they do! But the difference is that they do not use them. That is a big difference. They are a democracy and they do not use those weapons. Some argue that there is no current threat so we should wait until there is one. Let us wait until we have more Australians murdered by terrorists, and more Americans, more people in the Middle East, more Germans, more British and more French. I think not.

Some argue that there has been no consultation by the Prime Minister with this parliament. That is nonsense, because we had a very large debate on 17 September 2002 and we are having a very long debate today. Some argue that I have a marginal seat and therefore I should support no action against Saddam Hussein and I should support us doing nothing. That is a ridiculous argument. I do not run away from those sorts of challenges. We are here to represent the people and to do the right thing by the country and by Australia’s democracy, and I will not retreat from that. Some argue that the United States is a school bully. Well, Saddam Hussein is a school bully, and we must stand up to him. Some say that the Prime Minister is treating us as an outpost of the United States. That is rubbish—absolute rubbish. If we do not believe in our partnership with that great democracy in security and defence, we will indeed go it alone down here in this part of world, and such a prospect frightens me.

Some argue that war would be unlawful—that killing Iraq’s citizens would be unlawful—but is it lawful for Saddam Hussein to kill his own citizens? I think not. Some argue that the people of Iraq are already suffering and that war will make it worse. There is no doubt about that; I do not question that. But no-one has said that we are going to war. The Prime Minister has said over and over again—and I respect his statements—that neither he nor the cabinet has committed us to war. He has forward sent troops in order to prepare them for the possibility that it might be necessary to take preventative action against a rogue regime.

The events of 11 September and 12 October represented heinous crimes, barbarism, murder and the indiscriminate annihilation of innocent people. We cannot put up with that. We have to make sure that this spate of terrorism does not expand and that we protect our own. It is time for us to stand up and be counted. I encourage the House to remember that the League of Nations was nothing in the end but a toothless tiger, so let us try to give the United Nations a bit of backbone. Iraq is indeed a rogue state. I support the Prime
Minister’s statement and whatever is necessary in order to protect our lives and protect democracy.

Mr GAVAN O’CONNOR (Corio) (5.37 p.m.)—In this House, members are called upon to debate and decide on issues of great moral and political importance, and this debate on the nature and circumstance of Australia’s involvement in a war against the sovereign state of Iraq and its people is one such issue. There are few greater issues to be considered by this parliament than the commitment of Australia’s men and women to a theatre of war. For the men and women of this parliament who sanction such an action, there is no greater responsibility than to be open and honest about that commitment with our defence personnel because it is they who are called on to put their most precious gift, their lives, on the line for their country.

It is a matter of profound shame that the Howard government has lied to those defence personnel about the commitment that it has already made to George Bush to engage them in any unilateral military action against the sovereign state of Iraq. No-one on this side of the House has any truck with the Iraqi dictator, Saddam Hussein, and the excesses of his regime, nor would many people in the Australian community have much sympathy for Saddam Hussein and his repressive, brutal regime. Here in Australia, we pride ourselves on our belief in and commitment to the rule of law and its place at the heart of our democratic system. Yet we have a government and a Prime Minister prepared to involve this country in a unilateral action against Iraq in violation of international law—an action that will visit on the people of Iraq a violence rivalling anything that has been visited upon them by their current dictator ruler.

Today, as we debate this issue in the parliament, Iraqi men, women and children are going about their daily business. They will go to bed tonight with the expectation of rising again tomorrow and to engage with their families in the daily routines of any society. They will go to their factories to earn their living. They will go to their farms to grow crops. They will be organising birthday parties for their children or an anniversary celebration for their parents. They will be taking their children to school. They will stop off for a drink and a chat with their neighbours and run their kids to soccer or basketball practice. If this war in Iraq proceeds, many of them will be dead in two months time. The brutal violence of a high-tech war will be unleashed on the innocent, and their enormous human potential will be sacrificed on the altar of the egos of a deranged and demented dictator in Iraq, a belligerent President in the United States of America, an insipid Prime Minister in the United Kingdom and a weak-kneed Prime Minister in Australia.

I have listened intently to the Liberal backbench’s tortuous justifications for war with Iraq. I have watched the young guns on the coalition back bench eager, as always, to send others to do the fighting and the killing on their behalf. The problem is that you on the other side have history and have form in these very serious matters. They were outlined today by the member for Cowan, Graham Edwards, a distinguished Vietnam veteran in this place. The Liberal and National parties in government at the time of the Vietnam War lied to the Australian people about our involvement in that war. They justified the involvement by citing the alleged attack on United States forces in the Gulf of Tonkin. At the end of the day, this trumped-up attack was used to justify the involvement of the United States in a war it could not win and dragged the great nation of Australia into the pit of lies and deceit perpetrated by the Liberal government of the day. The Liberal and National parties in government at that time lied to the Australian people about that involvement, just as the Howard government is now lying about the commitments it has already given to American President, George Bush.

So when members opposite come into this chamber seeking some moral justification for what is potentially an illegal action under international law, please spare us the hypocrisy of your arguments. When you invoke a desire for peace through the UN framework, again spare us your hypocrisy. Since coming to government, you have systematically attacked the United Nations and its agencies. Given that our allies, the United States and the UK, have been responsible in the past for
assisting and arming the Iraqi dictator, many view their rush to war now with great scepticism, lacking the necessary moral authority to engage not only their own military forces but others in this endeavour. There are alternatives to war, and they are yet to be played out and explored.

The central issue in this national debate on our involvement in a war on Iraq is this question: how does a country the size of Australia in population and geographical terms secure its defence, its sovereignty and its territorial integrity in a region of three billion people? The core of the answer to this question is that the primary responsibility for the defence of this nation rests with the nation itself. Through our economic and military power and through our foreign policy and diplomacy, we seek to secure a future for ourselves and our children in the region and among the wider community of nations.

How we define our national interest will largely determine the way we respond to situations like the one we face today. We on this side of the House believe strongly in the architecture of the United Nations as one key area where we seek to pursue Australia’s global and regional security and protect and advance Australia’s national interests. We also seek an active engagement with countries in our immediate region who we know and understand are larger in population size and different in ethnic origin, religious beliefs and cultural traditions. We choose to participate in an alliance with the United States of America, the most powerful country—militarily and economically—on the face of the earth. We do that because of the shared values that we have. These are the parameters within which this great country seeks to protect its borders and secure the future of its citizens.

Unfortunately, the Prime Minister has narrowly defined Australia’s national interests. That mistake could cost this country dearly. We have substantial economic interests in the Middle East. We sell wheat and manufactured goods, and the region is a source of tourism, trade and much prosperity for this country. We have significant regional political interests. To our near north, Malaysia, Indonesia and other Muslim states are looking with profound concern on the course of action that this nation is taking. Here in Australia, we have a social fabric to be protected, because many of the immigrants who have come to this region have come from the Middle East with their diverse religious and cultural backgrounds.

The simple fact of the matter is that this nation has been hurtled into this commitment ahead of a careful consideration of the long-term impacts of this war and what effect it might have on the region. There is no doubt that it will usher in a period of great instability in the Middle East, an area of the world that has already been plagued for decades with war and instability. There can be no doubt that it will fuel Islamic fundamentalism and spawn a generation of terrorists who will wreak their havoc on the nations who have participated in any illegal endeavour in this region.

This government speaks much about the war on terror. But of course the position was summarised in the speech that the Leader of the Opposition made in response to the Prime Minister’s statement. The Prime Minister has sent the frigates to the Middle East and he has given the Australian people fridge magnets with which to defend themselves against the war on terror. Members opposite ought to ask themselves why the Australian people are so deeply resentful of the manner in which this Prime Minister has got on his knees and already committed Australian troops to a unilateral engagement in Iraq. They understand the horrors of Bali and the horrors of the violence that will inevitably follow violence. The coalition has neglected the war on terror. The place for Australian troops is here in this country and in this region, defending Australia’s immediate interests. There is always a role for Australia in the United Nations and within the United Nations framework. That is why the United Nations periodically calls upon Australia to be the peacemaker and to use its military forces in the cause of peace. The profound regret is that this Prime Minister has already locked the Australian nation into a course of action from which we will not be able to extricate ourselves if the United States seek unilateral military action against Iraq or even if the
United Nations sanctions such a course of action.

There are alternatives for Australia in terms of the military support it might provide for a UN action against a rogue state such as Iraq. It can provide logistical support. It can provide intelligence support. It does not have to supply ground troops in the sort of commitment that the Prime Minister has already made. But they are matters for another time and another place. This issue is yet to play out.

We on this side of the House have been consistent in the point of view that we have expressed. In April last year, Simon Crean made the statement that the Australian Labor Party would pursue what it perceived to be Australia’s national interest in this matter through the forums of the United Nations. That was not the position of the coalition government. Only after this weak-kneed and insipid Prime Minister sniffed the political polls did he change his position. That is the reason why now we have this so-called mission of peace to countries around the world and the United Nations. This is a junket by the Prime Minister to portray himself as a proponent of peace but to encourage countries and allies to participate in war.

We on this side of the House understand the capacity of coalition governments to lie and deceive the Australian people on the issue of war. I would like the honourable minister to challenge that proposition. Let it be a matter for the public record that history has shown that in these matters of substance coalition governments comprising members on the front and back benches have lied to and deceived the Australian people in these sorts of involvements.

The DEPUTY SPEAKER (Hon. B.C. Scott)—Order! I would ask the member to desist from the use of the word ‘lie’ in relation to members on the other side of the House.

Mr DUTTON (Dickson) (5.53 p.m.)—Today I want to record my position in this important debate on Iraq so that the people of Dickson can understand why I strongly support the position taken by the Prime Minister and this government. I start by taking the opportunity to thank those people from the Dickson electorate who have contacted me—to date, a total of 46—and the people from the electorate at a number of events I have attended since this debate commenced who have expressed to me either their support or opposition.

In today’s uncertain times one of the greatest fears held by counter-terrorist and law enforcement agencies around the world is the thought of terrorists obtaining weapons of mass destruction. I am sure that, following the atrocities committed by terrorists in New York and Washington only 18 months ago and again in Bali last October, all Australians share that view. The thought that only one gram of anthrax is enough to make millions of fatal doses, together with the thought that Iraq has previously admitted to manufacturing 8,500 litres of anthrax, now unaccounted for, should send a shiver down the spine of any rational, thinking person.

I was elected to this parliament to represent the interests of the people of Dickson and to work hard to make safer and happier not only their lives now but the lives of their children and those of many generations into the future. If only for this reason, I strongly support the decision of the government to deal now with a dictator who has the potential to risk world peace on a scale quite unimaginable.

As we now understand, terrorists hate our way of life: the fact that our children can walk to school freely and that we can enjoy the company of our friends at a barbecue or at a restaurant. Most of all, what terrorists, and indeed dictators like Saddam Hussein, hate is our democracy. Saddam Hussein is a murderer. He has murdered hundreds of thousands of his own people and those from surrounding countries. He has used chemical weapons on people from his own country.

Australia has chosen to forward deploy elements of the Australian defence forces as part of its moral obligation to ensure where possible ongoing stability around the world. It is now clear that Saddam Hussein, after having 12 years to comply with the world’s request that Iraq disarm itself of weapons of mass destruction, has failed to do so and in fact never had any intention of doing so.
At the outset, let me make it very clear that my view, and I am sure the view of my constituents, is that we do not want war. We do not seek war and we are opposed to war. That is the position of this government. However, we must as a nation be realistic about the threat posed, and the Australian people would demand that we deal with this threat in a way that serves our national interest. We all remain hopeful that the military pressure being applied currently to Saddam’s regime will convince Iraq to comply with pending UN resolution 1441. As Greg Sheridan correctly wrote in the *Australian* on 30 January this year, if you want to avoid war the only way is to convince Hussein to disarm and to do so publicly. That is why this government strongly believes the UN process should be given every opportunity to work. That is why our forward deployments have been made and that is why the Prime Minister will engage world leaders in talks next week.

Many people say we only want to follow the US lead. That is a nonsense. But it is not good enough that after 12 years the same levels of doubt over Iraq’s intentions still exist. UN Secretary-General Kofi Annan has acknowledged that the reintroduction of weapons inspectors would not have been possible if it were not for the US military pressure applied to Iraq. Like the United States, our intention in joining a military build-up at this time is to force Hussein into a peaceful outcome.

The Labor Party and some media commentators are intent on beating the drum of an anti-US sentiment, which is a cop-out and a weak way of dealing with this issue. Many have commented incorrectly that the US has taken an active interest in Iraq for oil purposes. This is a ludicrous proposition. If that was indeed the key motive of the United States, sanctions on Iraq’s trading of oil would have been lifted years ago, guaranteeing a cheap supply of oil to the West.

It should also not be forgotten that there are innocent countries in the region surrounding Iraq which have been made to live in constant fear that he will begin the day by pushing the button of war. It must never be forgotten that Saddam Hussein ordered his troops into Kuwait in 1991 without a moment’s hesitation and had little remorse for the damage done to that small nation and its people. What must now be fully realised by all Australians is that the onus is firmly on Saddam Hussein for full disclosure and disarmament through cooperation with the UN weapons inspectors and indeed the world community.

Some in this debate have even suggested that there is no evidence Iraq has weapons of mass destruction—an absurd proposition, particularly when you read the report of Hans Blix, the chief UN weapons inspector, in which he said:

The nerve agent VX is one of the most toxic ever developed. Iraq has declared that it only produced VX on a pilot scale, just a few tonnes and that the quality was poor and the product unstable. Consequently, it was said that the agent was never weaponised. Iraq said that the small quantity of agent remaining after the Gulf War was unilaterally destroyed in the summer of 1991.

However, Dr Blix goes on to say: UNMOVIC, however, has information that conflicts with this account. There are indications that Iraq had worked on the problem of purity and stabilization and that more had been achieved than has been declared. ... There are also indications that the agent was weaponised.

Also appearing in recent media reports—as recently as 2 February in the Brisbane *Sunday Mail*—is a report in relation to the defection of a bodyguard of Saddam Hussein. It says:

Saddam Hussein’s senior bodyguard has fled from Iraq with details of the dictator’s secret arsenal and hideouts. Abu Hamdi Mahmoud has provided a list of sites that so far the UN inspectors have not visited. They include: an underground chemical weapon facility in the capital, Baghdad; a SCUD assembly area 150 kilometres to the west near Ahmadi—the missiles come from North Korea; two underground bunkers in the western desert that contain biological weapons.

How can there be any doubt as to the possession of weapons of mass destruction by Iraq? But the onus has never been on United Nations weapons inspectors to prove Hussein has weapons of mass destruction. They are not detectives. The onus has always been on Iraq to demonstrate what has happened with
the weapons acknowledged only five years ago.

At the end of 1998, inspectors were unable to account for about 360 tonnes of bulk chemical warfare agent; 1½ tonnes of VX nerve agent; up to 3,000 tonnes of precursor chemicals, including approximately 300 tonnes which were unique to the production of VX; growth media for biological agents, enough to produce over three times the 8,500 litres of anthrax spores that Iraq admits to having manufactured; and over 30,000 special munitions for the delivery of chemical and biological agents. At that time in 1998, inspectors were also unable to verify the purported destruction of Scud missiles filled with chemical and biological agents. Iraq has had a great deal of time to relocate and conceal these weapons of mass destruction—certainly prior to the UN weapons inspectors re-entering the country. If you were Hussein and you had destroyed these weapons, would you not just produce the evidence and satisfy the weapons inspectors? Surely there is a video or documentary evidence. If Iraq will not fully disclose the whereabouts of these weapons, the world community must take an interest. That is why the US, Britain and Australia have, and will continue to have, a presence in the region.

What is also very interesting in this debate, and again is being overlooked by those opposite, is what the former ALP leader, Mr Beazley, said in 1998 in support of the forward deployment of 150 special forces soldiers and two 707 midair refuellers. On that occasion the Labor Party supported a deployment made in very similar circumstances. Why have the Labor Party now decided that they should not support this forward deployment? It is even more imperative than it was in 1998, when Mr Beazley said:

... part of the reason why we have supported the government in giving our approval to the steps that they have taken thus far has been in putting pressure on Saddam Hussein, and there is no doubt in my mind if there had not been pressure coming from those who are prepared to be part of a coalition, the energising of the UN Security Council and the energising of a couple of members of the UN Security Council—Russia and France—to try and find solutions, simply would not have occurred.

Equally important to the actual deployment is the ongoing close relationship that Australia enjoys with the United States. The 51-year-old ANZUS military alliance that our country and New Zealand have with the US is paramount to our nation’s security and a key part of our nations’ close ties. It is important that all Australians understand that, just because our country has a close relationship and understanding with the US, we are not bound to participate in conflict, nor has this government committed our troops to any conflict. As the Prime Minister said to the House yesterday, conflict is the last option. The Australian soldiers who will be participating in that build-up will leave behind families—wives, husbands, children, parents—and friends, and it is important that these people are afforded all that can be done for them whilst their loved ones serve our country overseas defending the rights of everyone to live in peace without the worry that comes with evil states which possess weapons of mass destruction. Those families should know that this government is 110 per cent behind them, and we will ensure that they are looked after to the best of our ability.

The forward deployment of Australian troops and machinery also allows those who will potentially be in the front line putting their own lives at risk to be properly acclimatised and prepared for the region’s conditions should they be asked to participate in such conflict. The ADF is correct in requesting this measure from the government, because it is in the interests of our soldiers.

In summary, the stance taken by this government on Iraq demonstrates a clear desire for the UN to properly fulfil its responsibilities of to ensure a peaceful outcome through continued pressure and persistence. But the process cannot go on for another 12 years. We do want another resolution from the UN—a resolution of action. The UN is afforded no choice but to offer that resolution now. If Iraq makes the choice to not accept the opportunity it is now presented with, it will be up to the responsible countries of the world to ensure Hussein is disarmed fully and effectively. The soldiers and families of the ADF have this government’s full support, but hopefully their presence in the region will
help to ensure that they are not required to participate in any conflict. The ball is now firmly in Hussein’s court; what he does with it is his choice. If he chooses to further ignore the pressure being applied on his country, then he faces the wrath of those who will not tolerate Iraq having the ability to hold the free world to ransom with unimaginably evil weapons of mass destruction. Our soldiers are being called on to protect our nation, our people and our way of life, and we know that they will meet that challenge.

Mr RIPOLL (Oxley) (6.06 p.m.)—As with all debates of this magnitude and importance, the parliament, its members and the people of Australia have genuine and profound fear and a lot of concerns. It is plainly clear from the speeches in this House and from people outside that nobody wants war—it is as simple as that—but nor should we walk away from our responsibilities in our region, to the UN or to the rest of the world. We should all enter into this debate with a strong belief that war may be possible, even may be very probable, but is certainly not completely inevitable. As the days pass, it does seem more likely that war will be the outcome. However, there are still opportunities for war to be avoided, and certainly that is a strongly held view within the Labor Party and by many people around the world. The people of Australia, the US, the UK and most parts of Europe have clearly stated that they are against a war. Generally speaking, people are sick of war: the whole world is sick of the destruction, the loss of life and the aftermath that war brings.

At the same time we all understand that war is not of our doing but often arises through circumstances beyond our control. We also have a responsibility to ensure that there is world peace and that we resolve conflicts. If we do not take it upon ourselves to do so through the UN, conflicts cannot be avoided. As we know, the world is a nasty place. There is currently conflict on nearly every continent in the world. Many states still struggle with fragile systems of government or democracy. There are all sorts of problems with dictators, poverty, corruption. I raise these things to underline the point that it is not easy for any country to make ultimate decisions about whether or not they should be part of any war. Australia has never relented from its international commitments or responsibilities. It has certainly never been afraid to defend freedom, security and world peace.

The PM and the government speakers on this matter have missed something very important. This highlights the scrambling of backbenchers to try to defend a policy position of their government that they do not fully support themselves. They try to defend the Howard mantra but—except for a few who rant and rave about peace with the look in their eyes and the sound in their voices of people rationalising war rather than being genuinely committed to any process that may result in peace—their hearts are not quite in it. We know through the speeches in this place and also through the media that there is certainly no uniformity of opinion on the coalition benches.

Unfortunately, the commitments made by this government have been made preemptively and without debate or the consent of the Australian people. It is clear, whether the government likes it or not, that this is what the Australian people believe—and it is true. They were not consulted, they have not consented and they have had no participatory role in the government’s decision to preemptively send troops. We heard the Prime Minister explain today why that has come about and get closer and closer to the admission that there has been a commitment of troops, but he has still given no reason in terms of his promises last year that he would not move without talking to the Australian people first.

We saw the PM’s zeal for pre-emptive action last year when he stated that he believed Australia could pre-emptively strike. This is a good example of the thinking of the Prime Minister and the government on these matters. The Prime Minister came out and said quite loudly that he and the Minister for Foreign Affairs believed that Australia could make a pre-emptive strike on our neighbours’ sovereign territories if the government believed that a terrorist attack could come from there. The Prime Minister publicly proposed that Australia would send troops into other
countries—our own neighbours, whom we are friends with—to take uninvited action to deal with some sort of threat. It was a completely ludicrous position, in itself akin to an act of war. But, at the end of the day, the Prime Minister and this government have had little concern about our region and about the damage that these types of actions, words and policies cause to our relations with our neighbours. The Prime Minister is not concerned about the impact of his government’s policies and is even less concerned about how Australia participates in the Asia-Pacific region—our own backyard.

The point that the government has missed most dramatically is that this debate does not centre on whether or not Saddam Hussein and his regime are guilty of a multitude of offences—exterminating his opposition, torture, mass killing of Kurds, eradication of nearly all of the Marsh Arabs, killing Shia Muslims and attacking almost all of his Arab neighbours. He has attacked Israel, invaded Kuwait, used chemical and biological weapons and killed members of his own family and anyone else who speaks against him or even thinks of speaking against him. He has undoubtedly amassed weapons of mass destruction and he has refused to cooperate with the international community in disarming. This is all established, understood and accepted by the great majority of ordinary people everywhere. This is not the central point of the debate. Unfortunately, this is the point on which government members have tried to hinge their reasoning in this discussion. They have no other proper arguments, so they revert to the old ‘Saddam is a bad bloke’. We all know he is and we all know that it would be great if he would just give up, but that may not happen.

This debate is not about that. It is about the process by which the international community will follow through on its commitment to disarm Saddam Hussein. It is also about allowing the UN and the Security Council to go through their processes and allowing the weapons inspectors to do their job properly. That is what this debate should be about. That is what the government should be concerned about: supporting the UN processes. As everybody in this country knows, we have seen very little of that. It should not be looking at pre-emption—at committing to war before the UN process has been completed. This debate is not about whether or not war is inevitable; it is about doing the right thing and ensuring that Australia has a logical, viable, sensible position.

We support the United Nations because we believe that it is an important instrument. I readily accept that it may not be a perfect one. The United Nations itself has many problems, but it is certainly better than a void. There are no other mechanisms for dealing with these issues. If people are concerned about the United States leading a unilateral force, even with other allies, they should turn to the United Nations. That is the proper body to deal with these things. Labor has been totally consistent on this matter and has put its policy on the table clearly. As early as April 2002, Labor set out the path for a proper process which has stood the test of time on this ever-changing issue. We have clearly stated that the United Nations Security Council should convene early to discharge its responsibilities and determine a reasonable and finite time frame for the return of UN weapons inspectors; that the UN should not tolerate any noncompliance with the execution of the UNMOVIC mandate in Iraq; that the UN should reconvene to ensure that compliance has been completed; and, if Iraq has not complied, that the UN should resolve the most appropriate form of collective action against Iraq, including article 42 of the UN charter.

This is an important policy principle that the Labor Party has stood on. It is important because it ensures that the correct processes are followed and all opportunities are given. It is not like the government’s policy of doing a deal and making the pre-emptive move of putting troops into place. On its own that may be okay, but only if the Prime Minister were honest about having done it, rather than continuing with the charade of saying, ‘We are just moving people around. We are not actually committing them to a war.’ Every Australian knows that our troops are there now. It is the largest movement of troops since the Vietnam War, with more than 2,000 SAS forces, two or three ships and a range of
aircraft. The commitment is there. If a war starts in the next few weeks, our troops will be involved because they are pre-committed. They would be part of the war planning that took place with the United States, which the Prime Minister has admitted to.

There is no way, that I can see, that the government can walk away from the facts. The facts are that they have been part of war planning and they have committed troops. The troops are there waiting; if a war were to happen, our troops will be involved. But at no stage has the commitment that was made by the Prime Minister last year—that he would consult with the Australian people before committing troops—been complied with. The Prime Minister has not complied. He has misled the Australian people. It is a bit ironic now if you look at it, because now the government are calling for exactly what Labor was calling for so many months ago. The government are feeling the heat of having committed troops and are now praying that the UN will save their hide by finally making a decision that would support the action that the government have already taken. We certainly do not hear calls of appeasement now from government members. It was a quite disgraceful act that we saw last year, with the government calling us appeasers because we were calling for the UN to be the body to deal with the crisis and saying that the UN process should be complied with.

I think it is a tragedy that we are at this point. Saddam Hussein has to be held responsible; I do not walk away from that. I take it quite seriously that he has committed many breaches and that, at the end of the day, we have to look very closely at what threat he poses to the rest of the world. The questions I have, though, are about timing and priorities. Why now? We have waited so long. What is the urgency this year? I still do not fully understand that, and I think that most Australians do not understand that either. That is why they are worried: they do not know why we are going now and what the imperative is. I look forward to hearing what Colin Powell might put forward. He might give us some new evidence or some reasons why the US wants to move.

There have been many mistakes made; there is no doubt. One mistake that I particularly want to mention before I finish is in regard to the treatment of our troops that were sent to Vietnam—when they went out, while they were away, and particularly when they came home. It is a shameful period for Australia to have gone through, in terms of the way we treated our troops. They did a job that they had to do. Our troops do not make the political decisions. They do what they are told, they do their job, they do it extremely well, and we should support them.

Whatever takes place, it should be a UN decision—the Labor Party supports that. In whatever form our troops participate, I believe the Australian public will stand behind them. I certainly stand behind our troops and I know the Labor Party will stand behind them, because we support them. We have made that clear. We do not support the government policy, we do not support the government position, and we do not support the government sending them. But we support the troops and their families. I wish them well and may they all come home safely.

Ms JULIE BISHOP (Curtin) (6.18 p.m.)—I, for one, detest Saddam Hussein and his record of aggression and brutal human rights abuses. In debating the Prime Minister’s statement on Iraq, let us take a moment to look at the record of this regime. It is a regime whose most hated enemy, and most wounded opponent, is its own population. Anyone who has seen the grainy footage of Saddam Hussein’s appearance before his own Revolutionary Command Council in 1979—as he called out of the audience members of his own government for summary execution—will recall with nauseated horror the sobbing, the cries and the sight of grown men terrorised.

This is a regime that employs torture as an instrument of public policy. It employs electrocution, beatings, starvation, mutilation and rape—euphemised as ‘violation of women’s honour’. It is a regime that found it opportune to invade Iran in September 1980, generating over one million casualties, and it has deployed chemical weapons on a scale not seen since the Great War. It is a regime that undertook the Anfal campaign against Kurdish
Iraqis in 1988, which saw 100,000 civilians murdered or 'disappeared'. It is a regime that saw fit to launch a war against Kuwait just two years after the Iran-Iraq cease-fire. It is a regime that attempted to instigate a regional conflagration by its missile bombardment of Israel—a noncombatant nation—in 1991.

It is well to remember the history that has brought us to this point. Iraq's unprovoked attack of Kuwait brought near universal international condemnation. The UN called for a full withdrawal by Iraq. Iraq, in defiance of the UN, refused. A multinational force, led by the United States and Great Britain, invaded Iraq and expelled Iraq from Kuwait in Operation Desert Storm. As part of the cease-fire Saddam agreed that Iraq would, in cooperation with the United Nations, identify and then destroy all its weapons of mass destruction—nuclear, biological and chemical. This obligation was embodied in United Nations Security Council resolution 687 of 1991.

As history has shown, Iraq has continuously and consistently defied resolution 687 and subsequent resolutions—16 in all—calling upon Iraq to disarm itself of its weapons of mass destruction, and it has continued to fail to cooperate with United Nations weapons inspectors. Most significantly, resolution 1441 was passed by a unanimous vote of the 15-member Security Council last November. It recognised that Iraq has been and remains in material breach of its obligations under relevant resolutions, including resolution 687. The Security Council gave Iraq one final opportunity to comply. We all know the content of the report of Dr Blix on the weapons inspections. Iraq has not complied. Our Prime Minister has now called upon the Security Council to pass a further resolution.

I give this potted history of Saddam's appalling record of international thuggery because this is the man, this is the regime, whose survival now depends on the willingness of self-declared progressives to excuse, deny, prevaricate and pontificate. Like all members of this House I abhor war, but I am not a pacifist. I do believe that in extraordinary circumstances the exercise of military force can prove to be the least awful necessity to bring about a better world—for example, the removal of the Taliban in Afghanistan. The present circumstances, a world defined by the massacres of 11 September 2001 and 12 October 2002, remind me of the words of George Orwell in 1942:

Pacifism is objectively pro-fascist. This is elementary common sense. If you hamper the war effort of one side you automatically help out that of the other. Nor is there any real way of remaining outside such a war as the present one. In practice, 'he that is not with me is against me.' That was 1942. In the case today of a rogue state with a record of that of Iraq, talk of pacifism should not be accommodated. Given the increasing demonstration of international will to disarm Iraq, the course of coercive diplomacy assiduously followed by the United States, the strategy of military build-up to disarm Iraq and the options available to the international community, I believe our government has adopted the correct course of action as set out in the Prime Minister's statement to the House yesterday.

Can the genuine concerns held by many members of the community be addressed? I accept that they are genuine concerns and queries. I have received many representations from constituents of Curtin who are concerned about the possibility of Australian participation in military action against Iraq. I have made these concerns known to the government and I think it is appropriate today, in the limited time available, to address one or two particular themes implicit in those concerns. As for others, I hope I have addressed them in communications directly with the electorate. There is questioning as to why Saddam is a priority—why his brutality and belligerence are any worse than that of many other dictators and ‘thugocrats’ around the globe.

As someone who has seen first hand the shocking, brutal facts of life in Mugabe’s Zimbabwe—the betrayal of democracy, the electoral fraud, the torture and murder, the use of starvation as a political weapon and the land theft—I can attest that the Mugabe regime is appalling. Mugabe is a thug; so is Castro and Mugabe’s mate, Gaddafi. I could list many regimes that ought to be consigned to the dust heap of history. Of late, none has received the same attention as Iraq. None is likely to be liberated by multinational mili-
tary action any time soon. Yet it would be grossly perverse to ignore Iraq’s defiance of its international obligations or to deny the alleviation of Iraqi repression and misery on the basis that the West is not an equal opportunity liberator.

The fact is that the opportunity has been afforded to the international community to make restitution for its failure to enforce its will, as embodied in the numerous United Nations resolutions against Iraq. If it is hypocrisy to call now for the disarmament by force of a tyrant once tolerated and a regime reprieved, then it is hypocrisy in the service of the greater good.

Other constituents have raised with me their concerns about the role to be played by the United Nations and that played by the United States, yet the diplomatic progress that has been made since mid-2002, including Security Council resolution 1441, has come about only through the application of military pressure by the United States and its allies. The United States has done what the world has asked it to do and has acted within the framework of the United Nations. The onus remains on Iraq—not on the United Nations, the United States, the United Kingdom or Australia. Only Saddam Hussein can guarantee the peaceful resolution of this issue.

Margaret Thatcher once observed that, ‘Hope is no basis for a defence policy.’ Nor is it a sound basis for foreign policy. Some of my constituents have made the honest, if self-serving, observation that Iraq is a world away from Australia. Regardless of the rightness of any proposed mission, could we not simply sit this one out and let it slide under the radar? Does a ballistic missile capability reaching Cyprus, Turkey, Israel or the Gulf States present an immediate threat to the citizens of Perth?

Iraq is, along with North Korea, one of only two nations in the world to breach the nuclear non-proliferation treaty. It is clear that the possession of weapons of mass destruction or the continuing ability to amass those weapons by Saddam Hussein’s regime present a current danger to the people of Iraq—on whom he has previously used those weapons—other nations in the region and Australia’s interests. I agree with the reason-
would argue, is Robert Mugabe from Zimbabwe. But what are we doing with Robert Mugabe? We are sending a cricket team to Zimbabwe to play in the World Cup. In terms of not allowing Robert Mugabe to continue with what he is doing in that country, I believe that our sending a cricket team to that country is outrageous.

But we must ensure that, when we are dealing with evil regimes, we do it in the right way. Unfortunately in this instance, John Howard, in his eagerness to join George Bush in his war with Iraq, is pre-empting the UN process that is attempting to disarm Iraq without a conflict. He should remember that the main role of government is to create peace and security for its citizens in both a domestic and international sense. Recourse to war can never be justified before all non-violent solutions have been pursued. George Bush, unfortunately, appears to be determined to engage in conflict with Iraq with or without the backing of the United Nations, and John Howard seems equally determined to join him in that engagement. As early as 18 June last year, Defence Minister Robert Hill announced a dramatic change in policy. In a speech to the Australian Defence College he said:

The Howard Government has backed America’s new strategic plan to strike first and ask questions later against terrorists planning to use weapons of mass destruction against the US.

Fair enough. But he went on and said:

Australia would be part of a ‘coalition of the willing’ that would support the United States if it acted pre-emptively against terrorists or states such as Iraq.

That was in June last year. Australia has deployed almost its entire force of 2,000 personnel to the Gulf, joining the US and the UK in acting ahead of any UN authorisation. These forward deployments highlight the hypocrisy of the Howard government’s half-hearted support for the United Nations in the last few months.

The present government’s commitment to the Gulf is three times the size of the deployment in 1991—and in 1991 the UN had endorsed military action to stop the Iraqi occupation of Kuwait. Furthermore, I say to the Prime Minister: Australia’s security interests are not best served by kowtowing to George Bush and his policies when Australia’s relations within our own region are the worst they have ever been—and I lay the blame for that squarely at the feet of our foreign minister, who I believe is largely incompetent. In some large neighbouring nations there is a rising tide of hostility towards Australia and in others there are severe internal crises. Security for Australia would be best achieved by the building of strong alliances in our own region through development programs and independent defence and mutual security arrangements.

The government has admitted that it is intimately involved in the US planning for a war with Iraq, with the Minister for Defence getting high-level daily briefings from the US administration. John Howard should be saying that, as an ally of the United States, and consistent with article I of that alliance between the US and Australia, international conflict must be resolved through the United Nations. The report of the weapons inspectors shows not only that they have been doing their job but also that they still believe a peaceful resolution can be found. I am sure that a peaceful resolution and the disarmament of Iraq can still be achieved, but it will not be achieved unless Australia and its allies are prepared to work through the United Nations channels and use their strength to bolster the hand of the United Nations.

It is true that we have not eliminated the threat of terrorism, and that is an issue that has to be addressed through the international forum of the United Nations—and it is being addressed in that way. The war on terror, which Australia supports, and which has bipartisan support, is being fought through the United Nations umbrella. That is what should be happening in relation to disarmament and, in particular, the disarmament of Iraq. Unilateralism will not deliver it; it must be done through the strength of the United Nations. There is commitment to disarm Iraq and it must happen through the UN, not unilaterally.

Colin Powell will shortly address the Security Council. Why is he waiting? Any new information that he alleges he has should be presented by him now. The UN requires all
the information there is at its disposal. That information is needed for judgments to be made—collective judgments to enforce and strengthen the authority of the United Nations. That is what the United States should be doing: it should be strengthening the hand of the United Nations and making available all the information there is as soon as possible.

Calls to my office confirm my view that the Australian people do not want a unilateral approach. The Australian public is hugely concerned about this. The overwhelming majority of the Australian public do not support war or unilateral action led by the United States. The large majority of people, however, would be prepared to support action sanctioned by the United Nations. Labor has consistently argued for action sanctioned by the UN. Since April we have been consistent in our argument that says the matter has to be resolved through the UN. John Howard cannot make up his mind about the United Nations. Recently, for example, he was deploying troops and assuming failure by the UN and he was saying that he had no faith in the report by Hans Blix. Then, when he got the report, he said that the strength of it, which surprised him, vindicated his decision.

John Howard is all over the place on this issue and he is out of touch with the Australian people. In August last year, John Howard was quoted by the Australian as saying:

*We have not received any request from the United States ... if we were to receive it then it would be the subject of a very thorough debate in this country.*

I ask the Prime Minister: where is that debate? It is true that the people of Australia are talking about it, but the Prime Minister does not seem to be listening. Even the debate that we are having this week will, I believe, be cut short tomorrow and many people who would have liked to have spoken may not get the opportunity or will have to cut short their comments. I find that unacceptable.

We also now find that our Minister for Foreign Affairs, in conversation with New Zealand High Commissioner Kate Lackey on 24 October last year, said:

*... Australia would indeed prefer UN backing. However, and this was not a point that could be made publicly, Australia was not in a position, if the UN process broke down, to withdraw our ships and other presence from the Gulf.*

That does not sound like a government given to debate; it sounds more like a government intent on delivering what George Bush wants, regardless of UN or Australian public opinion. In fact, not only does the foreign affairs minister not wish to debate this with the Australian public; he wants to treat the Australian public with contempt and not tell them what the true position of the government is. I endorse Simon Crean’s comment when he stated:

*The Australian people don’t want war, they want to avoid war. And there is still the opportunity to avoid war through peaceful disarmament of Iraq.*

Instead of acting to understand and address issues of international terrorism, the Howard government has used the Bali tragedy and September 11 to promote militarism and xenophobia. The Howard, Bush and Blair governments are reacting superficially and recklessly in relation to terrorism and are using nations such as North Korea and Iraq as scapegoats, and in so doing are creating greater insecurity and potentially creating greater risk to their own citizens. The United Nations should be the means of addressing global conflicts, with the aim of reaching peaceful solutions. There are a range of means that can be used, including peacekeeping forces and sanctions.

International law does provide for the use of military action where there is a real and present danger to a country’s security or where their borders have been violated. This is not the case in relation to Iraq. The criteria being used is that Iraq has weapons of mass destruction. So too do many other nations. There is no doubt in my mind that Saddam Hussein, as I have said previously, is the leader of a regime that has a dreadful record
of abuses of human rights, including the execution of political opponents and union officials. However, no link has been shown between the attacks of terrorism in the West and Saddam Hussein or Iraq. An attack on Iraq will cost the lives of many, including our troops, allied troops and Iraqi citizens including innocent children. It will also divert attention and resources from dealing with terrorists and terrorism. I reiterate that we have not eliminated the threat of terrorism, and that is an issue that has to be addressed through the international forum of the United Nations—and it is. The war on terror, which Australia supports, has bipartisan support and is being fought under the United Nations umbrella. That is what should be happening in relation to disarmament and in particular the disarmament of Iraq.

In conclusion, there should be no military action taken to disarm Iraq without the authority of the United Nations. Labor will support a decision of the UN Security Council to enforce resolution 1441 in the event of Iraqi noncompliance. Labor will not support a unilateral US military attack on Iraq. It is time for John Howard to come clean on this issue and tell the Australian public exactly what he has committed Australia to, what he has committed our troops to and what we may be committing to in the future. I will make the final comment that, once again, our foreign minister has shown why the PM needs to remove him and remove him quickly.

Mr RANDALL (Canning) (6.39 p.m.)—This debate on the Prime Minister’s statement on Iraq does not centre on the rights and wrongs of the military engagement with Iraq. It centres on the craven political opportunism of the Labor Party and its leader, Simon Crean. This debate is about the future leadership of the deeply divided federal Labor Party. That was never more obviously seen than yesterday in Mr Crean’s response to John Howard’s report to parliament on the war in Iraq. I sat through Mr Crean’s whole speech and was appalled. The speech ran out of steam after 14 minutes, which was obviously the length of time it was planned for. It was then full of filibuster and repetition, and that was not lost on the media today. You only have to read the various political commentators of this country to find that they found it an abject failure as a response. The Labor Party were complaining that they did not get direct coverage on the ABC, but Matt Price thought that that might have saved the opposition leader’s bacon with the public because it was an absolutely pathetic performance.

The opposition leader’s speech centred little on the facts of the matter. It centred more on his attack on the Prime Minister, name calling and the debasement of the Prime Minister of this country. As I said, it spent little time arguing the merits of the case. It was more of a personal attack. In fact, it indicated that the Labor Party and its leader are trying to get traction on any subject they can in this country. They could not get the traction they wanted for 12 months, but finally they think they have an issue that has some resonance with the Australian public. Yes, the Australian public do have a view on this, and I know that currently the polling says that they do not want war with Iraq and that they do not want engagement without the United Nations. But this issue has a long way to run, and we know that public opinion has a habit of changing as the issue gradually changes. For example, I imagine that once Colin Powell has delivered his address to the United Nations this evening, there will be some sort of shift tomorrow. If Colin Powell does not come up with sufficient information it may shift one way. If he comes up with very concise detail about the operations of Saddam Hussein, his weapons of mass destruction and his deceit, I would imagine that the rest of the world will gradually take the lead from what he is saying. He is a very credible person. Let us remember that he, along with General Schwarzkopf, was one of the leaders in the previous war in Iraq, so he has a lot of runs on the board with this issue. But the Labor Party seems to be more intent on supporting the rights of Saddam Hussein and Iraq than it does on supporting the Australian interest in this matter—and there is a lot of Australian interest.

As I said, unlike the government of the day—which is united in support of its strong leader, John Howard—the Labor Party is
deeply divided on this. We only have to see the position of members like the member for Fremantle, Carmen Lawrence—in particular, the things that she espouses in the press in Western Australia. As an aside, the cant hypocrisy of the member for Fremantle in attacking the Abraham Lincoln, which I was pleased to be a guest of in Perth before Christmas, knows no bounds. The fact is, when the member for Fremantle was the Premier of Western Australia and the visits by the US ships brought economic good to Western Australia, she did not say a word. It is the same as when she was the Premier of Western Australia and the Port Hedland detention centre was up and running. She had one view at one stage of her life and she has another view now. So it is a disgraceful performance from a divided Labor Party on this issue, and it will be even more divided when the United Nations comes down with a resolution which may very well support action in Iraq. Where is that going to leave the left, the right, the centre and the mishy-mashy middle of the Labor Party on this whole issue?

The Labor Party are just perpetuating this anti-American sentiment. You can see it in the language that they use. They do not even have the decency to respect the position of the President of the United States. It is continually ‘Bush this’ and ‘Bush that’. They are in the business of denigration rather than the business of succinct argument. While we are on about left wing views of the world, I was appalled to see Tony Jones of the ABC recently interviewing the Indonesian foreign minister on Lateline, almost verballing him and getting him to come out with some sort of anti-Australian response. That just shows you the way that sections of the left wing media in this country are trying to lead this debate.

Contrast this with the views of the member for Brand, who seems to have credibility on this issue. I heard his speech in the House yesterday and, like him, I believe that the United States has a pre-eminent role in the world at the moment. One of Australia’s delegates to the United Nations told me that the current American administration is considered to be one of the most powerful forces in history. In fact, it has been compared to the strength of the Roman Empire in the past. It is an unassailable, powerful, strong force and we are glad that it is generally a force for good. In this case they are not going in to persecute, torture and do all the things that Saddam Hussein is doing; they are in there trying to do something good for the world in terms of weapons of mass destruction and the liberation of the Iraqi people.

The argument being canvassed by the Labor Party is that the UN line can be the only line. We do know—and the Prime Minister went into great detail about this—that the UN sometimes takes a grey view of things and does not come out with a solid position. It did not come out with a solid position in relation to Yugoslavia when action was needed to rid that country of a despot like Mr Milosevic. At the end of the day, countries with some courage and fortitude go and do what they consider is right and I am glad that Australia is one of three nations, at the moment, that want to do some good in the Middle East.

We do know that resolution 1441 is being fought as a game of brinkmanship by Iraq. It has been mentioned that it is a bit like the movie Groundhog Day, where every day is the same. You come back, send inspectors around the country, they come back again the next day and they are led on a wild goose chase. If it were not for the forces lining up and surrounding that country, do you really think Saddam Hussein, after 12 years, would have let the weapons inspectors back in? He stopped them before. He used people as shields and has lied and deceived. We know that not only from observers in that country but from Iraqi people who eventually get out.

I do not need to go on about Saddam’s record but we do know what he has done in the region. He has attacked his neighbours, shelling Israel and Saudi Arabia. The Iran-Iraq war was fought for years and a million people were killed. He has even killed two of his own sons-in-law. People might ask, ‘Why do you think the scientists in Iraq will not come and tell the truth about their programs?’ Would you tell the truth if you had Saddam and his regime standing over you? He has done that previously. He gets rid of his political enemies even to the extent, as I said, of
getting rid of his sons-in-law who defected to Jordan and told the truth about his programs.

I have mentioned Dr Rihab Rashida Taha in this House before, the woman in Iraq they call Dr Germ. She is listed amongst the world’s most important new breed of Third World weapons designers. She was educated in Britain and has been nicknamed Dr Germ by the UN weapons inspectors. Interestingly, she is credited with having developed the anthrax program. She was educated in East Anglia University in Britain and then went back to Iraq and developed their biological warfare program. This was confirmed by one of Saddam’s sons-in-law who was eventually killed. Dr Rihab Taha married an Iraqi minister, currently the oil minister in that country, who helped her put together this sensitive superweapons program. Like many of these scientists, she has been expanding their program. Dr Taha was also involved in organising for anthrax to be sprayed from modified MiGs, which have drop down tanks. You only have to go to the Internet to see this information. I have wads of information that I have downloaded from the Internet in the last few days about weapons programs in Iraq. They are bad news for the rest of the world.

I will finish by outlining two scenarios. I believe that, if the world does take action against Iraq, it will be quick. Iraq has been substantially weakened by sanctions over the last few years. There have been no-fly zones, both north and south. I believe that because there is much more known about this country now, we will see a quick and decisive war. The other scenario is that, if Saddam decides to fire off any of his biological or chemical warfare armaments, the rest of the world will join in, post haste, while wishing that they had done something earlier. The regime in Iraq has been likened to many other despotic regimes. One is reminded of the regime of the Nazi party and Adolf Hitler. Simon Crean has been doing a sort of Chamberlain. Chamberlain said, ‘We are going to work through this,’ while being laughed at by the Nazi regime and Hitler.

We want to see Australia take decisive action to assist the rest of the world. We do not want to see a Pontius Pilate exercise as has been demonstrated by the Australian Labor Party for political opportunism. If they fail in this issue, as George Campbell said, it will be goodbye to Simon Crean within six months and you will see the breakdown of the Labor Party as we know it because this is all being done for craven political purposes. Many of the members of the Labor Party, including the member for Brand, do not like the line that they are taking.

Mr BEVIS (Brisbane) (6.51 p.m.)—Most of the debate here and in the public about the war with Iraq has been so narrowly focused that it has missed the key issue: Australian and global security priorities. A war with Iraq on the terms now proposed, with the evidence now available, would be a monumental and dangerous distortion of critical security priorities.

If George W. Bush was a baseball player, the sports headlines would read ‘Bush takes eyes off ball’. In his real job as President of the United States of America and commander-in-chief of the most powerful military in the history of human life, the war on terror is the main game. Yet just one year after the tragic September 11 terrorist attacks, he has taken his eye off the main game. He is losing the plot. It is far too simplistic to equate the war on terror with war against Iraq. Worse, it is wrong. There is no evidence that Iraq was in any way involved in the terrible events of September 11. In fact, the most aggressive assessment of Iraq’s role in state sponsored terror outside its own borders since 1991 would list it as a bit player. The world should not be sidetracked into a debate about the virtues of Saddam Hussein’s Iraq at the expense of the war on terror. Nor should we focus diplomatic and military efforts on Iraq at the expense of the war on terror.

That is not to say that Saddam Hussein’s Iraq regime deserves any sympathy or support. It does not. It is a tyrannical, oppressive and violent dictatorship, but, as one of the Canberra Times editorials pointed out: Australians do not need to be persuaded that Saddam Hussein is an evil despot who kills and oppresses his own people and whose regime is a threat to its neighbours. That is true of the leadership of perhaps a third of the world’s nations ... I supported our involvement in the 1991 war against Iraq. I supported our involvement in
the war on al-Qaeda in Afghanistan and our ongoing role in that fight—a fight, however, that will only be resolved through political, diplomatic and economic measures, not by military measures alone. But I am steadfastly opposed to this unjustified and irresponsible push to war in Iraq.

Many key military strategists in the United States hold similar concerns. US Middle East envoy and retired Marine General Anthony Zinni asked the key question: ‘What are the Bush administration priorities?’ Zinni’s answer to that question contrasts with the outbursts against Iraq from President Bush and Vice-President Cheney, parroted by the Howard government. Zinni contends the Middle East peace process has to be a higher priority. Winning the war on terrorism has to be a higher priority. Resolving the situation in Afghanistan, Pakistan and Central Asia has to be a higher priority. Making sure that al-Qaeda cannot rise again, that the Taliban and the warlords cannot come back and topple Afghan President Karzai, has to be a higher priority. He said:

Our relationships—
that is America’s relationships—in the region are in major disrepair ... There’s a deep chasm growing between that part of the world and our part of the world. And it’s strange, about a month after 9/11 they were sympathetic and compassionate toward us. .... How did it happen over the last year? And we need to look at that—that is a higher priority.

General Zinni happens to know a bit about this part of the world. Prior to being appointed as the senior adviser on Middle East issues to the US Secretary of State, Colin Powell, he was commander-in-chief of the US Central Command, covering much of the Middle East and Central Asia. We would all do well to heed his caution.

Even General Brent Scowcroft, former national security adviser to Republican presidents Ford and Bush Snr, has rung the alarm bells, commenting:

... the central point is that any campaign against Iraq, whatever the strategy, cost and risks, is certain to divert us for some indefinite period from our war on terrorism.

He went on to say:

Our pre- eminent security priority is the war on terrorism. An attack on Iraq at this time would seriously jeopardise, if not destroy, the global counter terrorist campaign we have undertaken.

Some Liberals in this parliament have argued that Labor is simply US bashing. That criticism is juvenile and puerile. Senior American leaders have been at least as critical of the Bush administration over this issue, as have some other prominent Australians. One letter to the editor caught my eye, and part of it says:

Does anyone seriously believe that Iraq constitutes the greatest problem confronting the world? What about Israel and the Palestinians, for starters? Not to mention the countless millions suffering poverty, starvation and indescribable hardship in so many parts of today’s world?

The letter went on:

In 2003 we have ... George Bush, certainly the most belligerent US President in my now long memory. It makes one wonder if Washington needs a regime change as much as Baghdad and if it is Bush who should be pushed into exile—ideally in Iraq, where he could carry out his own personal weapons inspections, aided perhaps by the leaders of one or two of his few allies.

Signed, John Valder—former New South Wales and federal president of the Liberal Party. I do not intend to waste any further time on that Liberal rubbish.

Those who talk about Iraq’s use of weapons of mass destruction—an act that deserves unqualified condemnation—should also recall that use of these despicable weapons against the Iranians in their seven-year war was met with a blind eye by the world community. Where were the voices of outrage in Europe, America or Australia when it happened? What did the Liberals say when Hussein actually used these weapons? Absolutely nothing. Moreover, Iraq acquired this capability from America and European nations—both east and west. America had no problems with Iraq’s use of these weapons against Iran then. It is hard to see it now being used as a justification for war.

On 18 August 2002, the New York Times reported that the Pentagon:

“... wasn’t so horrified by Iraq’s use of gas,” said one veteran of the program.

It then quoted the veteran:
“It was just another way of killing people—whether with a bullet or phosgene, it didn’t make any difference,” he said.

The list of countries possessing, pursuing or capable of acquiring weapons of mass destruction is much longer than most would imagine. The Federation of American Scientists lists 33 nations, nearly all of which are listed with two or more weapons of mass destruction systems. They are: Algeria, Belarus, Bulgaria, Chile, China, Cuba, Ethiopia, Egypt, France, India, Indonesia, Iran, Iraq, Israel, Kazakhstan, Laos, Libya, Myanmar, North Korea, Pakistan, Romania, Russia, Serbia, South Africa, South Korea, Sudan, Syria, Taiwan, Thailand, Ukraine, Vietnam, United Kingdom and United States.

The concerns I, and others in the Labor Party, have expressed are similar to those held by many of America’s most experienced politicians. For example, Senator Edward Kennedy said:

I believe it is inevitable that a war in Iraq without serious international support will weaken our effort to ensure that al-Qaeda terrorists can never, never, never threaten American lives again.

He has also drawn attention to the concerns of some of America’s most senior military commanders. General Joseph Hoar, the former commander of Central Command, told the US Senate Armed Services Committee at the end of last year that ‘a case has not been made to connect al-Qaeda and Iraq’. This is one of the most senior military people in the United States giving evidence to the US Senate Armed Services Committee only a few months ago. He added:

To the contrary, there is no clear and convincing pattern of Iraqi relations with either al-Qaeda or the Taliban.

General Hoar advised the committee that America’s first and primary effort should be to defeat al-Qaeda. General Wesley Clark, the former Supreme Allied Commander in Europe, testified before the Armed Services Committee at the end of last year that Iran has had closer ties to terrorism than Iraq. Iran has a nuclear weapons development program, and it already has a missile that can reach Israel. Kennedy has pointed out:

At the present time, we do face a pressing risk of proliferation—from Russia’s stockpile of weapons of mass destruction. America spends only $1 billion a year to safeguard those weapons. Yet the Administration is preparing to spend between one and two hundred billion dollars on a war with Iraq.

Why is it that, of 190 nations in the United Nations, only two have joined the USA in deploying troops? This exercise of George Bush’s is not some game of bluff or high-stakes chicken. Having deployed troops and made the threats, the US, Australia and the UK have no alternative to war if their demands are not met. General Hoar said that our military would have to be prepared to fight block by block in Baghdad and that we could lose a battalion of soldiers a day in casualties. That is just on our side: a battalion a day. Urban fighting would, he said, look like the last brutal 15 minutes of the movie Saving Private Ryan.

What of the 900,000 refugees predicted in UN assessments as an outcome of the war? Will John Howard and the Liberals accept our share of this new wave of refugees? That is not likely. What of the estimated up to two million dead—combatants and non-combatants? We mourn seven astronauts, and that is fair enough, but we quickly skate over the prospect of millions of innocent Iraqi deaths. What happens after the war? Here is one view from General Zinni:

You could inherit the country of Iraq, if you’re willing to do it—if our economy is so great that you’re willing to put billions of dollars into reforming Iraq. … If you want to fight with other countries in the region to try to keep Iraq together as Kurds and Shiites try and split off, you’re going to have to make a good case for that.

But I think the most telling point about what happens after a war with Iraq came from US General Clark, when he told the US Senate Armed Services Committee that war with Iraq would ‘super-charge recruiting for Al-Qaeda’—and make no mistake: they will be the winners out of this folly.

Clearly, Iraq has defied and is defying the UN. It should not. It should comply with its obligations immediately. However, if failure to comply with UN resolutions is the test for war, there are a few other candidates who also have weapons of mass destruction and fail to comply with UN resolutions. Israel is in defiance of a 1967 resolution, resolution
242, which required the withdrawal of its armed forces from the territories it occupied following the 1967 war. It possesses weapons of mass destruction.

India and Pakistan, both nuclear powers, are in violation of UN resolution 96 of 1952. That is half a century of defiance of a UN resolution, and there are still deaths and fighting in the disputed territories between India and Pakistan. There is a UN resolution of 1974 regarding Cyprus, which obliges the parties to comply with all provisions and specifically requires the Turkish armed forces to be removed from Cyprus. The world has turned a blind eye to these and other breaches of UN resolutions. The contrasting reaction to Iraq’s belligerence is hypocritical; what is more worrying, it endangers more important global security priorities.

I was interested in a comment by the American Ambassador to Australia. He made it in a speech given towards the end of last year and it was reported in the *Canberra Times*. He said: ‘I have a test: if you are sending someone’s son to war you have to be prepared to send your own son.’ I agree with him. I think that is a pretty fair test that all of us—every single one of us—in this chamber with some responsibility in these matters should think about. It should apply to the Prime Minister, who should be encouraging his children of military service age to enlist in the military. It is all too easy to sit in the comfort of ministerial leather and send other people’s children off to war.

We must be sure that more than might and power are on our side. It is hard on the facts before us to conclude that we would be justified in using the unquestioned military might of the USA and its allies to crush Iraq. Worse than that, were this war on Iraq to occur in the current circumstances, it would undermine rather than support the war on terror. Security would almost certainly be worse in many nations, including Australia. Any hope of resolving the underlying causes of terrorism and overcoming the factors that extremists feed upon as they seek to recruit future terrorists would be dashed. To once again quote General Zinni:

Attacking Iraq now will cause a lot of problems. … If you ask me my opinion, General Scowcroft, General Powell, General Schwarzkopf, General Zinni, maybe all see this the same way. It might be interesting to wonder why all the generals see it the same way, and all those that never fired a shot in anger and are really hell bent to go to war see it a different way. That’s usually the way it is in history.

Australia and the world are being drawn into a war that is ill-conceived and counterproductive, and which dangerously distorts the genuine security priorities of Australia and our allies. Most alarmingly, this entire redirection of global security had its genesis in the misguided plans of a right wing United States Republican President. He created this distraction at a time when he needed evidence of success in the war on terror—evidence that was difficult to show a public that was looking for quick victories following September 11 2001.

Chasing Al-Qaeda and Osama bin Laden has proven too difficult for a US administration looking for a fast, graphic display of success. The unquestioned might of the American war machine is not structured to deal with the threat that non-state terror presents. It is far better suited to a conventional war against a defined nation state, and in that its powers are unsurpassed. We should not forget, either, that all this was done as President Bush and his Republican Party faced mid-term elections with a hostile Senate and a resurgent Democratic Party.

Australia should have no part of this venture. Rather than insipidly being dragged into folly by anyone, including the United States, we should ensure that our strategic priorities and our assessment of global security issues truly reflect Australian needs. In spite of all this, our troops are already being deployed. They will once again complete the task required of them by the government with the skill, dedication and professionalism for which they are renowned. I wish them all a speedy and safe return to our shores. They should be assured that they enjoy the support of all Australians. Theirs is a difficult task, and they go with our best wishes.

Mr CAUSLEY (Page) (7.06 p.m.)—I rise to support this particular government motion. I do so with some experience and some knowledge, I dare say, of the past. I have had
family involved right back to the First World War, where my father-in-law fought on the Western Front. I have uncles and other relatives who fought in the Second World War—and obviously for the same reason: to defend freedom and to defend this country.

I have listened with interest, particularly to the contribution of the member for Brisbane. One of the first protestations made by those opposite was their acknowledging that Saddam Hussein is an evil person with an evil regime and that something should be done about that. But all they rely on at the present time is that there be a resolution from the United Nations—and most people would agree that a resolution from the United Nations, were there one, would be the best way to go.

I often hear from those opposite that there is another way. I am sure that Dr Hans Blix and General Colin Powell would love to know that other way. For 12 years the world has been saying to Saddam Hussein that he must comply with disarmament, and Saddam Hussein has thumbed his nose at those people. It has only been on those occasions when he has stared down some superior force that he has even contemplated accepting the resolutions of the United Nations. In thinking over this whole issue, I remembered an old adage—I am not sure where it came from—which said, ‘History teaches us one thing: we never learn.’ Going back through history to the Second World War—which is not that far back—and looking at the lead up to that horrific war, I have no argument with the fact that the seeds of that war were probably sown in the Treaty of Versailles where Germany was treated very poorly. It was expected to pay reparations and, of course, it then went through the Depression. Hitler, who was offering the Germans the world, was able to come to power in a democracy. He then changed the constitution so that there could never be another vote in Germany.

Right throughout the thirties, the warnings were there about what was going to happen. No-one in Europe had the strength to stand up and confront Hitler. In fact, as mentioned earlier by the member for Canning, the then Prime Minister of England, Neville Chamberlain, after his return from discussions in Europe, made that marvellous statement of ‘Peace in our time’. Yet, within a very short period of time, Europe was plunged into a war. When you read that history, you realise how close Hitler came to taking over Europe, if not the world. The repercussions of that war were horrific. There is no doubt that an earlier confrontation with Hitler would have also caused some casualties, but it would not have been the confrontation that we saw in later times. I listened very closely to the arguments from the opposition. The member for Brisbane, who just spoke, said that he has worries about Saddam Hussein; but he then went on to say that we are not going to get involved, that we do not want war. No-one wants war, but you cannot run away from it when you have despots such as Hussein or Hitler who are determined to use their influence and power in their area to take over their neighbours, in particular, and more widely if they can.

I have also heard in this parliament attacks on the United States. There is no use in the member for Brisbane getting up and saying that the Liberals are attacking the Labor Party. That is a facile argument. I sit here in question time and I hear the member for Werriwa and the member for Corio continually calling out across the chamber, ‘Lap dogs’. The Labor Party seem to have thrown the American alliance to the wind. I put to the Australian people to think very carefully about this—very carefully indeed. I was born in 1940, and I can assure you that, as a very young child, I was very aware of the problems that we had with the Japanese coming down through the islands and through New Guinea—Australia was about to be invaded. There was nothing Australia could do about that, except for one power, the United States. Admittedly, the American nation was forced into the war by the attack on Pearl Harbour. If not for the battle of the Coral Sea, this country would have been conquered by the Japanese. That is something that my generation and certainly people older than me will never forget. It is very clear in our minds that the Americans were the people who were prepared to stand up and help us save this country from occupation. That seems to have been forgotten for convenient political purpose in some cases and with the passage of
time in other cases. I am very proud to think that the Americans are our supporters and that we can support them on some of these issues that affect the freedom of this world and that protect the rights and privileges of people in this country.

In relation to the Gulf War, there was a clear indication of the expansionism of Saddam Hussein. He walked into Kuwait; he was going to take over Kuwait. Who was it that went in and fought on behalf of the Kuwaitis and on behalf of the rights of people of this world? It was the Americans. Yet we still have people in this country—obviously from the left wing or sympathisers with the Labor Party—who are prepared to attack the Americans and call them the world’s bullies. If no-one else is prepared to speak up for the rights of the people of this world, then I am very pleased to know that the Americans are friends of ours and are prepared to speak up for the rights of individuals and this country. Where do we stand in defence of this country when the Labor Party—who aspire to one day be the government of this country—are not prepared to accept the Americans as their allies at the present time and are trying to denigrate them? That would leave our country in a vulnerable position if we were attacked.

The evidence of what Saddam Hussein is about is in no doubt. In the last few days, I have had no clear indication that anyone disagrees that he has an arsenal of weapons of mass destruction. When the weapons inspectors were there before, they were kicked out of the country because they found the weapons of mass destruction. It is a juvenile argument to say that someone else might have created those weapons in the first place. I do not think that there is any doubt about that. But we are talking about a person who is prepared to use them. He has used them on his own people, and he is prepared to use them again—there is no doubt about that.

Are we prepared to be weak, to sit back, say nothing and allow Saddam Hussein to build up an arsenal of nerve gas, biological weapons and nuclear weapons? As the Deputy Prime Minister said the other day in his reply, our children will condemn us if we do. It is a bit like the analogy of a mad dog. You do not get anywhere with a mad dog by turning away; it will bite you. The only way you get anywhere with a mad dog is to confront it head-on. There is no doubt in my mind that the Labor Party is prepared to roll over. There is no doubt in my mind that, if you could go back to 1939 and put the piece of paper in Simon Crean’s hand, he would be the person saying, ‘Peace in our time.’

That is the position we are in at the present time. We can argue all day about whether we believe that Saddam Hussein has weapons of mass destruction. We can argue about whether he would use them in the long term. I have my opinions, and there are obviously different opinions on the other side. But at the end of the day, these weapons could get into the hands of terrorists, people who have no regard for human life, people who are prepared to blow themselves up for a cause. I would not like to be a member of the Labor Party if that happened in some area of Australia. It would be on your heads.

At the present time, Saddam Hussein is ignoring the United Nations. Why is he ignoring the United Nations? Because he is sitting back and playing for time. He is sitting back and waiting for people like the Labor Party, the Greens and the Democrats in Australia, and people in other countries, who are arguing against any confrontation with his regime. He is drawing oxygen from you people. He thinks that, in a democracy where people are allowed to speak their minds, somehow or other he will be able to feed into this opposition to the war enough energy that he will get his own way. He is feeding them entirely. Countries such as Israel are next door. They will be the first to be attacked. There is no doubt in my mind about that.

I also cannot understand the position of France and Germany. As far as we understand it, from the information that we have, there are already rockets that can reach those countries. I am sure that, if they think very carefully about the threat that is posed—and I am sure that France has a fair idea of this, because it has been through it before—they should clearly understand that this is a clear threat to the world and a clear threat to the independence and the rights of individuals around the world.
One thing that absolutely puzzles me is that the left wing of the Labor Party are usually the people who defend the rights of individuals and people in this world.

Mr Danby—Not just them.

Mr CAUSLEY—Maybe not just them, but they seem to come forward in this place and say they have a mortgage on it. They do not have a mortgage on it. But in this particular instance they are not prepared to stand up and defend the people. Earlier, I heard the member for Corio trying to paint a picture to this parliament—

Mr Tanner—He’s not in the Left.

Mr CAUSLEY—He would like to be, by the sound of things today. Maybe the factions are changing and the power is moving in the Labor Party. The member for Corio was trying to paint a picture to this parliament that families in Iraq are really going about their ordinary, everyday work. He was painting a picture that it was like suburban Melbourne. Iraq is not like that at all.

Iraq should be one of the richest countries on earth. It has 60 per cent of the world’s oil reserves. What are the people getting out of this? Nothing at all. Yet the Labor Party are prepared to stand up here and say, ‘We don’t want to change this. We don’t want to see people have the right to have a better way of life. We do not want to change the regime.’ You say you do, but when it comes to the crunch you do not come up with the answers. You do not come up with the answers because you say there is another way. Tell us the other way. There are a lot of people in this world who would like to know that other way. At the present time, all we have is a desperate opposition leader. He has a fractious party. I have watched and I have listened to the different opinions coming from the other side. There is no support for a single idea coming from the Labor Party at the present time. The problem that the opposition leader has is that he is desperately trying to claw at this to see if he can get some sort of power out of this to save his position.

It is a very serious situation; I am sure nobody takes it lightly. But I believe that the lessons are there in history. If you want to take the weak way out, you will not avoid the confrontation. The confrontation will eventually come, and then it will be much worse than if we had confronted the problem in the first place when it could have been avoided. The United Nations has asked Saddam Hussein to disarm. This parliament should support it. (Time expired)

Ms O’BYRNE (Bass) (7.21 p.m.)—I am dismayed by the Prime Minister’s statement on Iraq. My disappointment is threefold. Firstly, the statement continues to outline a position where this country might become involved in a war with Iraq without the sanction of the United Nations. Secondly, it contains no new evidence which would seem to justify such a position. Thirdly, this government ought not to be even contemplating sending any more Australians into armed conflict or active overseas service until it can provide an adequate program to properly service and care for those who have previously served this country.

I want to emphasise what the Leader of the Opposition so honestly and bravely conveyed to the Australian troops as they left Garden Island on the Kanimbla on predeployment. I, like all members on this side—and I am sure I speak for my constituents as well—support our troops who have been predeployed to the Persian Gulf. We wish them a safe and very speedy period of service and return. I feel for the troops. Unlike the forces who went to Vietnam, these men and women are all career service men and women. They are not conscripts. They have gone to the Gulf because they are following orders. As the leader has said, they have no choice in the matter. They are doing exactly what serving men and women are expected to do.

I am a strong proponent of exploring every avenue of negotiation, every tool of diplomacy and every available peace process to ensure that our world remains as free from war as is humanly possible. I am equally and just as fervently a supporter of those men and women who serve our country when, sadly, the need for the armed defence of our own nation, peacekeeping, treaty monitoring or appropriately authorised armed intervention might arise.

Australia’s participation as a member of the Multinational Interception Force in the
Persian Gulf is part of a duly authorised monitoring process following the Gulf War ceasefire. I firmly believe that any additional involvement by Australia and its armed force in Iraq should only follow a further United Nations resolution that Saddam Hussein has failed to disarm and that no other reasonable course can be taken which would force him to do so.

History has taught us that a combined and unified approach by the nations of the world is the best recipe for peace. The two world wars of the last century were tragic conflicts. The Second World War in particular eventuated in part because the nations of the world did not allow the League of Nations to be effective. Since 1945, the United Nations has been allowed to play a significant role in not only ensuring world peace but also in calling rogue nations and leaders to account. As a result, we enjoyed in the second half of the last century a relatively strong period of peace. Australia ought not to be a country which is seen to be leading the charge to diminish the authority of the United Nations.

The foreign minister has questioned this side’s level of condemnation of Saddam Hussein. Let me make my view and that of those on this side abundantly clear. His disregard for human rights stands condemned, as does his use of chemical weapons and torture against his own people. We abhor what this appalling dictator stands for, just as we abhor the actions of those who created and armed him. If it is concluded from the work of the weapons inspectors that he has failed to disarm in accordance with the United Nations resolution or his regime fails to sufficiently cooperate with them to enable them to make a proper determination then a further resolution would be justified. But we must allow the United Nations process to take its full course.

This process accords with my own personal view. But it has become abundantly clear to me over the past few months that it also reflects the view of the vast majority of the people of my own electorate and the rest of Tasmania. I suspect it also accords with the national view. I am not one to automatically believe what the opinion polls say, but on the issue of Australia involving itself in a war with Iraq without the imprimatur of the United Nations the polls have been consistent and emphatic. Coupling those with the vast majority of emails and letters I have received and phone calls and conversations I have had, I am convinced that it is firmly the wish of the Australian people on this occasion, not just of the peace movement. It is not just the Left and a smattering of so-called do-gooders.

I understand that in order to facilitate the operations of the House the minister has some motions to move, and I ask leave to continue my remarks when the debate is resumed.

Leave granted; debate adjourned.

COMMITTEES
Selection Committee
Report
Mr CAUSLEY (Page) (7.25 p.m.)—I present the report of the Selection Committee relating to the consideration of committee and delegation reports and private members’ business on Monday, 10 February 2003. The report will be printed in today’s Hansard and the items accorded priority for debate will be published in the Notice Paper for the next sitting.

The report read as follows—

Report relating to the consideration of committee and delegation reports and private Members’ business on Monday, 10 February 2003

Pursuant to standing order 331, the Selection Committee has determined the order of precedence and times to be allotted for consideration of committee and delegation reports and private Members’ business on Monday, 10 February 2003. The order of precedence and the allotments of time determined by the Committee are as follows:

COMMITTEE AND DELEGATION REPORTS
Presentation and statements
The Committee determined that statements on the report may be made — all statements to conclude by 12.40 p.m.

Speech time limits —
Each Member — 5 minutes.

[Proposed Members speaking = 2 x 5 mins]

PRIVATE MEMBERS’ BUSINESS
Order of precedence

Notices

1 Mr K.J. THOMSON:

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

2 Ms GAMBARO to move:
That:

(1) this House calls on the Government to fund a national co-ordinated study into Parkinson’s disease due to the increase in the number of sufferers estimated to be 80,000 at present and the lack of comprehensive data on Parkinson’s disease for more than 40 years;

(2) the study determine:
(a) the number of sufferers;
(b) how the disease affects sufferers and their carers; and
(c) how much the disease costs the Australian community; and

(3) the Government continues to place healthy ageing as a priority and that a national prevalence study of Parkinson’s disease will aid in better treatment of the disease and assist in understanding the impact on future health budgets. (Notice given 21 August 2002.)

Time allotted — 30 minutes.

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

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

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

3 Mr PEARCE to move:
That this House:

(1) recognises the importance and value of all children learning music as part of their school education;

(2) appreciates how the learning of music can provide additional benefits to a child’s overall academic and educational development;

(3) acknowledges the significant contribution and effort that people from all walks of life make to their local communities through music and arts initiatives, particularly those that support our youth;

(4) recognises the positive link between the wellbeing of our youth and their appreciation and active participation in music activities; and

(5) calls on the Government through the Ministerial Council on Education, Employment, Training and Youth Affairs (MCEETYA) to actively support and encourage:
(a) an increased presence and heightened importance of learning music within the various education curricula throughout Australia; and
(b) an increase in funding for school music education programs from respective State and Territory governments. (Notice given 23 October 2002.)

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

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

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

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

4 Ms PLIBERSEK to move:
That this House:

(1) notes the plans of Airservices Australia to remove air traffic controllers from Sydney
(Kingsford-Smith) Airport and consolidate terminal control units at Sydney, Perth and Adelaide into Airservices Australia’s centre in Melbourne;

(2) is concerned that no proper safety case has yet been prepared; and

(3) is concerned about the loss of local knowledge caused by the transfer of air traffic controllers to an interstate location. (Notice given 13 December 2002.)

Time allotted — 30 minutes.

Speech time limits —

Mover of motion — 10 minutes.

First Government Member speaking — 5 minutes.

Other Members — 5 minutes each.

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

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

5 Mrs CROSIO to move:

That this House calls on the Government to:

(1) sign and ratify the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), considering 75 states have signed the Optional Protocol, and of those 75 states, 47 have ratified the Optional Protocol;

(2) actively seek membership of the United Nations Commission on the Status of Women (CSW), of which Australia was a member from 1983 until 1990, and again from 1993 until 1996;

(3) ratify the revision of the Maternity Protection Convention (ILO No. 183), dated June 2000, which called for a minimum of 14 weeks paid maternity leave; and

(4) as a priority, establish a system of paid maternity leave for all Australian working women. (Notice given 1 December 2002.)

Time allotted — remaining private Members’ business time.

Speech time limits —

Mover of motion — 10 minutes.

First Government Member speaking — 5 minutes.

Other Members — 5 minutes each.

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

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

ASSENT

Messages from the Governor-General reported informing the House of assent to the following bills:

Workplace Relations Amendment (Genuine Bargaining) Bill 2002

Charter of the United Nations Amendment Bill 2002

Australian Crime Commission Establishment Bill 2002

Broadcasting Legislation Amendment Bill (No. 1) 2002

Workplace Relations Legislation Amendment Bill 2002

Trade Practices Amendment Bill (No. 1) 2002

International Tax Agreements Amendment Bill (No. 2) 2002

Health Insurance Amendment (Professional Services Review and Other Matters) Bill 2002

Bankruptcy Legislation Amendment Bill 2002

Medical Indemnity Bill 2002

Medical Indemnity (Consequential Amendments) Bill 2002

Medical Indemnity (Enhanced UMP Indemnity) Contribution Bill 2002

Medical Indemnity (IBNR Indemnity) Contribution Bill 2002

Plant Breeder’s Rights Amendment Bill 2002

Prohibition of Human Cloning Bill 2002

Research Involving Human Embryos Bill 2002

Trade Practices Amendment (Liability for Recreational Services) Bill 2002

Family and Community Services Legislation Amendment (Special Benefit Activity Test) Bill 2002

Taxation Laws Amendment (Venture Capital) Bill 2002

Venture Capital Bill 2002

Taxation Laws Amendment (Earlier Access to Farm Management Deposits) Bill 2002

Taxation Laws Amendment (Structured Settlements and Structured Orders) Bill 2002

Telecommunications Competition Bill 2002

Crimes Legislation Amendment (People Smuggling, Firearms Trafficking and Other Measures) Bill 2002
National Environment Protection Council Amendment Bill 2002
Aviation Legislation Amendment Bill 2002

MARITIME LEGISLATION AMENDMENT BILL 2002

Report from Main Committee

Bill returned from Main Committee without amendment; certified copy of the bill presented.
Ordered that this bill be considered forthwith.
Bill agreed to.

Third Reading

Mr TUCKEY (O’Connor—Minister for Regional Services, Territories and Local Government) (7.27 p.m.)—by leave—I move:
That this bill be now read a third time.
Question agreed to.
Bill read a third time.

ADJOURNMENT

Mr TUCKEY (O’Connor—Minister for Regional Services, Territories and Local Government) (7.27 p.m.)—I move:
That the House do now adjourn.

Timor Sea Treaty

Iraq

Mr SNOWDON (Lingiari) (7.27 p.m.)—Tonight I want to raise a couple of issues, the first of which is the issue of the ratification of the Timor Sea Treaty, which remains unratified by the federal government. In my view, this failure to ratify this important treaty means the government is gambling with the economic hopes of the Northern Territory and the people of northern Australia and significantly the people of East Timor because of the continuation of its delay in the ratification of the treaty.

It is significant and instructive that the member for Solomon on ABC radio this morning was unable to guarantee that the Timor Sea Treaty bill, which must be passed before the treaty is ratified, will be passed in the parliament in the coming week, blaming the delays on issues relating to the quantum of the royalties on the Sunrise field. There is only one factor delaying the ratification of the treaty and that is the federal government’s belligerent approach to these negotiations. This is not about unitisation. The treaty allows unitisation related issues to be negotiated after the treaty is ratified.

The East Timorese parliament ratified this treaty in December of last year, yet incredibly the government persists in blaming the delays in its own ratification on the stance adopted by the East Timorese. This is deeply offensive, significantly to the people of northern Australia and the people of the Northern Territory in particular but also to the people of East Timor, who have so much at stake in these negotiations. The delay puts at risk Phillips Petroleum’s $6 billion investment in the Bayu-Undan gas field, which will create up to 1,500 jobs in the Northern Territory.

It is clear that the government have failed to recognise the importance of Australia’s interests in this region. They have dropped the ball—or, at least, their eyes are not on the main game—on regional issues and have failed to recognise the importance of this matter not only to Australia but to our neighbours.

The other matter that I want to raise very quickly is the question of the deployment of Australian Defence Force personnel to Iraq. While I have already given a speech in the debate on the Prime Minister’s statement on Iraq, I do want to emphasise the point about the importance of recognising the professionalism, the dedication and the capacity of the Australian Defence Force personnel who are being charged with the responsibility of representing Australia’s interests as a result of prime ministerial and government direction. They are people of the highest order. As someone who visited the Middle East last year and had cause to spend time with personnel on the HMAS Arunta—people involved in the Multinational Interception Force, which has been so vocally spoken about in this chamber in the last couple of days—I am very pleased to be able to say how strongly we support what they do. We do not have to support the government’s decisions in relation to their deployment, but what we can do and must do is indicate our
strong support for them as individuals and, significantly, their families.

Members of the Air Force based in Katherine may be deployed in the Middle East some time in the near future. I know I speak on behalf of all the people of the Northern Territory and my constituents in Lingiari when I say that we hope that if they go to war—we in the Labor Party are very concerned about the government’s direction to its personnel and to their predeployment—they come back safely and very quickly.

**Foreign Affairs: World Cup Cricket**

**Mr KING (Wentworth) (7.32 p.m.)**—Honourable members will be aware that I strongly endorse the Prime Minister’s view that Australian cricketers should not play in Zimbabwe while that unfortunate nation is in the grip of the illegitimate and murderous Mugabe regime. I commend the foreign minister on what I understand to be his willingness to assist the Australian Cricket Board financially if cancellation of the games in Zimbabwe causes financial crisis. I also commend the foreign minister for the ‘strong caution’ travel advisory that has been recently issued, having regard to the fact that only a few weeks ago an Australian tourist was murdered in the southern part of Zimbabwe and also the report that the Zimbabwean secret police were tasked to attend the game at Bulawayo to ensure that there were no forces after Robert Mugabe by way of conspiracy or otherwise.

Among my own constituents I commonly find astonishment that a team representing Australia could contemplate appearing at a sporting event which is likely to be used for self-aggrandisement, much as the 1936 Berlin Olympics were used for the aggrandisement of another vicious dictator. One could argue that Robert Mugabe has, by 2003, been responsible for even greater outrages against individual liberty than had been perpetrated up to 1936 by Adolf Hitler.

The Zimbabweans with whom I am in contact certainly cannot understand the attitude of the Australian Cricket Board and the ICC. Mr Malcolm Speed, formerly a legal practitioner in Melbourne, became Chief Executive Officer of the ICC in July 2001. It appears that the ICC decision to proceed with the tour was based on a reconnaissance visit recently conducted by Mr Speed. Let me read an extract from a letter written recently by Zimbabwean author, Cathy Buckle, whose web site is www.africantears.netfirms.com. This letter was passed on by a Zimbabwean legal practitioner, and I am confident of its authenticity. She writes, in part:

> While this chaotic crush of desperate humanity tried to get food I couldn’t stop myself from wondering how the ICC had come to the decision that it was going to be safe for them to come here and play cricket in a fortnights’ time.

> We’re not really sure why they bothered to waste an air fare on sending Malcolm Speed out here to check for himself on the security arrangements. Mr Speed did not bother to even talk to the Mayor of the City of Harare—the same Mayor who, along with 21 ratepayers, spent last weekend in prison for holding a civic meeting about water problems.

> Neither did Mr Speed find it necessary to talk to anyone from the opposition, not even the MDC MP Job Sikhala and his lawyer Gabriel Shumba who had just had first hand encounters with Zimbabwe’s police. The well known MP and his 29 year old human rights lawyer were both tortured whilst in police custody in Harare.

> In those circumstances—and in fairness to Mr Speed—it is possible that he may well have been the victim of a ‘snow job’ of the kind which is the stock-in-trade of dictators everywhere. Nonetheless, it is clear that independent journalists have been barred as we speak from entering the court to cover the trial of Mr Morgan Tsvangirai and his colleagues, who have been charged with treason by the Mugabe regime. Under any fair and honest electoral system, he would have been elected the leader of the country, and it is clear that his party are opposed to the World Cup being played in Zimbabwe. He is presently fighting a fictional treason charge.

> There is something terribly wrong with a regime that uses an international political consultancy to fabricate a treason charge against a political opponent, as is the case here.

Independent journalists were initially barred from entering the court to cover the trial and over 100 MDC members, including members of parliament, were also barred
from entering the court. I am advised that Daily News chief reporter, Pedzisai Ruhanya, and another journalist, Ish Mapfundikwa, were arrested. Media reports suggest that police attacked people wanting to enter the court. Whatever happens on the field, no Australian cricketer will feel pride in being part of an event which will be used by Mugabe to his own advantage. (Time expired)

Foreign Affairs: Zimbabwe

Melbourne: Gay Community Events

Superannuation: Same-Sex Couples

Mr DANBY (Melbourne Ports) (7.37 p.m.)—Before turning to my remarks about Melbourne’s gay community, I endorse the remarks of the member for Wentworth and note the anti-gay brutality that the Mugabe government engages in every day to the great harm of many people in that country. I also endorse the remarks of the member for Wentworth about Morgan Tsvangirai, the leader of the democratic opposition, who should be the prime minister of a democratic Zimbabwe and whose bogus show trial is taking place at the moment, based on evidence from an infamous hoaxer called Ari Ben-Menashe, who was used to set him up. I hope SBS television will one day apologise to Tsvangirai and all the poor people of Zimbabwe for its role in promoting Ben-Menashe’s hoaxes on the people of Zimbabwe and, indeed, the viewers of Australian television.

Last weekend I had great pleasure in participating in the largest gay function in Melbourne, the Pride March. Unlike the similar function that takes place in Sydney, it does not have any financial problems. There was a great spread of people from the community and it was very interesting to see another aspect of the tolerant, pluralist Melbourne of which I am so proud—and particularly of the suburb of St Kilda, in which I live, and all of the areas around there—and the attitude that straight people have to a very important and friendly gay community. A very large Labor Party contingent participated in the parade, which took place at the beginning of the Midsumma festival. It was very pleasing last year to see Commissioner Nixon participate in it and it was very interesting this year to see the Victoria Police participating again in that gay pride march as one of the normal events that take place in Victoria.

I also attended a very interesting exhibition—also part of Midsumma—at the Jewish Museum by Sam Schoenbaum, who is gay himself. Born in a DP camp in Austria in 1947, he arrived in Australia in 1951. He is one of these wonderful artistic characters who I am sure many of you have met through the years. He does not have any permanent home—he lives with his friends in various continents, sometimes in Australia. The exhibition at the Jewish Museum, which is entitled ‘Strangers and Sojourners’, depicts both his Jewishness and his gay origins. It is open from 21 January to 9 February. The Jewish Museum is one of Victoria’s best boutique museums, and I urge people who may hear or read this to attend.

While Midsumma is taking place and while there is such strong support for the gay community in Melbourne from the current Victorian government and from Victorian parliamentarians, I note that a very large number of people have signed a petition calling for a same-sex superannuation bill. The member for Grayndler, Anthony Albanese, has repeatedly introduced the Superannuation (Entitlements of Same Sex Couples) Bill in this parliament. It calls for changes, which the superannuation industry supports, entitling same-sex couples to superannuation payments in the event of the death of their partner. This is a very serious topic, given the incidence of AIDS over the last decade or more, and it is something that this parliament should address. The government should bring this debate on. I look forward to seeing my friends in the gay community at the Midsumma festival on the weekend, which is going to end with a hilarious concert for Doris Day—a great gay icon—at the Melbourne Myer Music Bowl.

Environment: Water Treatment

Mr HUNT (Flinders) (7.41 p.m.)—I rise to outline to the House an international clean water initiative of which I have the privilege to be part. This initiative, which flows from the recent annual general meeting of the World Economic Forum, is part of a three-layer process for addressing clean water is-
sues with which I am involved. First, at the local level, is the movement to end the ocean outfall at Gunnamatta Beach on the Mornington Peninsula. Approximately 420 million litres of secondary stage treated effluent flow out at Gunnamatta Beach every day. There is a strong movement to address that. In order to do so we also need to take it to the national level, and that is why a group of people have got together and proposed a national ocean outfall strategy. I have discussed the national ocean outfall strategy in this House previously, but I commend it to the House again and state my commitment to working through that strategy to implement the goal—a generational project—of phasing out all ocean outfall within Australia by the year 2025.

The third layer of the clean water program is an international program aimed at achieving a set of fresh water standards around the world. I had the privilege of attending the annual general meeting of the World Economic Forum held in Davos during late January 2003 as a member of the Global Leaders for Tomorrow group, who got together and produced a fresh water initiative. This year, 2003, is the International Year of Freshwater, the aim of which is to raise awareness of the importance of protecting and managing fresh water with the goal of accelerating the implementation of the principles of integrated water resource management. Significantly, the United Nations and the Stockholm Environment Institute estimate that in 2025—the same year that is our goal for ending ocean outfall in Australia—two-thirds of the world’s population may be affected by water shortages if significant steps to improve the quality and availability of fresh water are not taken. In order to do that, the group of young leaders at the World Economic Forum has produced a clean water initiative which deals with three simple projects.

The first project is that of water access to people in the developing world. This project aims to achieve by 1 January 2006—through a combination of public and private partnerships—access to clean water for drinking for one million people who would not otherwise benefit from any of the existing international development projects. It is a modest goal in one respect, in that it is only a small portion of the world’s population; but it is a real goal in another respect, in that it represents practical delivery of clean water to one million people. It is an important number of people—one-third of the population of Melbourne, for example. We aim to do this by creating partnerships with groups such as Coca-Cola; Swiss Reinsurance; George Fisher, the company from Germany; Thames Water; American Water; and the French water company, Ondeo. All have indicated their willingness to participate in getting water to people who are most in need.

The second project which comes from the international clean water initiative is a recycling project. Its goal is to establish an international agreement for water recycling standards, with the aim of reaching a formal text on these standards by 1 January 2006 and obtaining 100 signatories by 1 January 2007. The third project is a global approach to watershed management, which aims to get agreement and standards from a range of countries on the relationship between downstream users and upstream users. I commend this proposal to the House and I ask leave to present and table a copy of the initiative.

Leave granted.

**Health: Young People in Nursing Homes**

**Ms KING** *(Ballarat)* *(7.47 p.m.)*—I rise this evening to draw the attention of the House to the plight of some constituents in my electorate. On 30 January this year, the *Ballarat Courier* led with the headline ‘Our shame on disabled’. The special report detailed the plight of young people with disabilities, like multiple sclerosis and acquired brain injury, who have been placed in nursing homes.

The report highlighted the case of Ms Vicky Smith, a 32-year-old living in a nursing home in Ballarat. Ms Smith was first placed in a nursing home at the age of 17 after suffering an acquired brain injury from a car accident. For 15 years, Ms Smith has lived in nursing homes in a situation which she describes as ‘living like a vegetable’—a situation in which she is surrounded by many people as they die. This courageous young woman has launched a petition to raise the profile and plight of young people in nursing
homes. Already she has 200 signatures and the number is growing.

Mr Mark Thompson also spoke out in the special report. Mr Thompson used to be an ocean racer but, after a near drowning incident, he was placed in a nursing home in the late 1980s. Mr Thompson has recently had the opportunity and the finances to move out of the nursing home and into his own home, with the assistance of the Department of Human Services.

Ms Smith and Mr Thompson are not alone. According to the Australian Institute of Health and Welfare, there are over 6,000 people under the age of 65 across Australia living in nursing homes. If you break these statistics down a little further, you receive a more disturbing picture: 1,100 of these people are under the age of 50, whilst a further 30 are under the age of 25. Recent reports in Victoria indicate that a child of seven with a terminal illness is a resident in a nursing home. In the Grampian region alone, there are approximately 49 people under the age of 65 with disabilities who are waiting for supported accommodation. Within this number, there are 35 people on high-needs waiting lists and 118 people on low-needs waiting lists.

I know that the nursing homes that are housing young people with disabilities are doing their utmost to assist them in any way they can. But these people have been placed in a situation that they should not be in. The National Project for Young People in Nursing Homes states that it costs approximately $100,000 for inappropriately placed people in nursing homes each year. Compare this with the highest level of direct care for each appropriately placed resident: the cost to the community is around $42,000.

There are also many hidden costs, including the need for allied health, additional nursing capital, repair costs and increased training costs for nursing staff. At the same time, there are many social problems with the inappropriate placement of young people in nursing homes. These include: many nursing home staff not being trained to meet the needs of these residents, little peer support, few opportunities to participate in the community and with people of their own age, care services revolving around personal care, and distress and depression experienced by residents and families.

The government’s position is stagnant on this important issue. The minister did not even have the courtesy of attending the summit on this issue in May last year. The issue has been a political football between state and federal governments for far too long and it needs to be resolved. At the last federal election, the Labor Party had a policy that would provide $50 million in interest-free capital loans to organisations that could demonstrate that their housing would reflect the preferences and needs of young people with disabilities. We also committed to work through the Commonwealth State Disability Agreement to ensure that there was no ongoing placement of young people in nursing homes.

This is not an issue that will go away. The government cannot continue to have a policy of placing these people in nursing homes and ignoring them. People like Ms Smith and Mr Thompson in my electorate are now finding a voice, and the community is listening.

Moncrieff Electorate: Gold Coast City Council

Mr CIOBO (Moncrieff) (7.50 p.m.)—At the end of last year the Gold Coast City Council—in conjunction with me; the member for McPherson, Margaret May; the member for Fadden, David Jull; and the member for Forde, Mrs Kay Elson—travelled to Canberra as part of a Gold Coast City Council roadshow. The purpose of the roadshow was to demonstrate to the federal government what the Gold Coast City Council offers, what it provides for its residents and where it hopes to be in the future.

The Gold Coast City Council roadshow was an event I was more than happy to be involved with. Fundamentally, it was about changing perception. There is, unfortunately, a negative perception about the Gold Coast. Through its heyday in the 1980s, the Gold Coast image was tarnished by notions of the white shoe brigade, rampant property development and notions that the Gold Coast was filled with people who were fast and loose. This is no longer the case, I am pleased to
report. The Gold Coast of 2003 is a very different city indeed—and it is indeed a city. It is a city of some 450,000 people now, and is the fastest-growing city in Australia.

As part of the roadshow, KPMG partner Bernard Salt delivered a report that he had recently completed, which looked at trends in the Australian population with respect to where they live and what they seek to achieve throughout their lives. A key finding of this report was a comprehensive study undertaken into the attractiveness of the Gold Coast. It is very clear that the Gold Coast is attractive because it offers everything that Australians in modern-day society are after. We provide opportunities, lifestyle and, most importantly, a good community for raising families. This was highlighted in the report.

The fact that the Gold Coast has been Australia’s fastest-growing city for the past 30 years and is projected to be Australia’s fastest-growing city for the next 25 years provides a good account as to why so many people are going there. They move there, as I said, for the opportunities and for the lifestyle. Twenty-five per cent of the Gold Coast’s population were born overseas and subsequently settled in the Gold Coast. It is very much normal Australia; it is no different. It is certainly very entrepreneurial but it is also very much middle Australia.

At the current rate of growth, 15,000 people move to the Gold Coast each year. We currently have a population of 450,000 people, with 70,000 tourists in the city each day. This Christmas the Gold Coast once again had its population expand from its current resident population of 450,000 to over one million people. The fact that its population swells to over one million people over the Christmas break provides some significant challenges for the Gold Coast. First and foremost, it provides significant infrastructure problems which require a serious, measured response. I am pleased to be advocating on behalf of the Gold Coast people the need that we have for all tiers of government to work together to overcome difficulties that the city experiences through this rapid growth in population.

Traffic is a major concern. The city’s life-blood is its tourism industry. A key component of the tourism industry is a free-flowing traffic system. There are a number of key areas, and the federal government has responded strongly through its Roads to Recovery program, providing funding to the Gold Coast City Council. But an outstanding problem continues to be the Tugun bypass. The Commonwealth government has contributed $35 million and the Queensland government has said that it will contribute $100 million. However, the New South Wales government—and this rests upon the head of Carl Scully, the New South Wales Minister for Transport and Minister for Roads—has refused to provide any money whatsoever to this project, 80 per cent of which is in New South Wales. In addition, we have problems with public transport, and the federal government is working closely with the Queensland state government on a feasibility study for a light rail project. The federal government is certainly taking strong steps forward, but it is important that the House is always aware that we face many challenges and we must continue to work towards resolving these in the future. I am proud to be part of a government which is delivering in the area and will continue to do so.

High Court of Australia: Justice Mary Gaudron

Mr MELHAM (Banks) (7.56 p.m.)—I rise to pay tribute to a great Australian, Justice Mary Gaudron, who is retiring from the High Court next week. She still has a contribution to make in public life, but to date her contribution has been enormous. She has been an adornment to the High Court. Before that she held a number of positions, in each of which she was a pioneer for women, but her appointments were appointments made on merit. Justice Gaudron has made a number of judgments in the High Court which have often been quoted. Her judgment in Mabo, for instance, was one in which she gave an honest assessment of our history which has often been quoted.

On a personal level, I was fortunate to have attended the High Court when she was sworn in as a replacement for the late Justice
Lionel Murphy. Before her appointment to the High Court, I was in the town hall where Mary Gaudron gave a very moving tribute to Lionel Murphy in a service commemorating his life. That remains one of the finest eulogies that I have ever heard—having been, unfortunately, to a number of services and funerals over the years.

Mary Gaudron has chosen retirement; she imposed it on herself. She has been on the High Court for a number of years, having been appointed to the High Court in February 1987. There has never been, in my time, a better example of a pioneer for women. I was not of her generation; she is someone I came to know before her appointment to the High Court. I must say that we do not agree on everything. For instance, Justice Gaudron was a former Solicitor-General, and I think it is fair to say that she delivered a number of judgments as a supporter of states rights whereas I happen to be a centralist. But I understand where she is coming from.

On a personal level, on 30 August 2000, when I resigned as shadow minister for Aboriginal affairs on a matter of principle, a number of people communicated with me in relation to that resignation. I still treasure as one of my most prized possessions the card that she sent me after I resigned that position and the thoughts that are contained within that card. One should also remember that Justice Gaudron herself had resigned a previous appointment on a matter of principle. Unless you have actually resigned at a particular point in your history, you cannot really relate to that. She was one person who, quite appropriately and in an unsolicited manner, communicated her thoughts to me. It reinforces the belief I have always held that she is a wonderful human being. I make no criticism of her replacement on the High Court; I think Justice Heydon has a fine reputation and I welcome his appointment. I believe that Mary Gaudron’s contribution to date is an inspiration for women, who are not properly represented in a number of our institutions.

The DEPUTY SPEAKER (Hon. I.R. Causley)—Order! It being 8 p.m., the debate is interrupted.

House adjourned at 8.00 p.m.

NOTICES

The following notices were given:

Mr Abbott to move:

That the following changes to the standing orders be made with effect from 10 February 2003:

SITTING AND ADJOURNMENT OF THE HOUSE

Days and hours of meeting

Days and hours of meeting

40 Unless otherwise ordered, the House shall meet for the despatch of business on each—

- Monday, at 12.30 p.m.
- Tuesday, at 2 p.m.
- Wednesday, at 9 a.m.
- Thursday, at 9 a.m.

From the termination of the last sitting in the second week of sittings, the House shall stand adjourned until 12.30 p.m. on the third Monday after the termination, unless the Speaker shall, by writing addressed to each Member of the House, fix an alternative day or hour of meeting. The 4-weekly cycle will then be repeated.

Quorum during sitting

When want of quorum noticed, House counted – House adjourned

45 Subject to standing order 45A, if any Member draws the attention of the Speaker to the state of the House, the Speaker shall immediately count the House; and, if a quorum be not present within four minutes, the Speaker shall adjourn the House till the next sitting day: Provided that if the Speaker is satisfied that there is likely to be a quorum within a reasonable time the Speaker shall announce that he or she will take the Chair at a stated time; but if at that time there is not a quorum present the Speaker shall adjourn the House to the next sitting day.

45A On sitting Mondays and Tuesdays, if any Member draws the attention of the
Speaker to the state of the House between the hours of 6.30 p.m. and 8 p.m., the Speaker shall announce that he or she will count the House at 8 p.m., if the Member so desires.

Adjournment and next meeting

48A At 9 p.m. on a sitting Monday or Tuesday, at 7.30 p.m. on a sitting Wednesday and at 4.30 p.m. on a sitting Thursday the Speaker shall propose the question—that the House do now adjourn—which question shall be open to debate. No amendment may be moved to this question:

Provided that:

(a) if a division is in progress at the time fixed for interruption, that division, and any division consequent upon that division, shall be completed and the result announced;

(b) if, on the question—that the House do now adjourn—being proposed, a Minister requires the question to be put forthwith without debate, the Speaker shall forthwith put the question;

(c) a motion for the adjournment of the House may be moved by a Minister at an earlier hour;

(d) any business under discussion and not disposed of at the time of the adjournment shall be set down on the Notice Paper for the next sitting, and

(e) if the question—that the House do now adjourn—is negatived, the House shall resume the proceedings at the point at which they had been interrupted:

Provided further that, if at 9.30 p.m. on a sitting Monday or Tuesday, at 8 p.m. on a sitting Wednesday or at 5 p.m. on a sitting Thursday, the question before the House is—that the House do now adjourn—the Speaker shall interrupt the debate, at which time—

Minister may extend debate

(f) a Minister may require that the debate be extended until 9.40 p.m., 8.10 p.m. or 5.10 p.m., as appropriate, to enable Ministers to speak in reply to matters raised in the preceding adjournment debate; at 9.40 p.m., 8.10 p.m. or 5.10 p.m., as appropriate, or upon the earlier cessation of the debate, the Speaker shall forthwith adjourn the House until the time of its next meeting, or

(g) if no action is taken by a Minister under paragraph (f) the Speaker shall forthwith adjourn the House until the time of its next meeting.

New business

New business

103 No new business may be taken after 9.30 p.m., unless the House otherwise orders.

When division may be taken

193A A division shall not be proceeded with unless more than one Member has called for a division. If one Member only calls for a division, that Member may inform the Speaker that he or she wishes his or her dissent to be recorded in the Votes and Proceedings and in Hansard and the Member’s dissent shall be so recorded:

Provided that, on sitting Mondays, any division called for in the House on a question, other than a motion moved by a Minister, prior to questions without notice being called on or during presentation of petitions or private Members’ business, shall stand deferred until the grievance debate has concluded or been postponed.

Provided also that, on sitting Mondays and Tuesdays, any division called for in the House between the hours of 6.30 p.m. and 8 p.m. on a question, other than a motion moved by a Minister, shall stand deferred until 8 p.m.

Mrs Crosio to present a bill for an act to provide for the establishment and administration of a scheme to guarantee the payment of wages and other accrued liabilities owed to employees in the event of employer insolvency, and for related purposes.

Mr Kerr to move:

That this House:

(1) expresses its profound regret that the Saharawi people are still waiting to exercise their right to self-determination, 27 years after Morocco’s illegal occupation of the Western Sahara;

(2) is deeply concerned about continuing reports of human rights violations against the Saharawi people in occupied Western Sahara and the severe shortfall in food aid affecting those in neighbouring refugee camps;
(3) welcomes the UN Security Council’s recent reassertion of the importance of the Saharawi’s right to self-determination;
(4) further notes the willingness of the POLISARIO Front to discuss with Morocco arrangements for the holding of the referendum to determine the future of the Western Sahara and economic and political guarantees in the event of the Western Sahara achieving independence following the referendum; and
(5) calls on the Government to get the parties to resume their talks with the aim of holding the long-delayed referendum and restoring stability to the area.
Wednesday, 5 February 2003

The DEPUTY SPEAKER (Mr Jenkins) took the chair at 10.05 a.m.

MARITIME LEGISLATION AMENDMENT BILL 2002

Second Reading

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

That this bill be now read a second time.

Mr MARTIN FERGUSON (Batman) (10.05 a.m.)—At the outset I indicate to the House that the opposition support the Maritime Legislation Amendment Bill 2002. I suggest to the House that our support for this bill is consistent with Labor’s record of leading in government and supporting in opposition improvements in the regulation of maritime safety. It is also very much related to our requirement internationally to ensure that adequate standards established internationally are set in concrete in Australia.

Our opportunity to demonstrate bipartisan support in this important policy area has somewhat been limited under the Howard government because of their policy of inactivity. I suggest that it is impossible for Labor to show support for this bill without also drawing very public attention to the dismal record of the Howard government with respect to the ailing Australian shipping industry. Changes made by this government have been always at the margins and almost always in response to international action or in response to a disaster. There is no leadership at a national level.

Policy work initiated by this government, unfortunately, is virtually non-existent, and it is telling in the industry day by day. There is no record from the government of active encouragement and interest in an Australian shipping industry. Until more recent times, Australia, as we appreciate, has always been at the leading edge of maritime policy development and reform, an active participant in organisations such as the ILO and the IMO and, in essence, regarded as a constructive contributor to the development and encouragement of the application of international standards in the maritime industry. The problem is that under the Howard government that important leadership role has been undermined and we no longer command the same respect in the international maritime industry—be it in government, employer or union circles.

Under the Howard government the Australian fleet—as is well known in the Australian community, not just in our coastal towns and cities but also in inland Australia—has unfortunately been hung out to dry. I suggest today that this is a disgrace given the pivotal role of shipping to Australia. A safe, efficient and vibrant Australian fleet and support industries are in Australia’s national interests. Consider the following reasons. We require such a safe and efficient fleet to guarantee the protection of our environment from unsafe shipping. We need to ensure access to an efficient, highly skilled merchant marine to support our defence forces—a live issue at the moment, especially with a large degree of uncertainty in our own backyard, in an international sense, in places such as East Timor, Indonesia, Papua New Guinea, the Solomon Islands, Vanuatu and Fiji. Those are just a few of the difficult challenges that we confront in our own backyard as a nation in terms of defence and our requirement to assist some of those less privileged countries not only to manage the democratic way of life but also in giving required aid. It also raises questions about ensuring our ports and seaways are secure and, I think fairly importantly, guaranteeing that we have the capacity to encourage
jobs growth in Australian maritime industry activities and the skills associated with jobs
growth by ensuring that Australian industry has a fair go—in essence, the capacity to compete
on an equal playing field.

Few of these important aspects of Australia’s national interest are actually being attended
to by the Howard government. If anything, they are being deliberately neglected and, if any-
thing, we have a government that is going out of its way not only to undermine Australian
shipping but, in doing so, to put our environment at risk, to undermine our capacity as a na-
tion to defend ourselves and to give proper assistance in the region in which we live, to ensure
that our ports and seaways are secure and to do what I regard as very important—that is, to
create the best available job opportunities of a skilled nature for Australian workers.

For that reason, in addressing the Maritime Legislation Amendment Bill 2002 I will not
only detail our position on each of the proposed changes but also seek to move a second
reading amendment which places on the record the opposition’s disquiet—and the disquiet of
many in the Australian community—at the failure of the Howard government to actually do
something constructive to guarantee the future of a vibrant Australian shipping industry. But
before I go to that, I will address the particulars of the bill and then deal with the associated
issues going to the second reading amendment.

As I said at the outset, the opposition, for the right reasons, support the bill before the
House. There is a genuine endeavour, in a policy sense, to make sure that the opposition re-
spond to improvements in policy in the transport portfolio, be it in shipping, aviation, road
construction or whatever. It is on that basis that we approach the bill before the House this
morning. The bill seeks to amend four acts and also to repeal the Bass Strait Sea Passenger
Service Agreement of 1984. I go firstly to the amendments to the Protection of the Sea (Civil
Liability) Act 1981 and the Protection of the Sea (Oil Pollution Compensation Fund) Act
1993. Passage of this bill will—rightly so—significantly increase the amount of compensation
payable in respect of damage from ships for oil spills.

As we appreciate, there is a two-tiered international scheme to provide compensation for
pollution damage from persistent oils discharged from oil tankers. Persistent oils are oils that
do not evaporate readily, such as crude oil, fuel oil, heavy diesel oil and lubricating oil. The
first tier of the international scheme is set out in the civil liability convention. It applies a strict
liability on tanker owners for damage resulting from the escape or discharge of persistent oils.
The liability is generally limited, depending on the size of the tanker. The second tier of the
scheme is set out in the International Convention on the Establishment of an International
Fund for Compensation for Oil Pollution Damage, the fund convention. With respect to this
change, I note that that convention established the International Oil Pollution Compensation
Fund in order to supplement compensation when the full amount is unable to be obtained
from the tanker owner. The IOPC Fund is rightly financed by a levy on parts of the industry.
The current limit for an owner of a 40,000-tonne tanker is approximately $42 million. The
current limit for the IOPC Fund is approximately $320 million, less the amount contributed by
the owner. This bill applies a significant increase to those limits, consistent with an Interna-
tional Maritime Organisation resolution. As a result, the liability for an owner of a 40,000-
tonne tanker will rise from $42 million to $63 million and the combined maximum will now
be $480 million, as against $320 million.

Labor clearly supports these changes, not because they strengthen the role of the maritime
industry but because they make sure that, when damage is done to our environment, there is
the capacity to cover the clean-up costs and to correctly fine those responsible for inflicting that damage on our pristine coastline. It is vitally important that these provisions are updated to ensure they continue to provide for reasonable recompense for oil damage. It is also important that they are kept at a significant level to deter careless behaviour. Labor strongly endorses policy action to require that polluters pay the maximum payment for any damage caused.

As the Main Committee appreciates, many parts of the industry understand their responsibility to the community to go out of their way to prevent spills and to make arrangements to pay for remediation if an accident occurs. As is the case in many industries, there are always those who try to fulfil their responsibilities by doing the right thing by the Australian and international communities. However, alternatively, there are some—often a minority—who seek to walk away from their responsibilities, be it for economic or other reasons. They stand condemned, hence our requirement to review our legislation on an ongoing basis in terms of fines. It is very important that we do so because the shipping industry is an international industry.

Unfortunately, operators cherry pick registers to avoid regulation, and in doing so they try and compete against other, more decent operators in the shipping industry, with an economic advantage aimed at avoiding their responsibilities. As we all understand from the nature of the operation of the international maritime industry in this day and age, that endeavour—which I will touch on today—is thrown up not only in terms of people trying to cut corners in the context of their environmental responsibilities but also, more than ever, in terms of tax havens. Such activities are carried out in an endeavour to avoid the tax obligations of the companies themselves and also their employees. Unfortunately, there is a genuine endeavour by some operators to exploit workers in an industry in which there should be—and there is generally an acceptance that there should be—decent and adequate wages and conditions of employment.

While the International Maritime Organisation and workers organisations such as the International Transport Federation work hard to enforce international standards, we have a situation where, as I have clearly stated on a number of occasions, not all operators comply. By walking away from those standards, they seek to undermine other, decent employees and operators in the industry so as to gain a competitive advantage. That is un-Australian and it is unacceptable to any decent community. It is for that reason that historically Australia has sought to comply with most international obligations, but in recent years the Howard government has actively gone out of its way to encourage many operators in our region to operate on non-compliant registers. That is just plain wrong with respect to what is right for Australia not only in terms of decent employment conditions but also in defence and environmental terms—issues which are of major national importance and in Australia’s national interest. The correct role of the government, on behalf of the Australian people, is to protect the Australian public and its territories. It is the opposition’s firm position that it is not doing that at this point in time. I will return to these issues in some detail in the discussion of the second reading amendment.

I will turn to the provisions in schedules 1 and 3 of the bill, which also relate to pollution from ships. I will deal with amendments to the Protection of the Sea (Prevention of Pollution from Ships) Act 1983. Schedules 1 and 3 of the Maritime Legislation Amendment Bill 2002 will amend that act. The objectives are: firstly, to expand the definition of plastics so that
there is an absolute prohibition on the disposal from ships into the sea of incinerator ashes from plastic products, which may contain toxic or heavy metal residues; secondly, to allow garbage disposal placards, which are required to be displayed on a ship, to be written in Spanish as an alternative to the existing requirement of English or French; and, thirdly, to convert penalties that are currently expressed in monetary terms to the equivalent in penalty units, which is something that has been attended to on an ongoing basis in a range of transport bills, and especially maritime bills, over recent years.

These provisions go forward today with the clear support of the opposition. That support is given because we are internationally driven to increase the protection afforded to our ocean environment. The provision for the Spanish language as an alternative to English or French has been endorsed by the IMO. The changes to penalties are only a technicality and actually make it easier to amend the value of penalties in various acts.

I now go to an amendment to the Trade Practices Act. Schedule 2 of the bill will amend part 10 of the Trade Practices Act to make it clear that stevedoring operators are not permitted to collude when setting stevedoring charges. This amendment clarifies for the ACCC a concern about earlier amendments to the act.

Finally, I will go to the repeal of the Bass Strait Sea Passenger Service Agreement Act, which no doubt the member for Bass will touch on in her contribution this morning. Schedule 3 of the bill will repeal the Bass Strait Sea Passenger Service Agreement Act, which no longer has any application. So it is a tidying-up exercise. Labor supports the repeal of the act, as all requirements in the agreement have been met. The opposition has confirmed this with the office of the Tasmanian Minister for Infrastructure to make sure that there are no difficulties between the Commonwealth and the state governments.

I will now turn to the second reading amendment and some of the more fundamental policy concerns and differences between Labor and the government on shipping policy in Australia. On behalf of the opposition, I contend, unfortunately, that the government has no interest in an Australian fleet and the associated high-skilled jobs and investment associated with such a fleet. I was disheartened last week to read the results of a survey of the membership of the Australian Shipping Owners Association on the age of the Australian fleet. In the early 1990s—not that long ago—Australia could boast one of the youngest fleets in the OECD but, since 1996, the ongoing removal of fiscal support measures for the industry has stalled new investment. This has not only undermined the shipping industry but also the construction of ships, the creation of jobs and the development of skills in Australia, which is something Australia used to pride itself on. As a nation, we have always prided ourselves on our capacity to create jobs and, more importantly, on going out of our way to invest in the skilling of the Australian workforce.

By attacking the shipping industry, they attacked not only Australian shipping but also the fabric of employment and skills development in Australia. About 20 vessels in our fleet need to be replaced over the next eight years. That is a huge challenge to Australia as a nation. Such an investment could be worth about $1.8 billion. Just think of the potential for employment and skills development opportunities from such an investment if there were leadership at a government level in Australia that would create the incentives to attract the investment and to rebuild a viable shipping industry in Australia. That is not something that any side of the political spectrum should be ashamed of. We should be proud of our capacity to build ships in Australia and, by doing so, create jobs and skill Australians.
This clearly—and rightly so—would have a wonderful flow-on for jobs and, importantly, for maritime safety in Australia and the protection of our maritime environment. The shipping owners found that the industry is not inclined to promote new investment because of government disinterest in their industry. These are not friends of mine—some of my old colleagues from the maritime industry. These are people I have dealt with across the table on an ongoing basis over many years, always in a constructive way, aimed at trying to work out how we could make this industry improve its productivity and go forward. They are now saying to me that that is not the challenge. We have made huge advances internationally when you compare our crewing levels and our productivity. The real barrier to us and our future is not problems with the work force but, unfortunately, problems with the Howard government: a lack of leadership and an unwillingness to create an environment for investment, jobs and skills in the Australian shipping industry.

The wheel has turned. I notice the member for Corangamite nodding his head, because he is a person with an open mind. He knows that we have to do something to ensure that there is a viable shipping industry in Australia. He is not a lackey for the Prime Minister like the Prime Minister is a lackey for the President of the USA. All I can say about the member for Corangamite is that he certainly is not a lap-dog to the Prime Minister.

In 1996, the Howard government pulled the rug on the shipbuilding incentives that were in place under the previous Labor governments, and unfortunately they have not been replaced. Further information from the Australian Shipowners Association shows the decline. Since 1995-96 inclusive, the cumulative net outflow in the traded and imputed value of Australian vessels totalled $19.9 million real compared with a net cumulative investment of $1.757 million real in the previous five years. The Australian trading fleet of vessels, 1,000 DWT, hovered around the high seventies for 10 years before 1996, when it dropped to 69. It has since declined each year and reached a low of 49 vessels in the year 2000. I believe the Howard government has a determined strategy not to provide support or encouragement of any kind to the Australian shipping industry. Its only attempt at reform involved strongarm industrial tactics on the waterfront, which, as we all appreciate, are doomed to fail in the long term. Reform is about cooperation, not confrontation.

We all know the history of the Lang Corporation. It was the large beneficiary of reform that is still being paid for by the wider industry and the Australian community. That stevedoring company has been given an advantage—at our expense, because we are paying the levies—over other shipping companies and ports, for example in South Australia. The reality is that Australia is unique internationally for its lack of support for and apparent lack of understanding of the importance of the domestic fleet. The United States and Britain are two high-profile examples. Both provide incentives and support to ensure that they have a strong fleet, as an internationally respected person—the former minister for transport and member for Shortland, Mr Peter Morris—regularly reminds me. He says if John Howard wants to follow the US and the UK like a lame duck when it comes to international foreign affairs issues then it is about time he had some regard to what is happening in those countries with respect to making sure that there is a viable shipping industry as part of their international defence effort. The truth is that both these countries and others appreciate the importance of a strong, vibrant fleet.

I now go to the well-known problem of flags of convenience nations, such as the Bahamas, which offer various incentives and concessions to encourage operators to register but do not require equally stringent safety and employment standards. Australian shipowners and opera-
tions are trying to compete with those countries with no understanding or support from their federal government. In fact, the policies of the Howard government, through their liberal use of permit provisions, actively advantage foreign operators on the domestic trade. This practice without a doubt flouts the intent and objective of Australian maritime, industrial and immigration law and policy. There is no border protection when it comes to shipping policy in Australia. It is open slather for foreign shipping companies to come into Australian waters without proper immigration control, as has been borne out time and time again in Senate estimates and in questions on notice by a variety of members of the opposition, including the member for Melbourne Ports, who takes an active interest in these matters.

Australia is clearly out on a limb on this one, and it is a precarious position because of the risks to our international interests. The number of permits issued by the Howard government—and these are independent facts—has ballooned under the Liberals and Nationals. No one should believe the rhetoric of the Minister for Transport and Regional Services that the permits are issued only when an Australian ship is available. In essence, that is a huge white lie. It is blatantly clear that this test is being manipulated on a regular and ongoing basis. It is also blatantly clear that the lack of support for Australian shipping is part of a strategy to dissuade Australian investment and ensure Australian vessels are not available. It is not only affecting the shipping industry at the moment; more than ever it is undermining other land transport domestic operators. Whether it be in rail, road or shipping, they are unable to compete with overseas operators exploiting every available concession with a view to taking Australian jobs and undermining Australia’s national interests.

This even goes to the issue of safety, because many of these flags of convenience vessels and states do not enforce international standards. There is one thing that is fundamental to any worker: the capacity to get up in the morning with the knowledge that you can work in the safest possible environment and return to your family at night without fear of accident or injury. Unfortunately, that is no longer the standard or the method of operation on many foreign flag vessels in Australian seas.

I have already touched on the challenge to our environment, like the reef, but I also say that that is as fundamental as other icon areas such as Sydney Harbour. I remind the Main Committee today of the shock of the spill from the Italian flagged Laura D’Amato in 1999—not that long ago. There are a series of other vessels, both in Australia and overseas, which give us cause to worry about the continuous endeavours by governments such as the Australian government to walk away from their responsibilities to encourage and support a viable Australian shipping industry. The tragic consequences, for example, from the grounding of the Prestige off the coast of Spain last year speak for themselves. I simply say there is an onus on government in Australia, irrespective of the political persuasion of that government, to go out of its way to guarantee and to take every action possible to ensure that a Prestige type accident never happens in Australia. That raises a serious debate about the need for further action on the question of older, single-hulled vessels. I am just saying that what is starting to develop internationally is not enough. We should be picking up our own game on that front and moving more quickly locally to make sure that we basically chase these vessels out of any capacity to operate in Australia.

I think it is fairly important that we continue to hound the Australian government on these issues. More needs to be done. The Chairman of AMSA, in a speech to the National Bulk Commodities Group dinner in December last year, said:
... less than 5 per cent of ships overall fall into the unseaworthy or substandard category. That is a huge number of ships, and it is a challenge to us as a nation to actually make sure that we do more to protect ourselves, to have a viable industry and, in doing so, to create jobs in Australia. I therefore believe it would be a gross understatement to say that the Howard government have taken their eye off the ball on shipping and maritime policy. It is more accurate to say that they have tossed the ball out of the field. The Australian public—our national interest—deserves better. The Australian Prime Minister and the minister for transport, as we all appreciate, are puppets of the US regime on a variety of fronts. I move the following second reading amendment:

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

“without denying the bill a second reading, the House condemns the Howard Government for:

(1) failing Australia’s national interests and security by failing to support an Australian shipping industry, maritime jobs and coastal communities that rely on a viable, efficient industry for jobs, security and tourism; and

(2) risking our marine environment by not showing international leadership to ban from our coasts single hulled vessels like the Prestige, that caused devastation off the coast of Spain”.

(Time expired)

A division having been called in the House of Representatives—

Sitting suspended from 10.36 a.m. to 10.50 a.m.

The DEPUTY SPEAKER (Mr Wilkie)—Prior to the suspension, the member for Batman moved a second reading amendment. Is the amendment seconded?

Ms O’Byrne—I second the amendment.

Mr KING (Wentworth) (10.50 a.m.)—When a seagoing vessel suffers a casualty there are many interests that are adversely affected by that unhappy consequence, depending on whether it occurs at sea or in port. The persons most immediately affected are the owners of the vessels, other shipping interests such as charterers and the owners of the cargo. But others can also be adversely affected in very significant ways: the crew, who may be either injured or lose their jobs, or both; the victims, such as owners of fishing grounds, or others who have commercial interests in relation to that portion of the sea adversely affected by any discharge of oil or other pollutants into the ocean; and the environment and those who have an interest in the environment in the immediate area, such as owners of the adjacent shores, whether riverine or strands. It is very important that the adjustment of the interests of those adversely affected by such a casualty, which can have enormous consequences, be properly determined in a way which gives rise to certainty of outcomes, quickness of results and fairness.

The horrific consequences of such a casualty was first brought to the attention of the world by the disastrous oil spill resulting from the Torrey Canyon in the English Channel when she grounded in 1967. She was entering the Channel when the ship’s tanks ruptured and her entire cargo of 120,000 tonnes of crude oil was lost into the adjacent channel. This resulted in the biggest oil pollution incident recorded up to that time. It was as a result of that casualty that the world maritime community, through IMCO as it then was, or IMO as it now is, met to determine what ought to be the appropriate adjustments that occur in relation to such a casualty.

Some nations joined the International Convention on Civil Liability for Oil Pollution Damage, also known as the civil liability convention, done in 1969. Not all nations joined and, as a
result of being outside the convention, some have continued, to a very large degree, to have
the problems of adjustment between the various interests I have mentioned. Perhaps the most
obvious was the loss of the Exxon Valdez, a United States vessel, off the coast of Alaska in
1989. The loss of that vessel, which was a very large tanker, led to claims of several billion
Australian dollars. As the United States was not a member of the civil liability convention,
there was very extensive litigation over many years and very significant payouts by the owners
and, in some cases, nil adjustment in relation to other interests of the type that I have men-
tioned.

It is perhaps a matter of some regret that the United States had not seen fit—certainly not
until that stage—to join the convention, because of its importance in relation to the interna-
tional shipping community. It is not directly an owner in each case—many of the vessels are
flagged, as we know, in other countries—but, because it has owning interests and is a char-
terer, the significance of the United States in international trade cannot be denied. Australia
joined the 1969 civil convention through the Protection of the Sea (Civil Liability) Act 1981.
This is the first opportunity I have had to discuss this legislation and the impact of it upon the
ship owning and maritime communities in this country. It is therefore appropriate to make
some general comments about that legislation and the way it operates. It was suggested by the
member for Batman—

Mr Danby—A very good member.

Mr KING—He is a very good member, as commented by the member for Melbourne
Ports. I listened to his speech with some interest in this House, but I could not agree with
every word of it. I am sure he was merely seeking to summarise the effect of the statute when
he said that it had a strict liability operation. It is not quite accurate. It is important, in deter-
mmining the continuing appropriateness of the adjustments provided for by the convention in
that act, that the precise nature of its operation be examined.

Sections 7 and 8 of the statute basically make provision for the operation of the civil liabil-
ity convention, which is appended as schedule 1 to the statute. As I have mentioned, the state
parties who were signatories to the convention probably included the original signatories.
They were representatives of most of the maritime countries of the world—although obvi-
ously not all of them have subscribed to the actual operation of the convention and made it
law in their own countries. So it is likely, certainly with regard to my own experience, that
representatives of the United States were involved in the drafting of the convention. It notes
the dangers of pollution posed by the worldwide maritime carriage of oil in bulk. It refers to
the need for adequate compensation to be made available to those who suffer damage caused
by pollution resulting from the escape or discharge of oil from ships.

Article II makes provision that the convention ‘shall apply exclusively to pollution damage
cauised on the territory including the territorial sea of a Contracting State and to preventive
measures’. Article III makes provision for an undertaking of liability in respect of the owner
of a vessel at the time of any incident, including a series of incidents. That person ‘shall be
liable for any pollution damage caused by oil which has escaped or been discharged from the
ship as a result of the incident’. The first thing I note is that this convention does not seek to
adjust all of the various potential liabilities that may occur in a casualty of the type I men-
tioned at the commencement of my address. For example, in the case of collisions at sea,
which are not infrequent and which have momentous consequences on occasions, there may
be very significant claims between the owners of respective vessels for damage or hull loss et
cetera, and there may be claims between owners of cargoes and the carriers themselves. But those sorts of claims are not covered or adjusted by this convention. This convention deals with an entirely different topic—namely, the question of pollution damage.

It is that which, in a prosaic way, I point out by commenting on the amendment proposed by the opposition. That amendment, which I will deal with shortly, is really not to the point of the legislation that has been proposed in this House. It is not a topic that is entirely relevant to the real issues that are addressed by this important legislation. That becomes apparent upon a mere cursory reading of the provisions of the convention, which are adjusted by the amendments put now before the House and which I am pleased to see that the opposition do support.

Returning to the topic of the reach of the convention, it will be noted that there is no liability for owners in respect of ‘an act of war, hostilities, civil war, insurrection or a natural phenomenon of an exceptional, inevitable and irresistible character’. Perhaps more importantly in an immediate sense, there is also no liability for ‘an act or omission done by a third party with intent to cause damage’. In the case of the Laura D’Amato in Sydney Harbour in 1999, it was suggested that the seacocks of the vessel had been opened in Singapore Harbour by one of the crew, who maliciously and resentfully sought to damage the vessel. That was never proven; that was the suggestion. But it might have been argued—and perhaps this was the reason that it was suggested—that, had it been proven, it would have amounted to an excuse within the meaning of article III of the convention. Interestingly enough, subclause 4 of article III provides:

No claim for compensation for pollution damage shall be made against the owner otherwise than in accordance with this Convention.

If, for example, a trespass is proven for which the owner might otherwise be liable but nonetheless the excepting provisions of the convention apply, then there is no liability under this convention.

It might be said by some—and I have heard it argued before—that this is unfair and wrong, that there may be substantial damage to the environment but nonetheless the owner can escape liability. That is the price of the automatic liability and extensive coverage in respect of the various other claims provided for by this international convention. When one looks at it in the broad, the adjustment is reasonable, but article V sets out the limits of liability in respect of any one incident or any series of incidents that fall within the compass of the convention as it might apply in respect of a casualty. It is those limits that are the subject of the present amending legislation.

I will not go through the rest of the convention, but it does provide for the usual framework of conventions of this type, permitting owners to establish a fund that amounts to the full extent of their potential liability, calculated by reference to the tonnage of the vessel itself. That is a matter of some complexity but it is an adjustment that is known to appropriate experts in the industry. It also provides for a capacity for those who are claimants on that fund to bring proceedings forth in the courts of the state where the incident occurred. Bearing in mind that we have a common law system which is state based, not federal, claims would be brought in the state courts in the jurisdiction where the incident occurred. Of course, that would be to the extent of the economic zones, as provided for by the convention, although in relation to the fund convention there is provision that the Federal Court may be approached as well.

I have mentioned the case of the Laura D’Amato and the incident which occurred in Sydney Harbour. That vessel spilt some 300,000 litres of oil into the harbour, and fines of about
$5.5 million were incurred. Although the master of the vessel was cleared of wrongdoing, the chief officer, Mr Rosato, who was described as having a ‘lax attitude’, was fined $110,000. There was no significant pollution damage, mainly as a result of favourable weather conditions at Gore Bay at the time, but one could imagine the extensive interests that could be harmed by a major pollution discharge into a significant waterway like Sydney Harbour—so one can be thankful. There was a more significant discharge in the case of the Kirki in 1991 off the coast of Western Australia. Again, the losses were not significant because most of the oil broke up before it hit the coast. Some 17,000 tonnes of crude oil were lost in that incident, when the bow of the vessel broke off and significant damage to the ship occurred. Those are the principal incidents in Australian waters. Pray God that we do not have any major incidents such as those Japan suffered with the Nakhodka in 1997, or the Erica in 1999 when some 6,000 claims, amounting to a total of $350 million, were paid out in respect of a loss of oil off the coast of Brittany.

The limits that are being amended by this legislation may be briefly summarised. Vessels of up to 5,000 gross tonnes currently have a limit imposed by the fund convention, which tops up the civil liability convention, of $7.125 million—which is actually measured in special drawing rights under the International Monetary Fund arrangements, but I am giving the Australian dollar equivalent. That is increased to $14.3 million. Under current liability limits, maximum compensation is $321 million, and that is extended to $482 million. Those are very significant sums of money, but it has to be remembered that they are shared amongst the various victims of pollution damage and do not include the owner’s interests or others who have legitimate claims against the owner not relating to pollution damage. So it does not actually set the real limits of the owner’s loss, although there may be hull insurers who would have different exposures from those of the insurers who protect the pollution funds that are provided for by the two pieces of legislation currently before the House for amendment. I therefore support the proposed amendments to this legislation. I do so because it is important that parliament continually review the operation of conventions of this type to ensure their fair operation and the just distribution of compensation for claims related to loss and damage from major pollution damage at sea, whether in port or on the high seas.

However, the opposition have proposed amendments to the legislation that deal with the shipping industry generally. I oppose those amendments, mainly because now is not the time and place to deal with such matters put forward by the opposition as the Australian shipping industry as a whole, maritime jobs and coastal communities. Nor is this important legislation appropriate for dealing with the question of banning single-hulled vessels like the Prestige, which recently sank off the coast of Spain and is causing continuing losses as we speak to fishermen and others in Biscay. It is a misconception for the opposition to try to address these important issues—some of which were briefly mentioned by the member for Hotham, as he conceded—in such a casual fashion. They should not be so addressed. In any event, having looked at the precise wording of the proposed amendment, I say that it is a misconception to suggest that the security interests of Australia are in some way different from our national interests. I support the legislation. (Time expired)

Ms O’BYRNE (Bass) (11.10 a.m.)—I rise, as have members before me, in support of the Maritime Legislation Amendment Bill 2002, and I wish to add my support for the amendment moved by the member for Batman. The previous speaker, the member for Wentworth, thinks that this amendment is ill-timed and that this chamber is not the right place in which to have this discussion. We would have had this discussion some time ago if the minister had re-
responded to the numerous reports on the shipping industry which he called for and failed to release. The commitment of the Australian Labor Party to the industry and my own personal view regarding the industry are known. I believe the industry is vital to the future of our nation. I only wish that the current government, particularly the current minister, would give this policy area the attention it deserves.

Almost totally dependent upon sea transport for the carriage of its imports and exports, Australia has in terms of tonnes/kilometres the fifth largest maritime transport task in the world. But less than one per cent of this trade generated by Australia is carried out in Australian flag shipping; virtually the whole of this task is carried out in foreign flag vessels. In 1990 the Australian fleet comprised 76 ships, of which 45 were involved in coastal shipping. In 1999 the Australian fleet consisted of 58 ships, of which 35 were involved in coastal shipping. By the year 2000 the fleet had declined to 49 ships. Over 15 per cent of our nation’s coastal trade was completed by foreign ships in 1999-2000; a growth of 507.5 per cent compared with 1991-92. It is important to remember that these ships often can be in receipt of subsidies from foreign governments—support that this government refuses to provide to our own industry. In the early 1990s around 200 flag of convenience permits were granted per year. By the mid-nineties that had increased to 450. By 1997-98, 700 permits had been issued. The Australian Shipowners Association advise that in 1995-96 the cumulative net outflow in the traded and imputed value of Australian vessels totalled $19.9 million in real terms compared with a net cumulative investment of $1.757 million in the previous five years. Net annual investment in shipping has declined dramatically since 1994-95.

In the early 1990s, Australia could boast one of the youngest fleets in the OECD, but the ongoing removal of fiscal support measures for the industry has stalled new investment. About 20 vessels in our fleet need to be replaced within the next eight years, and this investment would be worth about $1.8 billion. This would have a significant flow-on for jobs and is critical for maritime safety, but the Australian Shipping Association have said that the industry is not inclined to promote new investment because of government disinterest in the industry. To date, the government’s attitude has been that Australian shipping is not internationally competitive. It argues that this industry should be directly exposed to competition from flag of convenience vessels. Our competitors enjoy substantial fiscal support from their governments, and many foreign vessels give little weight to the argument that high standards of crew competency and ship safety are essential. While the government has levelled the same criticism against a number of other key sectors in the Australian economy, they have received generous financial support to adjust. Special assistance plans have been put in place for a wide range of industries: the automotive industry, the textiles, clothing and footwear industry and the dairy industry—and of course we all remember stevedoring.

The bill before us seeks to repeal the Bass Strait Sea Passenger Service Agreement Act 1984 and to amend the Protection of the Sea (Civil Liability) Act 1981 and the Protection of the Sea (Oil Pollution Compensation Fund) Act 1993. Together with my colleagues, I support the essentially procedural decision to repeal the Bass Strait Sea Passenger Service Agreement Act 1984. As many members will be aware, the bill no longer has any application as it dealt with a Commonwealth grant in the 1980s to the Tasmanian government for the purchase of the Spirit of Tasmania. I take this opportunity to applaud the Tasmanian state government on the success of its new ferries, which have led to a significant increase in tourism in Tasmania.
There is a section of this bill which deals with the provisions of the Trade Practices Act in relation to anticompetitive conduct and the stevedoring industry. This will clarify the issue of collusion and price setting. Further provisions go to the issues of marine pollution, protection, compliance and punishment. The aim is to increase the amount of compensation payable in respect of damage from ship oil spills. This is based on the original IMO convention initiated after the 1967 Torrey Canyon grounding and is upheld in the civil liability convention and the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage.

The current scheme allows for compensation from pollution damage specifically in relation to the discharge of crude oil, fuel oil, heavy diesel oil and lubricating oil—or, as they are more widely known, persistent oils. These are heavy oils which do not evaporate quickly. The civil liability convention confers a strict liability on tanker owners for damage resulting from the escape or discharge of persistent oils. The liability is generally limited, depending on the size of the tanker, and is generally applied regardless of the personal responsibility for the spill.

The International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage established the International Oil Pollution Compensation Fund, financed by a levy on parts of the industry, which provides supplementary compensation in those cases when the full amount is unable to be obtained from the tanker owner or in the case of an inability to identify the responsible vessel or company. The International Oil Pollution Compensation Fund has a limit of approximately $320 million. Of this amount, a portion is the responsibility of the tanker owner and that liability is dependent upon tanker size. The existing provisions are, of course, still limited to incidents within the EEZ of member states. This bill applies a significant increase to those limits, consistent with the IMO resolution. As a result, the liability of an owner of a 40,000-tonne tanker will rise from $42 million to $63 million and the combined maximum will now be $480 million.

The bill also seeks to amend the Protection of the Sea (Prevention of Pollution from Ships) Act 1983. This is intended to increase the restrictions of pollution from plastics at sea and specifically caters for those circumstances when incinerator ashes or plastics which may contain toxic or heavy metal residues are dumped at sea. It will allow garbage disposal placards which are required to be displayed on a ship to be written in Spanish, as an alternative to the existing requirements of either English or French, and convert penalties that are currently expressed in monetary amounts to the equivalent amounts in penalty units.

I support these changes. I believe we must all act in whatever manner will increase safety at sea both for individuals and for the environment. I hope these provisions will increase the deterrent and work to effectively punish those who flout the existing laws. There are those in this industry who take their international and environmental obligations very seriously, but there are also those who have scant regard for safety and for the environment and who operate in a shady underworld of shipping. They avoid all of their obligations and treat their ships, their cargoes and their crews with disdain. These ships are often the product of a confused directional process so that liability is often difficult to ascertain.

A Lloyds List article identified that the Prestige, which has caused so much damage on the Spanish coast—I believe it is now estimated that it will take 40 years to clear—was a Bahamian flagged vessel owned by a Greek one-ship company listed in Liberia and chartered by a Russian company based in Switzerland. It was manned by a multinational crew predominantly
made up of Romanians and Filipinos, insured in London, graded as seaworthy by an American classification society and managed by a company based in Athens. The article stated:  
... the murky status of the vessel has done little to dispel the familiar accusation that the shipping industry exists in a shady legal hinterland, where a lack of enforcement and accountability persist. 
I also remind members that it is the captain of this vessel who has been imprisoned—not the owners and not the company—and it is the captain who will bear the brunt of the punishment.

We are not immune from ships such as these. Australia has had its fair share of oil spills—not as catastrophic as those recently seen in Europe but certainly worthy of concern. The AMSA web site provides a summary of those ships that have been involved in spills on the Australian coast. A major incident in WA occurred when the bulk carrier Korean Star grounded in the vicinity of Cape Cuvier within the port limits of Carnarvon. The vessel went aground on 20 May 1988 as a result of cyclonic weather conditions which caused it to drag its anchor. The Korean Star was declared a constructive total loss after it broke in two following the grounding, and about 600 tonnes of fuel oil were lost from the vessel. On 28 July 1988, the livestock carrier Al Qurain struck a wharf heavily while berthing in Portland and severely ruptured a side fuel tank. An estimated 184 tonnes of fuel oil escaped.

On 21 May 1990, an extensive oil slick was sighted approximately four to five nautical miles south-east of Cape Otway by the pilot of a light aircraft. On 23 May 1990 first reports were received of oil coming ashore and of dead or oiled penguins. While some beach clean-up was carried out following this incident, major costs were incurred in monitoring the spill and in the cleaning and care of wildlife. Investigations into the source of the spill were initiated and the Australian registered oil tanker Arthur Phillip was found to be responsible for it. On 30 August 1992 the Era was ruptured by the bow of the tug Turmoil during berthing operations at Port Bonython and, in my own state, the Iron Baron grounded on Hebe Reef in the approaches to the Tamar River in northern Tasmania. It lost 325 tonnes of heavy fuel oil.

On 28 June 1990 a discharge occurred from an offshore loading connection to the Mobile Port Stanvac Refinery in South Australia. And everyone remembers the Laura D'Amato. On the evening of 3 August 1999, 250 tonnes of Murban crude oil spilled into Sydney Harbour. The AMSA incident list did not mention, when I checked this morning, the Doric Chariot or the Bunga Teratai Satu grounding on the Barrier Reef, and it did not mention the Pacific Quest, which sailed under a Panamanian flag and was involved in a 100-kilometre spill on the reef.

We have also hosted ships that have gone on to be involved in serious incidents overseas. On 24 November last year, the Tasman Sea, a 22-year-old oil tanker travelling under a Maltese flag, was involved in a collision off China resulting in an oil slick. The ship was last in Australia in May last year. On 26 November the Hual Europe, a two-year-old car carrier travelling under a Bahamian flag, was burning out of control after running aground near Tokyo. It was last in Australian waters in September and visited the ports of Sydney, Melbourne and Brisbane. And just the weekend before last, Sydney hosted a Cypriot flagged single-hulled tanker which had been involved in five maritime casualties. We must target and remain ever vigilant of these ships; we have an obligation to protect our industry and coastal communities from them.

I must, at this juncture, point out that I am particularly saddened at the amount of involvement Australia has had on this issue and its willingness to be a part of the pack rather than to lead the way in areas of environmental protection at sea. Australia could have lived up to its
previous industry reputation as being a leader, but instead this minister follows other nations and then tries to cast himself as being innovative and forward thinking. His press release of 12 December is titled ‘Anderson pushes greater protection for marine environment’. It should have been titled ‘Anderson follows along with the international push for greater protection for the environment’. The minister could have lived up to his own selfpraise if he had taken action to protect Australia’s coast earlier—if he had acted as a leader in the international shipping community.

But it is not only in the area of environmental protection that Australia has failed to take a leading role. This government is contemplating war—indeed, it has already committed our troops. But Australia’s neglect of its shipping industry has undermined the ability for a viable merchant navy to support its defence force capabilities, particularly in the area of military sealift capacity and the ability to source qualified, skilled civilian seafarers to operate and manage merchant ships chartered by the ADF. We will be forced once again, as we did in Timor, to charter foreign registered and foreign crewed vessels.

The Secretary-General of the International Maritime Organisation, William O’Neill, has drawn attention to the heightened security risk posed in shipping and, as I have highlighted to the House on previous occasions, nations around the world are tightening port security. Australia, however, continues to open up its coasts. There is concern that an organisation capable of the suicide hijackings of airliners could just as easily turn to major shipping targets. They will, for the first time, have a national plan for maritime security. The Department of Transportation will be assessing the vulnerability of vessels and ports. The DOT in the US is also responsible for making similar assessments at overseas ports and evaluating and certifying the security of international intermodal systems. The consequences of a terrorist incident using a container ship would be profound. As experts such as Dr Stephen E. Flynn, a senior fellow of the Council on Foreign Relations, have pointed out repeatedly, if terrorists used a sea container to conceal a weapon of mass destruction—a nuclear device, for example—and detonated it on arrival at a port, the impact on global trade and the global economy would be immediate and devastating. All nations would be affected because there would be no mechanism for identifying weapons of mass destruction before they reached our shores and before they posed a threat to global economy.

Australia’s failure to actively address port security is a disgrace. We do not appear even to have an effective policy for dealing with stowaways in our ports. On 24 December last year, two stowaways, one from strife-torn Burundi and the other from the Democratic Republic of the Congo, climbed aboard a Cyprus registered vessel, the Dorine, in Port Elizabeth, South Africa. They boarded the ship via mooring ropes and hid in its engine room. The Dorine berthed in my electorate at Bell Bay on Monday, 13 January. International Transport Federation officials discovered the men during a routine inspection of the ship.

Upon arrival, the two men—whose first languages were Swahili and a Congolese dialect and who appeared to have only a smattering of English and French—were interviewed by Australian Customs officers for around 10 minutes. No translator was present, nor, it appears, were any immigration officials. A Department of Immigration and Multicultural and Indigenous Affairs spokesperson said, ‘It is not a requirement to have a translator and enough was known to make decisions.’ That was apparently more than enough to convince the Special Minister of State, who weighed into the debate with emphatic statements that proper process
had been followed. The reality is that that procedure—which was followed, whether it was currently set down in the department’s guidelines or was a misinterpretation of them—is hopelessly flawed.

Stowaways presenting in an Australian port must be interviewed thoroughly and purposefully. For the security of all Australians, we need to establish why they are there. A 10-minute interview without translators cannot possibly establish whether stowaways are a risk to Australian security. From an ongoing security point of view, it is vital that we establish the full picture in relation to every stowaway who arrives on our shores. If the procedure which was followed is the standard set down by the department then it needs immediate review. It clearly does not meet Australia’s obligation to adequately protect the security of Australians. What if these fellows had managed to jump ship? They managed to get onto a ship pretty easily. What would we have done then? We should have been in a position from day one where we were as fully informed as possible about the background and intention of these young men.

The story did not end there. Before the ship left Bell Bay for Geelong, it seems that immigration officials did finally board the ship and interview the stowaways. The processes which had taken place previously—and which were presumably adequate in the eyes of the minister—were evidently not adequate. What does this say about our initial procedure? What does it say about the seriousness with which this government regards its moral obligations and its obligations to the people of Australia? What does it say about the minister’s bold assertion that no further interview was necessary? We are bound to ask where the minister was getting his advice from.

Around 15 January, two days after the Dorine had arrived in Bell Bay, Senator Abetz advised that about 100 stowaways arrive in Australia each year. If the practice is as extensive as this, we certainly need proper policies, procedures and protocols to ensure due process is undertaken. International Maritime Organisation statistics for 2002 indicate that there were 485 known stowaways around the globe. Based on those statistics—and if the information provided to Senator Abetz is correct—then more than 20 per cent of the world’s stowaways are arriving in Australia every year. The tale of the Dorine combined with these figures is more than a compelling argument for the government to lift its game to ensure Australians are properly protected. What it has shown is that the comments coming from both the minister for immigration and the Special Minister of State were an ad hoc, knee-jerk reaction rather than a solid and consistent policy and procedural response.

We must act in ways that build our domestic shipping industry. We must take an active role in training, in shipbuilding and in building our fleet. The ALP does support this bill but I must register my concerns about this government’s treatment of our shipping industry—I believe it places our industry, our jobs, our security and our coastal environments at significant risk. It is time this government acted in the best interests of Australia and took on that leading role in the shipping industry that we were once so proud of.

Mr McARTHUR (Corangamite) (11.27 a.m.)—I rise to participate in this debate on the Maritime Legislation Amendment Bill 2002 as a result of my longstanding interest in maritime matters, having participated in the Ships of shame inquiry with the Hon. Peter Morris and having been exposed to a number of the issues that this bill covers. In terms of the amendment moved by the honourable member for Batman and referred to by the honourable member for Bass, I note it is a re-run of the cabotage argument and a support for those maritime unions around the Australian coast. I note the admission of the member for Bass that the fleet on the
Australian coast is now young and that the crewing levels are good, and I support those views. There has been a dramatic change in the Australian shipping and maritime environment—a moving away from the crewing levels and from the closed shop of the maritime unions, where the Australian shipping operations were not world competitive. Gradually those Australian ships that work the Australian coast are becoming competitive, crew levels are better and the pay and conditions are, on average, better than those of other shipping operators around the world.

I notice the comment about single-hulled vessels. That is just one issue and I will refer to the port state control in a minute, which has done a very good job of maintaining the quality of shipping coming into Australian ports. Fundamentally, this legislation is about the pollution from oil slicks off the Australian coast and around the world. I commend the legislation on the basis that it is now conforming with international organisations in an attempt to compensate for oil spills that might occur either in the Australian waters off the Australian coast or in international waters. It increases the amount of compensation potentially payable for damage by tanker spills and refers to the Trade Practices Act, which I will not discuss.

I gather that this oil pollution started with the Torrey Canyon oil spill in 1967, when the world authorities became concerned about the use of large tankers and the possibility of them sinking and causing an oil spill on the coasts and in the marine environment. The International Maritime Organisation adopted a convention concerning the civil liability of oil tanker owners for pollution damage caused by oil carried as a cargo. This convention has been around for a long while and there has been good cooperation, as I understand it, by international authorities. In 1969 the International Convention on Civil Liability for Oil Pollution Damage had a convention providing that compensation be paid to the victims and liability be placed on the ship owner and that compensation be payable only for the damage caused in the waters to the outer limits of the 200 nautical mile exclusive economic zone. Damage to fish in international waters is not covered, which is an interesting aspect. I think many people in Europe and off the American Shelf would be concerned about that. The convention provides for strict liability regardless of fault.

The fund comes from levies on companies and other entities importing more than 150 tonnes of crude oil or heavy oil in each year. Five Australian companies have contributed about $4 million. In the broad context, I had exposure to the maritime industry as a member of the second committee on the ‘ships of shame’ inquiry under the very able chairmanship of the Hon. Peter Morris. It looked at the issues of preventing ships from sinking and, in the case of ships sinking, preventing oil cargo from being spilt in the ocean. There were interesting and very public problems—for example, the Kirke, which was lost off the Western Australian coast in 1991, when 17,000 tonnes of crude oil were spilt. As I recall, the lucky break there—and the member opposite would probably recall this—was that the wind was moving towards the ocean and the oil quality was of a lesser grade. That terrible catastrophe did not affect the Western Australian coastline. It was well recorded at the time that the Kirke was a ship that to all apparent visual observation was structurally sound, but in fact the front of the ship fell off. That was the cause of this great spill, and it alerted the authorities in Australia to what I will refer to as ‘port control’—the idea that any ships that came to Australian ports should be inspected.

The next very public incident was the Laura D’Amato in Sydney, when the oil refinery managed to unhook the pipe and oil spilt into Sydney Harbour. That gave rise to a consider-
able amount of public argument about liability. The *Erika* sank off the coast of Brittany, which resulted in 6,000 claims for compensation. Total damages awarded were about $350 million, and $110 million has been paid out. This gives an indication of the sorts of problems we are facing in Australia and in international waters.

In 1989, the *Exxon Valdez* disaster in Alaska was a very key public display of pollution from a ship that came to grief. As a member of the transport committee—which produced a report called *Beyond the midnight oil*—I am aware that one factor in the *Exxon Valdez* incident was the matter of fatigue. Professor Dinges made an interesting comment to the committee which indicated that the quality of the shipping and the crewing is a key factor in the prevention of pollution by oil in the oceans. In evidence, he said:

The combination of fewer crew and demands for a quick turnaround time were key factors in the 1989 *Exxon Valdez* accident.

He further stated:

... the demanned vessel meant that there were fewer crew on board to do the work. On the high seas, that worked out well, but when you pulled into the Valdez port and had to load out and were under terrific time pressure, it meant that the first officer was awake 36 hours, could not go any more and finally went to bed. It meant that the second officer had been awake too long, well past the hours of service. He went to bed. And it meant that the man at the helm at the critical time as they left the port through Prince William Sound was a third officer, with limited experience.

Professor Dinges, who is a world authority on fatigue, was saying that this pollution—the worst pollution accident in the world—with the *Valdez* took place because of the fatigue of a crew member. That matter has had the attention of the standing committee on transport and our landmark report entitled *Beyond the midnight oil* addressed the fatigue issue in the maritime industry, in the rail industry and in the road industry. Professor Dinges is really saying that, if the matter of fatigue of the crew had been addressed, this accident might not have occurred, the billions of dollars in compensation which we are addressing in this bill might not have been paid out and the amount of time involved in court and in allocating the blame on this particular issue might have been avoided.

To reduce the possibility of a marine spill, Australia’s contribution to maritime safety has seen the development of the port state control inspections run by AMSA, the Australian Maritime Safety Authority. The members of the standing committee and the Hon. Peter Morris have pushed very strongly for this process. Australia would probably be the first nation to take the matter of port state control and the inspection of ships in a very serious manner. Ships having safety levels below those generally accepted, particularly ships that were older than 17, 18 or 19 years, were carefully inspected, as all ships are, so international shipping companies thought carefully about coming to Australia because they knew that the port state control would be looking at their ships and inspecting them for major and minor defects.

In 2001, there were 2,913 inspections and 127 detentions in total—that is about a four per cent detention rate. These lists are tabled so that all people interested or involved in the maritime industry can see the ships that are safe, the ships that have been looked at, what might be done and what the Australian authorities are doing. I noticed that there was a ship, *Silver Zhang*, which was detained for 12 hours and 45 minutes because its oil pollution prevention equipment was defective. In the whole area of possible pollution, the Australian Maritime Safety Authority has done a good job in identifying a number of these comparatively smaller issues. The bigger issue of hull quality in iron ore ships is more difficult because it is hard to
identify, but obviously international shipping companies know that if they come to Australia they will be subject to a random check. I commend the work of AMSA in this area.

I refer also to the very good work of my colleague and good friend the Hon. Peter Morris. He is now Chairman of the International Commission on Shipping, and in 2001 they produced a report called *Ships, slaves and competition*. It was a further international contribution to the debate on the quality of shipping and the way in which seafarers should be looked after. I will quote from a speech that Peter Morris gave in Sydney in March 2001 to the International Symposium on Safer Shipping in the APEC Region. It covers a number of the issues that we have been concerned about in the outcome of this bill. He says:

The Commission’s recommendations are in two main blocks—the welfare of the people in the industry and their families and port state control activities.

That is the quality of the ships that travel between the various international ports and whether internationally we can control the quality, particularly of those oil carrying ships.

I will briefly refer to some of the recommendations of this very important international report that he referred to in his speech. I note from the appendix to the report that the three-man committee talked to every important maritime authority in the world that had an interest in international shipping. It is a report of significance. I think that internationally we are moving in the right direction, as this bill will ensure that we will be compatible with international requirements on pollution and compensation.

The report’s recommendations include stronger supervision of classification societies by the European Commission and tougher policy application by the societies to their clients. If old ships—especially oil carrying ships—are in an age category where they present a danger of pollution, that classification needs to be clear so that everyone is aware of it. The report recommends improved flag state performance, which means that those states that run flags of convenience come under international surveillance. Further recommendations include tighter port state controls and the implementation of reward systems for quality ships. Australia leads the way in this. As I said earlier, if ships come to Australia, they have got to be of good quality. Certainly there has been a change in the culture: chartering operations understand that ships that come to Australia need to be of good quality. The recommendation for more rigorous inspections for ISM compliance is a quality standard. It is also recommended that there be severe penalties for charterers and major shippers using substandard ships. Port control, through the change of culture and through inspections, can ensure that that is taking place—at least in Australia. That will flow through to the major ports of the world.

The report further recommends the establishment of a confidential ship safety incident reporting system so that, where there is a possibility that major accidents could occur, there is a genuinely confidential system—as we have in aviation—which involves reporting to the international body. It is recommended that there be deterrent financial penalties on owners of detained ships. This is an action that has been taking place here through AMSA. A reduction in multiple inspections of ships was recommended. This matter has been the subject of argument that has taken place in Australia. The topic of debate was whether having ships being open to a number of inspections for commercial reasons was causing a lack of genuine competition.

The report also recommends stricter control of manning agencies and prohibition of blacklisting of seafarers. This matter is the subject of a major argument between the seafarers of the Philippines and the seafarers of other Third World countries who suffer very poor conditions
in some shipping operations. Ending the abuse and ill-treatment of seafarers and their families seems a very obvious matter. It is quite horrifying to hear evidence of what actually happens on some of these substandard ships. It is recommended that there be support for abandoned seafarers and seafarers welfare organisations. A number of Australian seafarers organisations have done a good job looking after seafarers from Third World countries. The report also recommends lifting the level of training and qualifications and ending fraudulent practices on crewing, which follows a similar argument to that which members of the opposition have raised in terms of coastal shipping. Supporting international agencies such as IMO and ILO and designating ports of distress are also recommendations of the report.

That is a summary of a very full report by the Hon. Peter Morris. I put on the public record the thanks of the Australian maritime industry and of this parliament for his wonderful and ongoing work in the area of international quality shipping. I think it is being recognised by people around the world that Peter Morris’s contribution is first-class and of a very high quality. In the long run, it is making shipping a safer operation, particularly in the area of freight. Iron ore ships so often disappeared into the Indian Ocean without trace. I commend the legislation and its broad thrust. The minister is here at the table in an attempt to make sure that compensation is payable, that there is a responsible attitude by shipowners in Australia, that there is a responsible attitude by shipowners internationally and that, more importantly, people take a preventative approach to this whole problem.

It is all very well to pay compensation after court action regarding the *Exxon Valdez* but, here in Australia and around the world, we need to ensure that there is a culture and a legislative program that ensures that every effort is taken to ensure that international shipping is of high quality, that crewing is of high quality and that the risks of collision in the Barrier Reef, for instance, are reduced to an absolute minimum. The quality of ships and double-hulling of oil should be looked at. Even that has broken down in recent times, as I understand it. I commend the thrust of the legislation, and I am delighted that this parliament has supported something of such international significance. I commend the work of Peter Morris in this whole area.

Ms JANN McFARLANE (Stirling) (11.45 p.m.)—I rise today to speak on the Maritime Legislation Amendment Bill 2002. I support the measures within this bill, and I support the comments of the member for Corangamite on the work of the committee, including his favourable comments about Peter Morris and his role. I too have had long conversations with Peter Morris about the need to ensure that safety standards throughout the world, not just in Australia, are brought up to and kept at a high level. However, I am more critical of what has been left out of the bill, which underlines the Howard government’s poor approach to shipping policy, particularly the increased risk posed by the flags of convenience ships. These ships are in poor condition. They have inadequately trained crews, often from Third World countries, and they expose Australia to the risk of maritime and environmental disaster.

Oil spills can have a devastating effect on the environment and can inflict a crippling blow on the local economy. I have shared the concerns expressed by my colleagues the shadow minister for transport and member for Batman and the member for Bass about the recent spate of international maritime incidents involving flags of convenience vessels that have traded on the Australian coastline. These incidents should have alerted the Howard government to the continual threat that flags of convenience ships bring to Australian waters.
In an ideal world all ships would have the standards of the Australian fleet, but we are not in an ideal world and many of the flags of convenience ships—as has been pointed out by members on both sides of the House—are second-rate and inadequate. We have only to cast our minds back to late last year to see the number of extremely serious incidents involving flags of convenience ships, some of which have been mentioned by members on both sides of the House. On 26 November, *Hual Europe*, a two-year old car carrier travelling under a Bahamian flag, burned out of control after running aground near Tokyo. This ship was in Australian waters in September 2002 in the ports of Sydney, Melbourne and Brisbane. On 24 November 2002, *Tasman Sea*, a 22-year-old oil tanker travelling under a Maltese flag, was involved in a collision off China that resulted in an oil slick. This ship was last in Australian waters in May 2001. On 24 November 2002, *Gaz Poem*, a 26-year-old LPG carrier travelling under a Panamanian flag to as burning out of control off Hong Kong. Last but in no way least, on 18 November 2002, *Prestige*, a 26-year-old oil tanker travelling under a Bahamian flag, sank off the northern Spanish coast, which resulted in an oil slick estimated to be twice the size of the oil slick caused when the *Exxon Valdez* sank. We all remember the dreadful marine and environmental damage caused by the *Exxon Valdez*.

Ships sailing under flags of convenience do not have to maintain the same degree of safety standards or abide by the same regulations as Australian ships. This is not only inherently inequitable but it is also particularly worrying for my constituency. My electorate of Stirling is lucky enough to contain the pristine beaches of Scarborough and Trigg which, in my experience, are the finest beaches in Australia—a fact that I and my constituents are very proud of—and we take great enjoyment when we spend time relaxing at the beach.

This is why I am shocked and disturbed by the fact that the Howard government has not taken more proactive steps to reduce the number of flags of convenience ships entering Australian waters and to ban from our coast single-hulled vessels like the *Prestige*. As the member for Corangamite has just pointed out, oil carried in single-hulled ships poses a risk to marine and coastal environments. We must move to a worldwide situation where oil is carried only in double-hulled vessels. Australia can lead the world and can apply pressure, especially through our work at the international level, to ensure this happens.

The damage that may be caused to my electorate by a flag of convenience or a single-hulled vessel is not only restricted to the environment. Scarborough beachfront has a vibrant business community, which would suffer untenable losses to revenue if Scarborough became an environmental disaster area. There are very large reefs off Scarborough Beach. The ships sail up and down the coast and come in close to Scarborough when they are on their way to dock in Fremantle Port. Any disaster would threaten the hard work of the City of Stirling, which has put into SEAS—the Scarborough Environs Area Strategy—a plan to launch Scarborough as an environmentally sustainable tourist destination. Tourists do not like to come to beaches and coastlines where there have been environmental disasters. Even when the clean-ups have happened, people often have long memories of these things, and it is a deterrent to visit those areas.

If the Howard government does not think that a shipping disaster is a realistic threat in our waters and wishes to continue to irresponsibly use the permit system to encourage FOCs to enter our waters in preference to our own, then the Prime Minister may also wish to cast his mind back to the *Korean Star* in 1998 and *Kirki* in 1991. As the member for Corangamite pointed out, the winds were in favour and took the oil slick away from the coastline. But the thing that
really saved the Australian coastline and the marine environment from damage was an Australian tug with an Australian crew. With enormous effort and displaying great courage, they jumped onto the *Kirki*, secured it and were able to tow it back to shore. Again, Australian training and Australian safety standards saved the environment. As the member for Corangamite pointed out, the *Kirki* did release 17,280 tonnes of light crude oil. But if that ship had not been able to be secured, and had the rest of the oil been released from the hull, then an enormous environmental disaster would have happened on the coastline.

Australia has a long and proud maritime history. It commenced before, but flourished after, the arrival of the first non-Indigenous Australians over 200 years ago. The legislation governing shipping in this country is only 10 years off its centenary. Shipping is part of Australia. It is in the blood of many Australians from coastal communities, such as Fremantle, Wollongong, Launceston, Newcastle and places all around Australia. For all of these reasons and many more, I fail to accept the argument of the current minister for transport that Australia is a nation of shippers, not a shipping nation.

I encourage all members and senators, as well as the community, to look at the Australian Maritime Safety Authority web site—www.amsa.gov.au—particularly the site that documents the major oil spills in Australia. I have a particular interest in the Western Australian situation. On 25 May 1998, the *Korean Star* grounded in Cape Cuvier in Western Australia. It released 600 tonnes of oil. On 14 February 1991, the *Sanko Harvest* broke up and sank off Esperance, releasing 700 tonnes of oil. But it also had in its hold a cargo of 30,000 tonnes of soluble fertilisers, and that did cause some damage to the environment, even though it finally dispersed. On the web site, it says:

Foreshore clean-up operations continued for over 9 weeks.

As has been mentioned, on 21 July 1991 the *Kirki* was contained off the Western Australian coast, but it did lose 17,280 tonnes of light oil. The web site is very interesting, because it gives a brief outline of each of the sinkings. The one that concerned me most was the *Arthur Phillip*, off Victoria in May 1990, where oil was sighted coming ashore and dead or oiled penguins were seen. It says on the web site:

The spill ultimately killed or seriously affected over 200 fairy penguins. While some beach clean-up was carried out following this incident, the major costs were incurred in monitoring the spill and cleaning and care of wildlife.

Fortunately, there was no lasting damage, but it does take time for the environment to regenerate after the degradation caused by these spills.

Having ships crewed by Australians means a well-trained, safety orientated industry. It also means protection of Australia’s pristine coastline and marine environment. Labor’s amendment condemns the government for:

1. failing Australia’s national interests and security by failing to support an Australian shipping industry, maritime jobs and coastal communities that rely on a viable, efficient industry for jobs, security and tourism; and

2. risking our maritime environment by not showing international leadership to ban from our coasts single hulled vessels like the Prestige, that caused devastation off the coast of Spain”.

With the other members, I support the bill and I ask the government to use commonsense and support Labor’s amendment. We must deal with the issue of single-hulled vessels, because unless we put a lot more energy and attention into safety issues in the future we will expose
Australia and the Australian coastline and marine environment to risk when incidents happen with these ships, especially if they are carrying oil.

Mr TUCKEY (O'Connor—Minister for Regional Services, Territories and Local Government) (11.55 a.m.)—As has been indicated, the Maritime Legislation Amendment Bill 2002 will not be opposed, but a pious amendment has been moved by the opposition. In commencing my remarks, I want to refer to some statements made by opposition members, and the member for Stirling has just referred to the claims contained in that opposition amendment.

This legislation is about imposing extra regulatory control upon the maritime industry as it operates within Australia’s economic zone. That is clear evidence of the government’s intention to ensure that the international law, as it is at the moment, applies in Australia. Surely that creates a circumstance where the government cannot be criticised in the fashion of this amendment. We are doing what we should do. I am surprised opposition members have said that we are not showing international leadership, when we were told by the member for Corangamite and it was confirmed by the member for Stirling that an ex-minister of the Hawke Labor government—so an Australian—is now the chairman of the International Commission on Shipping. If the chairman of the commission is an Australian—and you heard the congratulatory remarks made by the member for Corangamite; I worked with Peter Morris in the days when he was here, and I spoke against the Kirke, which is somewhat of an aberration in Australia’s shipping history—how much more international influence might we try to exert? We are very grateful for Peter Morris’s efforts and his international recognition. If we as a government had not nominated him or supported him, we might be criticised; but this criticism is coming even though we have taken a political opponent, recognised his skills and his influence and supported him in becoming the chairman of the rule making body. It is a bit weak to say that we are not exerting international leadership and doing it in a bipartisan way.

I might remind the member for Stirling—because she spoke about a country and waters that I know very well—that the accident involving the Korean Star could not have been the result of poor government initiatives. The Korean Star was a salt vessel which was moored awaiting loading at an open port at Cape Cuvier, just north of Carnarvon. It had discharged its ballast tanks so that it could be loaded in the morning. A cyclone changed direction, as they typically do, and apparently the crew did not get advice. So here was this vessel sticking out of the water, and it was blown ashore. It dragged its moorings—and that did not have to be very far—and it rests on the cliff today in two pieces. It was a tragedy that it discharged its fuel oil, but to suggest that that was an example of bad government management in those circumstances is just silly.

In relation to the vessel at Esperance, which I have not recorded the name of, this was, as the member for Corangamite pointed out, a straight-out issue where it was a capable vessel—there was nothing wrong with the vessel—but the crew just happened to try to take a short cut into Esperance and ran it up onto a reef. That is crew error. As much as we would like to legislate against human error, that is a very difficult process. The full body of the law was directed against that shipping company notwithstanding, but we will always have these sorts of situations.

The first point I want to make in response to this amendment is that the government, with this very legislation, is bringing Australia right up to the laws as the International Commission on Shipping ascribes. It does not happen to go as far as double-hulled ships but, if our inspection regime and the quality of the vessels is of the high standard we expect our regulators to
demand, the need for that is a debatable issue. Nevertheless, we are completely determined to ensure that our environment and our oceans are fully protected.

Finally, it has become a habit in this legislation to lay out the issue of the failure of cabotage to keep Australian ownership of ships. As I reminded the parliament in the answer to a question, cabotage legislation relating to coastal shipping in Australia has been virtually unchanged for decades and, certainly in its present form, preceded the Hawke government. For 13 years they did not change that legislation. But how could you? It gives preference to Australian owned ships, but it provides for the obvious circumstance where, if an Australian ship is not available, a foreign owned ship can be issued a licence. Why is there less and less availability of Australian owned ships? Because shipowners will not own them with Australian registration because of the lemmin attitude, still in existence to a lesser degree, of Australian maritime unions.

I noted recently on an internationally crewed ship out of Hong Kong on which I took a holiday that the crews do the maintenance while the ship is sailing along. That is how it works internationally, but that was refused by the Australian maritime unions. If you own the ship in Australia and you want a bit of painting or work done as the ship cruises along to reduce your costs—because there is nothing else to do; it is probably on autopilot—that is not on. And they wonder why the fellow says, ‘I’m selling the ship,’ and then goes and hires it or another vessel as a foreign flagged vessel. It is a matter of commerce. Of course, you might argue that Australia should pay the extra price. That is fine but, if it is a cement ship and some international company, in building their new international or Southern Ocean headquarters, makes the choice of Singapore instead of Sydney because the cost of cement is too high in Australia, how many jobs do you get out of that? If one section of the community demands to be overpaid, many others miss out. I think it might have been the father of the present Leader of the Opposition who said, ‘One man’s pay rise can be another man’s job.’ I will check the record but I think my memory might have served me well.

That is pretty simplistic and I would not entirely support it, but when people, through the monopoly their industry is granted, start to make the cost of that service excessive it just wipes out other people’s opportunities to gain employment. Whether we like it or not, the money that flows around the world today just goes somewhere else. This applies to the export of goods and everything else. It is so tight. We had the great blue about the MUA and what came out of it? The unions eventually voted to halve their numbers and have increased their effort by 50 per cent. What does that tell us? We do not have to argue about it. The people left—they were bought out of their jobs—and productivity went up with half as many people. There must have been something wrong in the beginning. Of course, they always want to talk about the price of shifting a box. The price is in the freight rate when you lock a ship alongside the wharf for two days to unload it when our competitors would unload it in half a day. These are the challenges we face. Our government has not changed the cabotage legislation. It has not been changed in decades. Local investors have made a decision that they do not want its protection anymore, because they are still going broke.

Having covered the amendments, let me therefore refer to the legislation. The Maritime Legislation Amendment Bill 2002 amends four acts and repeals another, non-operational, act. The most significant amendments in this bill are made by items 1 to 6 of schedule 1. Those items amend the Protection of the Sea (Civil Liability) Act 1981 and the Protection of the Sea (Oil Pollution Compensation Fund) Act 1993 to provide that the maximum amount of com-
compensation available in the case of pollution damage resulting from an oil spill from an oil tanker will be increased from $320 million to about $480 million. These amendments will commence on 1 November 2003, the date on which amendments to the applicable International Maritime Organisation convention enter into force internationally. Fortunately, Australia has been spared from disastrous oil spills such as that resulting from the breaking up of the Prestige off the Spanish coast last November. The rigorous ship inspection program conducted by the Australian Maritime Safety Authority helps ensure that substandard ships do not trade with Australia. If there is an oil spill or any other pollution incident in Australian waters, a well-rehearsed contingency plan is in place to minimise its effects. The amendments made by this bill will increase the compensation available to those who suffer damage resulting from an oil spill from an oil tanker.

The bill amends the Trade Practices Act 1974 to close a potential loophole that would allow stevedoring operators to collude when setting charges for stevedoring services. The government is not aware of Australia’s stevedoring operators having ever engaged in such anti-competitive practices; the purpose of the amendment is to make it clear that any such collusion is a breach of the Trade Practices Act. In addition to the above, the bill has other minor amendments to allow garbage disposal placards on ships to be written in Spanish and to prohibit the disposal from a ship into the sea of incinerator ashes from plastic products that may contain toxic or heavy metal residues.

Finally, the bill repeals the Bass Strait Sea Passenger Service Agreement Act 1984. That act approved a 1984 agreement between the Commonwealth and Tasmania under which the Commonwealth provided financial assistance to Tasmania for the replacement of the Bass Strait ferry, the Empress of Tasmania, with a newer vessel, the Spirit of Tasmania. While the act was important at the time it was made, it is now being repealed as it is no longer of any effect. The financial assistance has been paid in full and all conditions of the agreement have been complied with. This bill has not attempted any major reforms, but the bill is important in that it ensures that some recent decisions of the International Maritime Organisation are reflected in Australian legislation. I thank members for their support of the bill.

The DEPUTY SPEAKER (Ms Corcoran)—The original question was that this bill be now read a second time. To this the honourable member for Batman has moved as an amendment that all words after ‘That’ be omitted with a view to substituting other words. The question now is that the words proposed to be omitted stand part of the question.

Question agreed to.

Bill read a second time.

Ordered that the bill be reported to the House without amendment.

BUSHFIRES

Debate resumed from 4 February, on motion by Dr Stone:

That the House take note of the paper.

Ms PANOPOULOS (Indi) (12.09 p.m.)—In rising to support the motion moved by the Parliamentary Secretary to the Minister for the Environment and Heritage, I want to make clear the enormity of the devastation inflicted by the bushfires as they swept through north-east Victoria, particularly in my seat of Indi. The north-east fires have so far been raging for almost a month and have burnt over 900,000 hectares of parks, forests, pasture, grazing land and open country. They have left in their wake properties which have been destroyed, farm
infrastructure which has been reduced to ashes, equipment which has been burnt to a tangle of junk and animals which have been turned into blackened carcasses.

It is much too early to count the financial cost to Victoria and to the people of the north-east in particular. The personal, individual emotional cost can never be measured. What is known is the enormous courage, strength and endurance of those who suffered loss and those who fought to protect the lives and properties of others. It is this courage that has protected the beautiful and historic towns in the electorate of Indi. The enormity of such disasters often diminishes the view of the calamity of individuals. Television and print pictures may convey the grief etched on the faces of the victims, but they can never translate the agony and the sense of utter despair that consumes those who have experienced, and continue to experience, the devastation caused by these fires. That being said, from such circumstances come countless accounts of courage during peril, stoicism in adversity and dignity in endurance. These are the qualities which will ensure the successful rebuilding of lives, homes and livelihoods.

The United Nations declared 2001 as the Year of the Volunteer. In the north-east of Victoria, 2003 is truly the year of the volunteer. Thousands of decent, ordinary Australians selflessly sacrificed their time, sometimes their annual holidays and often their incomes in confronting the relentless infernos and defending the lives and property of their fellow Australians. They epitomise the essence of volunteerism as we understand and admire it. There are innumerable accounts of individual acts of remarkable dedication and commitment. Many volunteers worked 16- and 18-hour shifts, stopping just long enough to grab an hour or two of sleep before returning to the fire front. Wives and husbands worked as teams; fathers, sons and daughters fought blazes side by side; and volunteers worked to the point of collapse. Fatigue became part of the enemy. For weeks now people’s normal daily lives have been frozen as they have put everything else aside to battle bushfires. Their lives have become the fire fight. Even those of us living in towns that are not directly threatened have been measuring the date not by reference to the conventional calendar but by reference to the starting date of the fires. Even Australia Day celebrations were postponed, and that day was referred to as day 18.

In recording my thanks to those who were part of the team of people who contributed to the firefighting effort, I particularly include the many employers who paid their employees’ wages while they were away from work fighting the fires. For some small businesses this is a very heavy burden. Many small business people and self-employed men and women simply left their businesses to fight the fires. The cost to many of these people is enormous. They are also many cases of wonderful generosity by employers and employees who have opened the doors at all hours to provide food and beverages for those at the face of these fires. Without their contribution, the firefighting effort would have been significantly depleted. Lest there be those who think otherwise, there is no glamour in fighting bushfires: it is hard, dirty, hot and dangerous work. It was the elements which made the fires so lethal and that made them so dangerous to combat.

It is the people in my electorate who have battled and survived these devastating fires to whom I have turned for advice and from whom I have collected valuable and numerous anecdotes of inadequately maintained fire trails and poorly managed national parks through insufficient controlled burn-offs. The enormous accumulation of forest-floor fuel, dried through a scorching summer, and the highly potent, explosive timber, seared by fierce, hot and capricious winds, were the collective ingredients for the inevitable disaster with which the fire-
fighters were confronted. They are the circumstances which make firefighting so very dangerous. They are the conditions in which so many brave firefighters previously have lost their lives defending their communities. The plaque on the old Wangaratta Post Office recording the deaths of three post office linesmen who died while fighting fires as volunteers in December 1943 and the stone cairn near Tarrawingee which marks the place of the deaths of these men and seven other volunteers who died fighting the same fires are permanent reminders of the perils facing firefighters who confront the flames in these conditions.

Most of us have learned or read of the CFA volunteers who were caught in the midst of unpredictable fires and were forced to shelter in their trucks, which were engulfed in the firestorms that suddenly descended on them. Their lives depended not only on modern equipment and on months of training but also on cool heads and great bravery. Their survival is testimony to all these qualities—qualities that they showed in spades. The recitation of one act of courage and bravery cannot begin to catalogue the many that have taken place in the last month. However, the following account of the saving of homes and lives at Bogong Village, as reported in the *Border Mail*, is representative:

Four firefighters on the first tanker to break through the flames said had they been just a few seconds later the three teachers and the rest of Bogong Village would not have survived.

‘Had we been just a minute later all of this would have gone up,’ Mr Krause said.

Mr Krause is the CFA safety officer. It continues:

‘It was a big call to come through the flames but we knew they were in there and that was our main priority.

‘I would estimate we saved about 20 or more buildings here.’

But it was a battle they almost didn’t win as the 22 firefighters dodged powerlines ‘falling like lightning bolts,’ and twice battened down the hatches and sheltered under blankets while fog nozzles sprayed water around them as flames licked the tankers.

‘At one point we all thought we would perish,’ Mr Krause said.

‘The flames were crowning up over the top of us and I had to order the tankers into a defensive position.

‘There was just a wall of flames but we all stuck together...’

I fear to contemplate how much worse the situation and the devastation of the fires may have been, how many more properties may have been destroyed and how many lives may have been lost had it not been for these courageous volunteers.

The story of the volunteers involved in the fighting of the bushfires would be profoundly incomplete without recording the part played by over 25 voluntary, private and government agencies, together with many individual members of the community. Thousands of personnel from the CFA, St John’s Ambulance, Red Cross, the Salvation Army, the SES, shire councils, metropolitan firefighters brigades, the Army and the Victorian Police have all worked tirelessly and magnificently. Hundreds of other individuals have also joined in giving their time, effort and finances in countless ways. The volunteers I have met seek no thanks, no acknowledgment and no reward. As one CFA volunteer said to me: ‘We’re no bloody heroes. It’s just a community service.’ To these heroes, it simply is the Australian way. Australians are extraordinarily generous volunteers and the people in north-east Victoria have been exceedingly blessed by the outpouring of generosity and selflessness from volunteers who have come from all over Victoria and elsewhere, freely and willingly, to help us fight the fires.
However, that being said, country people have an extraordinary level of volunteerism. In a paper recently written by my colleague Senator Barnett, he refers to the Australian Bureau of Statistics document *Voluntary Work in 2000*, which confirms that observation. The ABS finds that volunteering rates are substantially greater outside capital cities than within them. There is no apparent mystery about the fact, nor is it a reflection upon city people. Of its nature, our continent is often harsh, unrelenting and unforgiving. It has moulded and developed the indomitable spirit that is the essence of the character of Australian country people. Self-reliance, self-help, personal sacrifice, looking out for your neighbour and community works are all the hallmarks of country people that have allowed them to succeed—often in the face of adversity and apparently overwhelming obstacles. Equally, they are the collective qualities that give enduring strength to the fabric which binds country communities.

As I have travelled continually through the towns and hamlets of my electorate, visiting CFA stations and the many voluntary organisations and their members who are involved in the fight against the rage of these monstrous bushfires, I am forcefully reminded of the diverse and broad backgrounds from which these thousands of volunteers come. Their occupations, circumstances and lifestyles are as different and as representative as Australians across this nation. It is the nature of these Australians to give of themselves so freely and so generously, and they come from every walk of life. They are overwhelmingly and obviously just good, honest, decent men and women. What is so abundantly apparent when one talks to the firefighters and the many ancillary volunteer groups is their love, care and respect for the land. Many of these people have enormous knowledge and understanding of the environment. Thus far it is a resource not adequately utilised by many governments.

I conclude by enthusiastically joining the Prime Minister in acknowledging and thanking the many people who contributed to the fight against the fires, right across Australia. Some of these people returned from fighting fires in parks and elsewhere to find their own towns and properties in peril. Bushfires, as with floods and droughts, will always be with us as nature exerts its dominance over man. However, governments at all levels have an unqualified and unmitigated obligation to take every step to not only reduce the magnitude of bushfires but also as far as possible eliminate the circumstances which give rise to their commencement. I fully support the Prime Minister’s sentiments that the reasons for these bushfires ought to be examined. I trust this will lead to the elimination of the circumstances which were responsible for the magnitude of the current fires in north-east Victoria.

**Ms ELLIS (Canberra) (12.20 p.m.)—**In beginning my contribution today, could I make the point that, whilst I am obviously going to be concentrating on the fires in Canberra of 18 January, I fully recognise and acknowledge that there have been severe fires in Queensland, Victoria, New South Wales, Tasmania and Western Australia—in fact, virtually right across the continent.

Saturday, 18 January 2003 was a devastating day for Canberra. Fires—begun by a lightning strike some time earlier and encouraged and led by terrain, weather conditions and extreme drought—hit our community in a way never imagined. I was at home that day in Monash, a suburb of Tuggeranong, and my neighbours and I heard the emergency warnings and prepared our houses. At the time, we had no way of knowing the actual dimension of what was happening, except to say that the heat, the wind and the overwhelming red glow followed by darkness—virtually as dark as midnight—in the middle of the afternoon told us something terrible was happening. We were lucky because the fires did not actually reach our suburb.
But the statistics I am referring to are stark. It is worth noting, in referring to those statistics, that up until this time I believe it had been 51 years since a home in Canberra had been lost to a bushfire. This disaster tragically took four lives, destroyed 530 homes and damaged hundreds more. The damage was not only in the urban areas—we also have a small but vitally important rural sector in the ACT. We lost 30 farms, over 3,000 sheep, approximately 150 cattle, 30 horses, and any pasture out on those farms that was surviving the drought has now gone. We will never accurately know the numbers of native birds and animals lost; suffice to say, they are in the countless thousands. The Namadgi National Park suffered damage to 105,000 hectares or 99 per cent of its total area. The Tidbinbilla nature reserve suffered similar area damage, and tragically wildlife losses were enormous in number. The ACT Chief Minister said, ‘It’s easier to speak about numbers that survived than those that didn’t.’ Those numbers are indeed very bleak: six rock wallabies, five potoroos, one koala, nine black swans and about four ducks.

The losses at Mount Stromlo have simply shocked everyone locally, nationally and internationally. I welcome very sincerely the Prime Minister’s commitment to the restoration of Mount Stromlo. The community infrastructure damages are too long to list here but include facilities such as the ACT Scouts’ Camp Cottermouth, the YMCA Camp Sturt, the Lions Youth Haven farm, the Bririgai Outdoor School, classrooms at Orana School and a local church complex. This list will give members some idea of the extent of the damage, but it is not a complete list. When we talk about the numbers of homes lost we must look behind those numbers. For instance, virtually half of the suburb of Duffy has been destroyed. In other areas, though, the loss is more obscure, with burnt-out houses dotted amongst otherwise untouched urban streets. The indiscriminate nature of the fire is blatantly evident.

My first close-up view of the fires was not until the afternoon of Monday, 20 January. I thank my colleagues the member for Corio and the member for Lingiari for their concern and for being here and offering assistance to our community on that day. The fire made no discrimination—it ravaged where it wished, it jumped some homes merely to select others, it leapt across four-lane roads and large, open, clear areas and simply went where its enormous energy took it. The ferocity of it was such that the stories from the firefighters, the volunteers and the householders who were able to stay and fight on are all very similar—that is, they could not believe the speed, the heat, the wind strength or the sheer viciousness of what confronted them. Many people displayed heroic actions and, it must be said, in some instances possibly a little foolishly. People acted in a selfless manner doing whatever they could wherever they could. I have heard reports of people arriving unannounced—over fences or from further up the street—simply to help. In some cases, these people lost their own properties while helping others.

The dedication and determination of our firefighting teams, our volunteers and all our emergency personnel is unquestioned. Those sentiments also apply to the combined management of the ACT Emergency Services Bureau, the ACT Bushfire and Emergency Services, the ACT Fire Brigade, the ACT Ambulance, ACT Police, the Snowy Hydro Southcare Helicopter Service, the Australian Federal Police, the New South Wales Police and many more. It is true to say that these people are trained to beat an emergency and to defeat a fire. Many of them have said they have strong feelings about the extent of the damage. In some cases, they simply had to retreat from the danger that was presented to them. However, their vigilance never left them; lives were saved and people were rescued during those retreating times. I be-
believe that I represent the views of my community when I say that we all stand with them and we thank them.

We also thank the Army, the Air Force and the Navy, who joined in the effort. The efforts of the volunteers, numerous agencies, individuals and businesses that all contributed in some way are acknowledged. We equally acknowledge the efforts of a number of crews who came from other areas to help. Sadly, time does not allow me to list them all. However, we thank them all for the way in which they came here to help us out from New South Wales, Queensland and elsewhere.

The response from within our own community to those who have been so severely affected has been overwhelming. Last week, a fundraiser organised by the Canberra Raiders, with five of the first-grade NRL teams, people from many other sports and other celebrities, raised in excess of $250,000. To illustrate the extent to which people will support each other—and followers of rugby league and rugby union will understand this point—the event, full of NRL players and supporters, was held in the grounds of and supported by the Tuggeranong Rugby Union Club, a bastion of the union code in Canberra. We never thought we would ever see rugby league played on their union patch—a thought put aside under these circumstances.

That night presented us with the worst weather conditions we could possibly have had, with warnings of fire still raging around the territory, but people were determined to do their bit and to get together as a community as soon as they were able.

Immediately following that day, calls went out from our evacuation centres for utilities, wheelbarrows, toys and bikes for kids, kitchen utensils, clothing, mattresses and bedding, and so on. These calls were answered so quickly. They were followed, almost within five minutes, by pleas of: ‘Thank you, but please don’t bring any more utes, mattresses and so on. We don’t know what to do with the number we’ve got.’ The corporate sector stepped in, some companies offering clothing, underwear, shoes and supplies for the start of the school year—again, another endless list.

The power supply suffered severe damage. ACTEW and ActewAGL stepped in to get the services back quickly. The Prime Minister and the Leader of the Opposition have mentioned the fact that nine months worth of work on our power system in Canberra was done in nine days—a very difficult statistic to accept but a true one. We commend and thank ACTEW and all their interstate colleagues who came in to bolster that work force.

I thank those members of this House who have accommodation here in Canberra that was not being used at the time of the emergency and who made it available as emergency housing for those who lost their homes. I also thank the members of the House who contacted us expressing their concern for the community in Canberra during this time.

With the new school year now under way, extra care and attention will be needed for many of the students, who will be carrying with them for some time the stress of their experiences during these fires. We particularly think of the school communities most severely hit: Duffy, Chapman, Holder, Rivett, Weston, Lyons, Kambah, Curtin, Tharwa and Torrens—both government and non-government schools, all with wonderfully dedicated teachers and parents. I am sure that they will need extra support over the coming weeks and months.

There is no doubt, sadly, that some commentators decided to try to apportion blame for this catastrophe very early on—in fact, only hours or days after 18 January, while the fires were still burning, the community was still under severe fire threat and before the state of emer-
gency had been lifted. I cannot overstate the anger in this community at that behaviour. It was ill-timed, ill-informed and extremely stressful to the community and everybody in it. The emergency personnel still putting their lives on the line did not need to hear that sort of commentary. But it seems that those who delight in criticising Canberra simply could not pass up another opportunity, as they saw it. The comments from Minister Tuckey on 21 January did not help at all. Some sectors of the national media ran sensational headlines and stories, looking for blame, looking for their big story. I thank and salute those in the media who did not follow that lead and who reported the unfolding tragedy as it was.

The Canberra Times must be commended for the vital role it played in supplying information and keeping us up to date with developments as the days passed. The Canberra radio outlets all did a wonderful job in keeping essential information flowing. However, particular mention has to be made of ABC 666, which is our local ABC radio station. The staff both on- and off-air ran continuous updates, warnings, alerts, pleas for assistance, fire and weather reports and so on. They became the friendly, calm and—when called for—humorous voice that we all needed during those days.

The task before us now, of course, is to rebuild our homes, our community and the lives affected. The ACT government, led by Jon Stanhope, has set in place a range of initiatives to do this, and I applaud and commend the speedy and competent way in which this is occurring. The most urgent thing is to involve this community in that process, to listen to them and seek their views in an honest and transparent way, and I believe the Stanhope government is doing just that.

There have been calls from some demanding inquiries into all sorts of aspects of the fires. Some of these calls were made while the fires were still burning in our suburbs. Some of these calls include dropping the notion of the ‘bush capital’ and building what was described by one so-called expert as a ‘modern capital city for the 21st century’, leaving the bush capital notion behind. In my opinion, nothing could be a more ludicrous suggestion. There is no question that proper analysis should occur, and I endorse that process. There will be appropriate inquiries within our community, allowing families, individuals, businesses and emergency workers—in fact, anyone so wishing—to participate. Any such inquiries should be to the long-term benefit of our families, our businesses and our community, not to any political benefit of others.

Canberrans are quite used to the ill-informed but common comment that ‘Canberra doesn’t have a soul’, that Canberra is somehow insulated and different from the rest of Australia. When Canberra is referred to as ‘that place full of politicians’, I always remind people that in fact we only have four federal pollies in this town; the others are sent here by the rest of Australia. I think one of the most ironic things I heard during this crisis period was a news broadcast on the radio with the headlines of the hour being read out. They went something like this: ‘Canberra devastated by bushfires’, followed immediately by ‘Canberra sends troops to the Middle East’. I thought at the time, ‘My gosh! We are a busy yet very talented community, being able to cope with devastation on our front doorsteps and committing troops to battle on the other side of the world at the same time!’ Perhaps this example illustrates once again the absolute silliness of labelling this community as the decision maker of the country. It is the government in this building that performs that role, not the community living around it.

Some people are suggesting that this disaster gives us the opportunity to display those characteristics of heart and soul. I strongly reject that theory. We do not need a disaster like
this to display that character. It has always been here, evident whenever needed, in the community’s generous heart and concern for each other. Canberra is and always has been a community of people no different from other Australian communities.

This has been an enormously tragic event for our community; rebuilding, recovery and resuming lives will take some time. I have no doubt that we will succeed and that we and others will learn a great deal from this experience. I am pleased to have this opportunity to speak to this motion today. I am a proud member of this community and everything it represents, and I am sure that the recovery process will be one of success.

Mr NAIRN (Eden-Monaro) (12.35 p.m.)—I rise today to support the Prime Minister’s motion with respect to the bushfires that have occurred and that are continuing to occur not only in our district but in substantial parts of Australia. At the moment, Eden-Monaro is, if not black, brown—from the devastating drought that is so gradually increasing into even that small part of Eden-Monaro which was the one per cent of the whole state not drought declared a few months ago. Ironically, it is the part that is usually the first to suffer drought, down around Bombala and Delegate. It was the only little bit left in the whole of New South Wales. We have this brown area, but over the last month or so we have seen much of it going black.

The real devastation, particularly to property and life, occurred here in Canberra, and I will come back to that in a second. First, I will briefly explain the impact on my electorate. Since the time of the last election, the electorate of Eden-Monaro has fully surrounded the ACT. The part of Yarrowlumla shire on the western boundary is now part of Eden-Monaro. That was where one of the fires that impacted on the ACT commenced, out in the Brindabella National Park on that western side. We have had the impact around the ACT on that western boundary, to the south at Williamsdale and Tharwa and down to Michelago. Then, quite separately, we have seen devastating fires in the Snowy Mountains area. I will come back to that aspect shortly.

Firstly, in relation to Canberra, I would like to say that anybody who was in Canberra on 18 January will remember what a scary day it was. I live at Jerrabomberra on the eastern side of Canberra, in New South Wales, but I do not think anybody missed out on being scared at some point in time. The atmosphere was electric. No matter where you were in Canberra, you had the impression that the sky was going to explode at any moment. We all spent time cleaning gutters and tidying up in case something happened in our own houses.

I travelled into Kambah at five o’clock in the afternoon to pick up my daughter from the house of some friends, because we could see how bad things were. I did not realise how bad it was when I left home. Everyone wants to have their family with them when those sorts of things are occurring. I managed to get to Kambah, but as I went down Erindale Drive I could see the fire coming across from Mount Taylor, still quite a way from Erindale Drive. I got into Kambah, and by the time I got there and got to where my daughter was there were certainly flying embers all over the place. By that stage, there may have even been houses in Kambah on fire. I picked my daughter up and got out of there as quickly as I could. By that stage, the fire had reached Erindale Drive, and I ended up driving through flames jumping across Erindale Drive. The nature strip was on fire. Fortunately, we got home. Many people in Canberra were not so lucky.

I certainly feel for the people who lost homes and property and who were impacted on in such a dramatic way. I pass on my condolences, particularly to the member for Canberra for her constituents and the member for Fraser, who is in the chamber now. I know he lives on the
northern side of Canberra, but certainly he represents areas that were potentially affected and
would know numerous people who were affected, as I do, in Duffy, Kambah and such places.
I also pass on my condolences to the two senators for the ACT, Senator Reid and Senator
Lundy. Through them, I pass on my condolences for what has occurred.

I saw some Landsat imagery of the ACT the other day that my son sent through to me. Talk
about a starkness. Everybody should go and have a look at the Landsat imagery. The first im-
age was taken in November 2002; the second one was taken on 26 January 2003 and the ex-
tent of the fire through the ACT is unbelievable. Its coverage is so dramatic that it is almost
scary.

The other great concern and disappointment I had with what had occurred in Canberra—
along with so many others, I suppose; I could speak for some time about it—was the loss of
Mount Stromlo Observatory. I have a great personal interest in that. I am sure all Australians
have an interest in it, in the heritage of it and in the scientific research that goes on there. But,
having done a number of years of astronomy myself at university, I have always had a great
feeling for Mount Stromlo. One of the companies in my electorate, Electro Optic Systems in
Queanbeyan, operated part of Mount Stromlo in conjunction with Geoscience Australia. They
lost about $4½ million worth of equipment in the fire.

Mr McMullan—Good company.

Mr NAIRN—They are an excellent company. They do a great job and employ a lot of
people in Queanbeyan. They also have employees overseas. They have in fact already agreed
on a rebuilding program with Geoscience Australia. We hope that even by July this year their
facility will be up and running—they do space tracking, tracking space junk and things like
that—and that it will be operating even better than before.

I would like to go a bit further south and talk about the fire in the Snowy Mountains. What
has happened down in the Kosciuszko National Park is an absolute tragedy. In the order of
400,000 hectares have been burnt out. That is the figure I have been given today. I understand
it is close to three-quarters of the national park. I have spent some time there because I own a
house at Old Adaminaby. Besides looking after the house close to Canberra, my wife and I
trekked down to Adaminaby to clean up there because there was great concern about spot
fires coming over into those villages around the lake. Fortunately we have not had that prob-
lem; it has been able to be kept away. But the park is just so burnt out.

It has impacted on places like Thredbo and Jindabyne. They have come under threat at
various times, and they continue to come under threat. The fire that is burning down in the
Kosciuszko National Park will not go out until we have substantial and continual rain. In the
country that it is in and with the type of vegetation that is down there, it will just burn for a
long time until we have that continual rain. Thredbo, Jindabyne, Perisher, Yaouk, Adaminaby,
Old Adaminaby, Anglers Reach, Providence Portal, Eucumbene and Buckendra have all
been impacted. More recently, Dalgety, Ingebruya, Paupong, Delegate and Bombala have been
affected. I spoke to people in Delegate this morning. They have a horseshoe of fire virtually
right around the town now. They are right down on the Victorian border and will possibly be
impacted upon by the fires down there and by spot fires coming across from Kosciuszko.

I would like to comment on the wonderful work of the volunteers. It has been unbelievable
and I think it is a matter that we have to look very closely at over the coming weeks and
months. A lot of these people are extremely tired, and the impact on them and their lives will
be felt for some time. They have been out there fighting fires for weeks, and a lot will have to
continue. People have come from all over the state and from interstate to assist and I have nothing but admiration for the work that those firefighters have done. I am not going to start naming people in various areas. I have not been going to all of these places, because I think it is better to keep out of the way, but I have been keeping in touch with people by phone and I get daily updates. Nadene McLeod at the Jindabyne Chamber of Commerce has been terrific in sending me daily emails on current fires and what is happening, plus maps showing where active fires are and where they are changing. It is great information that has been flowing in, so I know what has been going on. At the appropriate time we will get out and around to them, but I thank them all for the wonderful assistance that has been provided.

There has already been a huge impact on tourism in the Snowy Mountains. One of the great tragedies of the bushfires is that Snowy Mountains towns like Thredbo and Jindabyne have been doing a huge amount of work for some time now to extend their tourism period. They used to be seen as winter destinations, but they have been gradually getting better and better at expanding the length of that tourism period. Thredbo has done that with jazz and blues festivals and things like that. Jindabyne has JEFF, the Jindabyne Easter Fun Festival, which has become extremely popular. So the Snowy Mountains towns are doing a lot of things, and to have something like this impact on those additional tourism events is a tragedy. The Thredbo Blues Festival in January was booked out, as it is nearly every year. The town was going to be absolutely flooded with people. All the businesses were geared up for that, but on the Friday night everybody evacuated. Just think about the impact of that on the town. The townspeople were geared up to have a town absolutely full of tourists for the whole weekend, which is what happens in Thredbo, and then on Friday it was all cancelled and everybody had to get out.

Roads have been closed and continue to be closed around the area. The Kosciuszko National Park has been closed now for weeks. The impact on hotels, accommodation and everything is stark. In comparison, the impact for me was tiny. As I said, I only have a house up at Old Adaminaby and we occasionally rent it out. We actually had three tenants booked in for January this year for the first time in a while—after doing a lot of work on the house last year—and we lost them all, because there was no point in people going down there with the park closed, the smoke et cetera. The bushfires have impacted right across the region because so many businesses rely on the Kosciuszko National Park for their business. Places like Reynella run horse treks out of Adaminaby and take people riding in parts of the national park. All those areas are black. Peter Cochran, the former state member for Monaro, also has a business down there taking people on horse riding treks. The areas where they take them are burnt through. So the flow-on effect is going to be significant.

Together with the area consultative committee for the region that covers the coast and the mountains, we have organised a meeting for tomorrow morning in Jindabyne. I will not be able to attend that meeting because parliament is sitting, but Joe Hockey’s office has organised that people from the tourism and small business industries and the Department of Transport and Regional Services will be there. The state government is sending representatives along as well. At that meeting, they will talk about some of these issues and how a recovery for the industry and the region can take effect as soon as possible. We will be looking to see what comes out of that and what role the Commonwealth might have in that.

A lot of great things happen in the Snowy Mountains region between now and winter, and we will have to get out there and make sure that we maximise the visitations. While we do...
have a black national park which will take a long, long time to recover, we also have many other attractions that can be used and hopefully will be used. In fact, I have put out a press release saying that I will be writing to all of my federal colleagues asking them to consider staying around this region on the weekends between sitting weeks in the coming months and spending a bit of time here in Canberra, which I am sure would be appreciated by the various members in Canberra. I will ask them to take a trip down to the Snowy region and spend a bit of time there as well to see the impact of these bushfires on this absolute icon and also to give some patronage to those businesses that have suffered. We have to get the fires out first, though, because many parts of the area are still not accessible, and certainly that effort will continue.

I want to say some things about future management as well. I think it is important that the state and federal governments—all levels of government—take a step back and think about how many of these national parks are managed. I notice that Steve Bracks has already moved in that direction, which is to his credit. I do not have the time today to speak about that, but maybe that is something I will raise in the adjournment debate either this week or next week. It is important that we look very seriously at these issues, because the impact has been absolutely dramatic. I do not think a lot of people realise just how dramatic it has been.

Mr McMULLAN (Fraser) (12.50 p.m.)—As I did in the main chamber when I spoke earlier today on the Iraq motion, I thank you, Mr Deputy Speaker, and the officials in the chamber for allowing me to speak, in accordance with the standing orders but not in accordance with normal practice. In the main, I wish to speak in support of the comments made by my colleague the member for Canberra about issues to do with the bushfires here in the ACT. As well as that of the member for Canberra, I heard the speeches of the member for Indi and the member for Eden-Monaro—I may be being unfair to some other colleagues whom I have not heard. It is a very good thing about the parliament and its representative system that we have people who can get up here and speak with a bit of passion and emotion about the impact that the fires had on the various communities that members of parliament have the privilege to represent. I am in the unusual position of representing a community that was in many ways traumatised by the fires but substantially unaffected by the fires, because overwhelmingly the houses that were lost and the territory that was burnt were in the constituency of my colleague the member for Canberra. Two houses were lost in my electorate by people from Giralang, and if you lose your house it is 100 per cent tragedy. If there are only two lost in one area and 500 are lost across the road, it is no less a tragedy for those two individual families than it is for those in the more widely affected suburbs of Duffy, Chapman, Kambah et cetera.

Like everybody else in Canberra, I was profoundly affected by the fires on the day. As both the member for Canberra and the member for Eden-Monaro said, it is something that will never be forgotten. I particularly remember the eerie yellow light. First of all, it got very dark and then, as the sun in later days shone through the smoke haze, the light was an eerie yellow—something that I will never forget. We were all concerned about our friends, our family, our acquaintances and the people who lost their houses, some of whom I might have the chance to refer to later. There was a new vernacular: when you met your friends in Canberra, you said, ‘How’s your house?’ That was the first part of the conversation, and then you went on to talk about other things. Sadly, it still goes on. Coming into parliament this week, one of the Comcar drivers said that he had lost his house and all that went with it. That reminded me again that there are so many more people adversely affected.
People tend not to realise that the ACT is so substantially composed of national park. Most people see only either the central government area or, if they are brave and venture more widely, the suburbs. However, geographically, 70 per cent of the ACT has been burnt, including 99 per cent of the Namadgi National Park. It has had a devastating effect on that park, on the Tidbinbilla Nature Reserve and on the wildlife. There have been some tragic losses and some stories of miraculous survival of animals and wildlife. However, in the main the impact is on the people directly affected: the people of Canberra who lost their houses, whose houses were damaged and whose suburbs have been profoundly affected.

I want to thank all the people in Canberra who rallied to the aid of their friends, relations and loved ones and, in some ways more dramatically, people they had never met before. Because of my broken leg, I have not been able to get around and see people as much as I usually would. I also share the view of the member for Eden-Monaro that, however much we might get satisfaction out of turning up and looking at some of the fires, we do not want to be in the way. The last thing you want to do is interfere with people whose primary job is fighting the fires, not entertaining visiting VIPs. So I have tried to be selective.

One of the centres to which people were evacuated, Narrabundah College, is in my electorate. I visited that centre and met people who were directly affected—mainly not people who had lost their houses but people who had been evacuated. I also met lots of friends and acquaintances who had not been affected but who had just turned up to deliver mattresses and other things that were required. The members of one family who I know slightly were on their second trip to drop things off at Narrabundah because they thought the families there were in greater need than they were. I want to thank all the people of the ACT who rallied so generously and to thank people across Australia and the world who sent their best wishes and support.

I want to congratulate the leaders of Canberra, including all the emergency services leaders and personnel. I particularly want to congratulate my friend Jon Stanhope. I have always been very proud to have Jon as a friend, but I am now particularly proud that people realise the remarkable leadership he provided. I do not know of any leader of a government who has had such a dramatic first month in a year as Jon, with his involvement in the rescue of a helicopter pilot and then his leadership through this most awful period in our history. In the Legislative Assembly, Jon used three phrases that I want to repeat here. They sum up my view. First, it was the ‘single greatest catastrophe’ ever to hit this city. That is obviously so. For years to come, the day will be remembered as ‘Canberra’s darkest hour’. Those two things are important. Also, we must remember that this was not just an urban disaster. A number of farms were damaged and suffered sheep and other stock losses. And, of course, there has been enormous damage to the national parks and their wildlife.

There are so many people to thank that I could spend 15 minutes doing it. I do not wish to do that, because I would miss the opportunity to make some comments about some more enduring issues. But I do want to mention all the emergency service personnel, local and interstate; the people who worked for the utilities; and the volunteers, not just people fighting the fires but those from the St John Ambulance and other community organisations who provided tremendous support. I endorse the remarks of the member for Canberra with regard to that.

This was one of those one in 100-year events. After something like that occurs—and, in this instance, sadly, while it was occurring—people seek explanation. I do not blame those who lost their houses for dramatically seeking to blame somebody. They were in crisis, in
personal crisis. Most of them responded spontaneously and positively, but some lashed out. Why wouldn’t they? I do not blame them at all.

But some people from out of town and some people who came into town sought to take advantage of the circumstance for their political ends. I am referring in particular to the Minister for Regional Services, Territories and Local Government, Mr Tuckey. Others did it, but he is the one in this House who is responsible for it. I thought his remarks were premature, partisan and ill judged. He was seeking to use the crisis in my community to advance his political and policy agenda and score some points in the New South Wales state election that is under way.

I do not condemn the minister for holding the views he has. I do not entirely agree with them, but they are perfectly legitimate views to have and to expound in a democratic community. However, the way he chose to do so, the timing and the manner in which he made his statements make me wonder how the Prime Minister can continue to deem this man fit to hold public office. It is extraordinary to me that he was appointed in the first place, but it amazes me that, in the face of these circumstances, the Prime Minister considers that the minister for regional services is an appropriate person to be a member of the executive government of this country. There needs to be a serious review and revision as to whether he is actually fit to hold public office. His entirely premature and ill-judged remarks caused grief and anger in this community—anger to a lot of people, but grief to those most dramatically affected—in a way that I thought was singularly and particularly inappropriate.

That is not to say that we should not have a very thorough and tough review of all these bushfires. We will do that here in the ACT. I know that New South Wales, Victoria, Western Australia, Tasmania and all the other states affected will have a look at what it all means. It may well be that we need to pull some of that together and look at issues about how this dry country deals with the ever-present threat of bushfire.

I was close to the big bushfires in the Blue Mountains during the Christmas before this one and have now seen the consequences of this bushfire. I appreciate how shocking they are for the individuals affected. We, as representatives and governments—particularly the state and territory governments—need comprehensive reviews, calm judgment and consideration and then sensible, coordinated action. I am very pleased that we have a task force set up to rebuild here in the ACT, that there are community and expert reference groups working with it and that there will be comprehensive reviews. I look forward to the results, and we will all need to focus on trying to take the positives out of this catastrophe.

We also need to focus on the rebuilding. It is very important that an early commitment is made to rebuild Canberra and the ACT bigger and better than ever, to maintain and renew the balance between the proud bush capital and the safe suburbs we wish to have. The safe suburb has to be a top priority, but we do not have to pay the price of abandoning the concept of the bush capital; we may have to review how it is implemented. We have moved into the 21st century. Some of the ideas that were valid in their day might be able to be improved upon. We need to focus on the rebuilding, on the reconstruction team and on the coordinated effort. I endorse the remarks of the member for Eden-Monaro about the high priority and importance of Mount Stromlo. It is something that is important not just to Canberra but nationally and internationally.

I wanted to say a few words—in fact, they are quite consistent with what the member for Eden-Monaro said—about tourism. The tourism industry here has taken a very big blow, first of all because some of the attractions which are part of the national parks have been lost but
more particularly because there is an impression abroad that the whole of Canberra has been burnt and that, if you are ever going to come here, it is not a good time to come. That, with regard to most of the tourist attractions here, is entirely untrue. The principal attractions—the War Memorial, this building, the cultural institutions—are unaffected. It would be a very good time for people to come to Canberra, as bookings are being affected, businesses are being damaged and jobs are being lost. Other businesses have been significantly and adversely affected as a consequence of the fires.

This was an intensely personal event for everybody affected, particularly for those most dramatically and directly affected but also for many others affected through their friends and their community. It has created the potential for us to derive a stronger and more cohesive Canberra as a community and as a city while maintaining its strength as the national capital. I welcome the opportunity to participate in the process that can build a stronger Canberra while remembering and growing from this event.

I notice the minister has come in. I would normally, having spoken about him, have paid him the courtesy of staying to listen. I am sorry, but I cannot. I do not wish to be any more rude than I already have been, but unfortunately I cannot stay. I would welcome the opportunity; I acknowledge he is here and do not wish to do a discourtesy in that regard. I thank the Prime Minister for his remarks in his statement to the House and the Deputy Prime Minister, the Leader of the Opposition and the Deputy Leader of the Opposition for their remarks. The people of Canberra welcome the support that they have received from all of those people. We look forward to working with other communities in their time of need as they have worked with us in ours.

Mr TUCKEY (O' Connor—Minister for Regional Services, Territories and Local Government) (1.04 p.m.)—It is a pity that the member for Fraser is leaving—and I accept his explanation—because I was going to read him a quote that he might find quite interesting. It says:

... steel girders and machinery were twisted by heat as if they had been of fine wire. The speed of the fires was appalling. They leapt from mountain peak to mountain peak, or far out into the lower country, lighting the forests 6 or 7 miles in advance of the main fires. Blown by a wind of great force, they roared as they travelled. Balls of crackling fire sped a great pace in advance of the fires, consuming with a roaring, explosive noise, all they touched. Houses of brick were seen and heard to leap into a roar of flame before the fires had reached ... such was the force of the wind that, in many places, hundreds of trees of great size were blown clear of the earth ... for mile upon mile the former forest monarchs were laid in confusion, burnt, torn from the earth, and piled one upon another as matches strewn by a giant hand.

That was written by Justice Stretton, the royal commissioner who looked into the fires of 1939. In every regard, that was an absolute description of what happened in Canberra. The member for Fraser said quite properly, in representing his constituents, that he hoped I had some kind words for him. I certainly do. I believe that none of those houses should have been burnt down or blown down. I do not think there would have been fires of the consequence and intensity in the pine plantations if the state national parks of New South Wales had done their job in fire management. I will address that further.

A great challenge to the member for Fraser and to the member for Canberra is whose side they are going to be on, because of the political consequences. If one goes to the fire control centre here in Canberra, encased behind glass on the wall there is the coverage of the 1939 fires that hit Canberra. It is there in the fire control centre. I saw it the other day. The fact of life is that, if one goes back to 1927 to the first of these numerous royal commissions—the
last being in 2000, conducted by the New South Wales parliament—nothing has been learned by the constitutional managers of forests in Australia. Each and every one of those inquiries referred the responsible governments to forest management and hazard reduction. The situation has not only been ignored but in recent times the circumstances are such that there is a philosophy opposed to hazard reduction.

The member for Fraser has my total sympathy for the problem that he talked about. I do not think the firefighters in Canberra could have done one thing more than they did. I think they were confronted at that point in time with circumstances such as those which applied in 1939. My visit to the devastated areas confirms that: steel girders in the houses were bent to the ground just from the heat.

I came back from leave very speedily but not in my role as a one-time fire minister, although I do administer the natural disaster funding. I came back as the minister for Canberra—the minister for territories—to ensure that the natural disaster relief arrangements were being progressed with alacrity for the people who suffered damage and lost their assets here in Canberra. For the two days I was here, that was practically all I did. That is what I came for—to help the people of Canberra. I am in no way being critical of the ACT administration when I say that it had never before been confronted with a disaster of this nature. My department gave the ACT administration substantial assistance in understanding the processes; in fact, we went as far as offering pay-by-the-day assistance. In dealing with the states, who have larger budgets, it is more typical that we have an arrangement of monthly or quarterly payments. It is a much easier operation.

All of those things were done, and I am proud that they were done. I thank the staff in my department for their efforts in that regard and their senior management for the consideration and compassion they extended to their own staff who had lost homes and suffered. A notice was put out giving staff immediate leave and offering other assistance. So, in reply to the member for Fraser’s quite proper request, I can say that that is there and it remains there. There has been the odd bit of comment in the press, none of which can be supported with statements I made. At no time have I issued a public word of criticism of the ACT administration, of the response of their firefighters or of anyone else. But I do not say the same for the New South Wales National Parks and Wildlife Service.

Yes, fires are part of the Australian environment, and there are two approaches that can be taken. The first approach is suppression—firefighting—which is absolutely necessary. We can only eulogise about the efforts of volunteers and others responding to these fires—they do it magnificently. There will always be a role and a need for the best quality equipment. I might add that a little bit of standardisation between Victoria and New South Wales of their pipe fittings and radio frequencies would be a bit of a help. But the reality is that the other side of the equation, and the issue always addressed in inquiry after inquiry, is fire prevention. The most amazing thing in recent times has been the desire of the community for a pristine national park and then a philosophy and a deliberate policy to make sure we do not get one. The term ‘pristine’ is well described by Sir Joseph Banks and all the early settlers that came to this country and recognised the dominant species, the eucalypt, as a product of the management processes of the Australian Aboriginal people. But those processes did not fit our European concepts of protecting anything and never letting things burn, so we started to stop them and we created ecological change.
The Americans did exactly the same thing. When our firefighters went over there a couple of years before the disasters of Australia, they came back with advice—such as that under the management of the American Indian—that forests of 100 years and more before carried 30 trees an acre, were well spaced and were able to protect themselves because the heat was not half a metre away from the next burning tree. They went back to count the black stumps after their wildfires, and there were 800 an acre. This is the warning to Australia. Anybody who has had anything to do with keeping a fire burning, even in the lounge room fireplace, knows that you keep pushing the logs together. There has been the creation of an environment to support a wildfire.

I obtained some quite interesting documentation from the Parliamentary Library to support my position. If you have a cool burn, you are looking at 500 kilowatts per metre of fire intensity. That is like standing in front of five single-bar radiators; it would hardly singe your clothing or destroy your house. When the wildfire proportions that existed prior to those fires crossing the border into the ACT are reached, you are looking at 100,000 kilowatts per metre of fire front—and you wonder why people who observed that fire in Canberra said the smoke was burning. The wind that blew was not a natural wind; it was the convection currents of a fire of that intensity.

Why do we have to keep cool burning our forests? Don Spriggins is a highly respected forester from Western Australia who recently wrote an article in the *West Australian* in response to these outfits. He said something that I had not really considered before: that the Australian eucalypt is such a smart tree that, when it drops a leaf or some bark, it makes sure that there is not a drop of moisture left in it. It retains that moisture because it knows how tough it is to get the next drink. When the leaf or bark hits the ground, it will not decompose. It just builds up, layer after layer. If you leave that there over five years in a typical forest situation, you have got the fuel load for a wild fire. It needs some contributing factors: it needs a shot of lightning or—contemptibly—the actions of an arsonist, and it needs a nice hot breeze and the sort of weather that occurs from time to time in Australia when it gets hot. Too many people have tried to blame the weather. If the fuel loads were not there, it would not matter how much lightning struck or how many matches or cigarette butts were thrown out of the window.

In the remaining minutes I have left, I want to talk about my efforts in this regard. We sent firefighters to America and they came back. As the minister for forestry, I called in the relevant state ministers to a ministerial council—I think in November 2000—to warn them. So arrogant were Mr Yeadon and Mr Debus of New South Wales that they did not even turn up; they sent some public servants. I later corresponded with them and pleaded with them to look at the management of their parks. I did so knowing that, on anecdotal evidence, the National Parks and Wildlife Service had progressively ripped up all the old forestry roads, pulled down the bridges and made sure that when fire struck somewhere in the middle of the forest you could not get in with terrestrial equipment, such as a bulldozer or some people with a fire truck, to put it out. What is more, they had no way of getting out—no egress—if the fire got beyond them. So I pleaded with them. At that meeting, they said, ‘If this means we have to knock down one tree to produce a road or do some burning that might destroy some of this wonderful understorey that has now built up in our forest, we won’t do it.’

I corresponded with them, and I received advice back from Mr Debus proudly stating that they were doing 20,000 hectares of hazard reduction in the 5.5 million hectares of the National Parks and Wildlife Service’s area of responsibility. That is less than 0.4 per cent per
annum, less than half a per cent—half of one hundredth. Yet, at the same time, evidence given
to a select committee of the New South Wales parliament showed that State Forests—the
management piece of the productive forest—was doing 100,000 hectares of hazard reduction
a year, which is 15 per cent of the area. Last year, the National Parks and Wildlife Service had
750,000 hectares of fires and State Forests had 2,000 hectares. There is the comparison; there
are the figures.

When I have raised those issues in recent times, public servants speaking on behalf of the
New South Wales government—Mr Gilligan, from the National Parks and Wildlife Service,
and Mr Koperberg—have said that State Forests could do it but the National Parks and Wild-
life Service could not do it. That is a fib. Mr Koperberg said, ‘If we did it, we would fill the
place with weeds.’ Are the state forests full of weeds? I doubt it. These are the realities, but
these people are trying to put up a smokescreen to cover up their failure of duty of care. These
forests have to be managed. They can have as many reserves as they like—that is fine—but
there have to be roads, access and hazard reduction, if only in the interests of protecting the
lives of the firefighters. We cannot put the full burden on them. They are wonderful people
and they have done a wonderful job. They cannot be confronted with the circumstances that
occurred in 1939 and again in Canberra the other day—the descriptions are the same, almost
word for word, but are 60 years apart. It is a serious issue. If they have any commitment to
finding a solution, people cannot protect their political mates. The member for Bass is going
to speak now. You have had the same problems in Tasmania, and it is another disaster waiting
to happen. It is your responsibility to speak openly on the matter. (Time expired)

Ms O’BYRNE (Bass) (1.19 p.m.)—We often say that in times of great crisis and grief we
feel the need to blame someone. I certainly hope that his contribution today makes the Minis-
ter for Regional Services, Territories and Local Government feel a little bit better about him-
self. I am not sure it necessarily goes a long way to resolving the concerns faced by most
Australians. I was not yet born when Tasmania’s most devastating fires ripped through the
southern part of my state. Thirty-six years ago this week, on 7 February 1967, Tasmania expe-
rienced a tragedy which was to impact on the lives of its citizens for years to come. Some of
the hillsides around Hobart and the channel still depict the scars today. An edited version of
A.G. McArthur’s report records:

Under the influence of very strong north-westerly winds, above century temperatures and low humidity,
many small fires which had been burning prior to the 7th February flared in violent activity shortly
after 11 a.m. on the 7th and in a period of a little over 5 hours burned an area of some 264,270 ha and
caused the death of 62 people. This was the largest loss of life and property on any single day in the
history of the Australian continent.

In addition to the appalling loss of life, over 1300 houses and cottages were destroyed within the 14
municipalities affected by the fire, together with 128 other major buildings including factories,
churches, halls, post offices, hotels, service stations and schools.

This day became known as Black Tuesday. As I grew up, we were taught and then often re-
minded about this tragic day. Tasmanians were as conscious of the dangers of bushfires as
they were of any other threat to their lives and property, and they remain so today.

This year this country has again witnessed the full force of the Australian bushfire. A dif-
ferent location, yes, but the impact on lives, memories, property and spirit is just as graphic.
The excerpt from A.G. McArthur’s report sounds so similar to the media reports describing
the Canberra bushfires of a few weeks ago. Whilst fire can be so unpredictable, the conditions
in which it can be at its most devastating appear to sound a warning of which we must all take
heed. Whilst the fires in Canberra have perhaps been the most devastating and impacting, as the Leader of the Opposition pointed out in his speech on this matter, every state has been affected, with nearly two million hectares damaged and seven precious lives lost.

I support the motion moved by the Prime Minister, and I know that I am joined by the people of Bass and the rest of Tasmania. Older Tasmanians know first-hand the devastating effects of a major fire—they will never forget. Younger Tasmanians have been brought up to respect the might and danger of the bushfire, and have been made well aware of the tragedy of 1967—we have not been allowed to forget what we have been told. On behalf of all Tasmanians, I extend my condolences to those who have lost family members. I extend my heartfelt wishes to those who have lost property and memories, and I trust that they will be able to quickly rebuild their lives and replace those material possessions which are replaceable. For those mementos which cannot be replaced, I hope that the memories will remain strong.

In Tasmania, whilst we have been spared any loss of life, we have seen 12 major fires in the 36 days of 2003 which have elapsed so far. The two most significant areas affected—that on Flinders Island, in my electorate, and that centred on Broadmarsh, near Brighton in southern Tasmania—have seen 17,500 and 14,300 hectares, respectively, burned so far. These are significant losses for Tasmania—especially for Flinders Island, which has seen nearly a third of its total land area affected. At Broadmarsh, two houses were lost, together with sheds, vehicles, fences and livestock. At one stage the fires threatened the broader Hobart community and revived memories and fears of Black Tuesday in 1967.

At Twelvetrees Range, near Strathgordon in Tasmania’s beautiful south-west, 3,500 hectares were burnt and, sadly, a stockpile of the much sought-after timber Huon pine—which had previously been salvaged when Lake Gordon had been formed for a hydro-electric scheme—was also lost. At Whites Flat, near Lake Crescent in the central highlands, fire destroyed four buildings and fences whilst burning over 2,300 hectares. The Uxbridge fire in the Derwent Valley burned 2,100 hectares, along with plantations and a shed. Further east at Murdunna 1,450 hectares were affected and two vehicles lost. Plantations were also destroyed in a 600-hectare blaze at Mount Saddleback, in the north of the state, with 135 hectares burning in fires on the other side of Ben Lomond, near Blessington in my electorate. Small fires at Montrose, Middleton, Seven Mile Beach and Stormlea resulted in a total of 184 hectares being burned, with further losses of four houses, sheds, fences and plantations.

The Flinders Island fire is still not out—it is contained, but remains and represents a cause of concern to the people on the island. It is not just this fire but the vulnerability which they are now feeling should a similar or worse outbreak occur. I went to Flinders Island with the Tasmanian Premier, Jim Bacon, to inspect first-hand the impact of the fire on the lives and properties of my constituents there. I must point out to the House that not many of us actually experience first-hand the devastation of a fire or the impact of being in one—and there was a very small amount of time when a fire that had been contained broke out, and we could not see where we were going. I cannot imagine what it must have been like for the people who were in Canberra to see that coming and have those visibility issues and fear for so long. Communities like that on Flinders Island are inevitably close-knit, but it is on occasions like this when such spirit is both needed and tested.

From its initial outbreak on Wednesday, 8 January until today, the fire, as I mentioned previously, has affected over 17½ thousand hectares. Amazingly and fortunately, only one derelict house, one bridge, some outbuildings and a small amount of livestock were lost. It could
have been much worse. It says much about those who fought the fires and the community members who supported them that it was not.

Fighting this fire was a partnership between the local island volunteer brigades, members of the community and what locals have affectionately started to call the ‘imported’ firefighters. Tasmanian Fire Service records show that the latter group comprised TFS career and volunteer firefighters, along with their colleagues from the Tasmanian Parks and Wildlife Service and Forestry Tasmania, managed by a type 3 incident management team comprising personnel from all three departments. In total there were 79 imported firefighters, including remote area specialists, 27 incident management team personnel, two pilots, two paramedics and two mechanics.

The local team comprised 60 Flinders Island volunteer firefighters from the brigades at Whitemark, Emita, Lackrana, Lady Baryon, Memana and Palana. All eight TFS fire appliances on the island were used and were supplemented by a further eight tankers from mainland Tasmania. With transport issues being a major ongoing concern for the island, this became a significant logistical issue which must not be overlooked in the development of bushfires strategies. Numerous bulldozers, two council graders and several water tankers were also called into service. The Tasmanian Fire Service also notes that landowners provided ‘private firefighting apparatus too numerous to count’.

The fire effectively burned for 23 days and was fought each day by between 40 and 100 personnel, depending on the stage and fire activity. The imported personnel have all now returned home, with the local volunteers retaining ongoing responsibility for patrolling the fire and mopping up operations. Even as late as Sunday, there were small breakouts which ensured that their vigilance remained a necessity. Flying to Flinders Island is a sobering experience when you see how close the fires came to consuming the towns. Being on Flinders gave the people who visited much hope, as this wonderful community acted as one to defend their island. They were all part of the defence and all deserve credit—the people who supplied sustenance to the crews; the crews, who did not sleep for weeks; the locals who would be taken from fighting fires on one side of the island in order to return to defend their own homes; and the helicopter pilot, whose pinpoint water-dumping accuracy earned him the respect and admiration of the islanders. There are a lot of very tired people on Flinders but a lot of united people.

Whilst every person who was involved in fighting this fire deserves recognition and thanks, whether they be career men and women or volunteers or just ordinary members of the community, there are, as is nearly always the case, some who deserve special mention. It was certainly fitting that over the past month Flinders Brigade Group Captain, Jim Grace, has been recognised with both the Australian Centenary Medal and the Australian Fire Service Medal. Both awards were, of course, made prior to the Flinders Island fire of 2003, which emphasises the long-term commitment and contribution he has made to fire risk management and fighting over many years. When I visited the fire scene on 20 January and on many occasions since, I was told of the fantastic leadership provided by Jim out in the field and by his equally committed colleague Deputy Captain Peter Sherriff in the control centre. Their commitment was an inspiration to their fellow citizens and their efforts say much about why, despite the considerable extent of the fire, no loss of life or extensive loss of fixed assets or livestock occurred.
But there remains significant work to be undertaken on Flinders Island following the fire. Four farmers have lost all of their grazing pasture. To maintain stock levels they will have to rely on neighbours for agistment or rain to revive their own properties. Several have lost outbuildings and sheds. Perhaps the most extensive loss has been of farm fencing, with many kilometres in need of replacement or repair. The Flinders Island Council is faced with the tasks of replacing its main pumping station and reinstating the water supply to Whitemark, the largest population centre on the island. Harley’s Bridge on Memana Road, which connects the island, must also be completely replaced. Members of island communities like those of Bass Strait are resilient folk. They experience hardship every day of their lives, compared to many other Australians. I seek leave to continue my remarks later.

Leave granted; debate adjourned.

Main Committee adjourned at 1.30 p.m.
QUESTIONS ON NOTICE

The following answers to questions were circulated:

Building and Construction Industry
(Question No. 1084)

Mr McClelland asked the Minister for Employment and Workplace Relations, upon notice, on 12 November 2002:
Has his Department taken legal proceedings against any employer as a result of engaging illegal immigrants as a cheap form of labour in the construction industry; if so, what are the circumstances in which those proceedings have been taken; if not, what, if any, other action has been taken by his Department to stop this practice.

Mr Abbott—The answer to the honourable member’s question is as follows:

To date my department has not undertaken legal proceedings against any employer as a result of engaging illegal immigrants as a cheap form of labour in the construction industry. My department and the Department of Immigration and Multicultural and Indigenous Affairs take any allegations of this nature seriously.
The Department of Immigration and Multicultural and Indigenous Affairs in consultation with my department and State/Territory Industrial Relations Departments as appropriate, investigates all allegations relating to the exploitation of overseas workers.

Health: Human Papillomavirus DNA
(Question No. 1153)

Mr Murphy asked the Minister representing the Minister for Health and Ageing, upon notice, on 2 December 2002:

(1) Has Diagnostic Technology Pty Ltd, on behalf of Digene Corporation, submitted a proposal to the Medical Services Advisory Committee (MSAC) for the funding of the Human Papillomavirus DNA (HPV DNA) test to manage women with low-grade Pap smear results; if not, why not.

(2) Does the HPV DNA test specifically detect the human papillomavirus, which is responsible for over 99% of cervical cancers.

(3) Can the HPV DNA test deliver immediate and downstream cost savings by providing clinicians with a definitive risk evaluation that will reduce the (a) need for additional unnecessary procedures and (b) frequency of Pap tests.

(4) Has the Government accepted a recommendation of the MSAC not to list the HPV DNA test for triage of women with low-grade Pap test results; if so, why.

(5) Is a second submission from Diagnostic Technology Pty Ltd for the introduction of the HPV DNA test in a screening role being considered by the MSAC.

(6) Will the Minister approve this second application; if so, when; if no, why not.

Mr Andrews—The Minister for Health and Ageing has provided the following answer to the honourable member’s question:

(1) Yes.

(2) The HPV DNA test works by detecting particular strains of the HPV that are linked with the development of cervical cancer.

While studies have shown that the HPV is present in 99.7 per cent of cervical cancer specimens, infection with the virus is very common. It is found in 80 to 90 per cent of sexually active young women. Although the HPV infection is currently untreatable, it usually clears naturally within 12 months for the vast majority of women. It is only women with persistent HPV infection who have an increased risk of developing cervical cancer. In women over 35 years of age, only 5 to 10 per cent are persistent carriers of cancer-associated types of HPV.

(3) The MSAC review on the use of the HPV test for triaging purposes found that it was both less effective and more costly than following the clinical guidance provided in the NHMRC document, ‘Screening to Prevent Cervical Cancer: Guidelines for the management of women with screen de-
tected abnormalities’. The MSAC is now undertaking a review of another potential application of HPV testing which will be finalised at the Committee’s May 2003 meeting. The evaluation relates to HPV testing in the primary screening setting.

(4) Yes, I endorsed the following MSAC recommendation on the use of HPV testing for triaging purposes, on 16 October 2002:

“Since there is currently insufficient evidence pertaining to the use of the human papillomavirus NAA test for triaging of women with equivocal cervical screening results, MSAC recommended that public funding should not be supported at this time for this diagnostic testing procedure.”

The Government introduced processes five years ago to ensure a scientific basis for Medicare funding. The Medical Services Advisory Committee undertakes evidence-based assessment processes to advise me on whether medical services warrant public funding on the basis of their relative safety, effectiveness and cost-effectiveness when compared with current clinical practice.

(5) Yes, this is an ongoing review that is expected to be finalised by the MSAC at its May 2003 meeting.

(6) It is premature to discuss the likely outcomes of a review that is not completed. I will either approve or reject the MSAC’s findings on this matter in due course.

Health: Modafinil
(Question No. 1170)

Mr Murphy asked the Minister representing the Minister for Health and Ageing, upon notice, on 3 December 2002:

(1) Is Modafinil proving clinically useful in the treatment of narcolepsy.
(2) Is Modafinil a memory-improving and mood-brightening psychostimulant.
(3) Does Modafinil enhance wakefulness and vigilance in patients who suffer from narcolepsy but its pharmacological profile is notably different from amphetamines, Ritalin or cocaine.
(4) Does Modafinil cost the typical user approximately $500 per month.
(5) Are most sufferers of narcolepsy in receipt of welfare pensions.
(6) Will the Minister take steps to have Modafinil included on the Pharmaceutical Benefits Scheme for the treatment of narcolepsy; if so, when; if not, why not.

Mr Andrews—The Minister for Health and Ageing has provided the following answer to the honourable member’s question:

(1) Modafinil is indicated to improve wakefulness in patients with excessive daytime sleepiness associated with narcolepsy. The medicine has been shown to increase the duration of daytime wakefulness in patients with narcolepsy by increasing their ability to resist falling asleep and to maintain wakefulness.

The efficacy of modafinil has been satisfactorily demonstrated in two, randomised, double-blind, placebo-controlled USA studies of 9-weeks duration in 558 patients with narcolepsy as defined by the American Sleep Disorders Association. Patients in both studies were randomised to a daily dose of modafinil 200 mg, modafinil 400 mg, or placebo. Patients in both modafinil treatment groups were able to stay awake longer than those receiving placebo, and were rated by an independent clinician as having a significant improvement in their illness.

(2) Modafinil may produce psychoactive and euphoric effects, alterations in mood, perception, thinking and feelings. In view of its psychoactive effects it might have a “mood-brightening effect”. There is some evidence that modafinil can improve short-term memory in healthy subjects who have been sleep deprived.

(3) Modafinil does improve daytime wakefulness and daytime vigilance in patients with excessive daytime sleepiness associated with narcolepsy. The precise mechanism by which modafinil promotes wakefulness is unknown but appears to be different from other drugs such as amphetamines, methylphenidate (Ritalin) and cocaine all of which can also increase wakefulness.

(4) Based on the pharmacist prices quoted in the MIMS annual, modafinil would cost between $350 and $750 per month, depending on the dose a particular patient was using.
However, I have been advised by the sponsor of modafinil, CSL Limited, that modafinil may be purchased from some wholesale pharmacies at a reduced cost. I have also been advised that the price of modafinil in Australia is one of the lowest in the world.

(5) The Department of Health and Ageing does not possess any information related to whether most sufferers of narcolepsy are in receipt of welfare pensions. I have been advised by the Department of Family and Community Services, which is responsible for welfare pensions, that it also does not possess any such information.

(6) A medicine cannot be subsidised via the Pharmaceutical Benefits Scheme (PBS) unless the Pharmaceutical Benefits Advisory Committee (PBAC), the Government’s independent expert advisory body on PBS listings makes a recommendation to do so.

In assessing an application for listing an item on the PBS, the Committee is required to take into account the medical effectiveness, cost-effectiveness and safety of the preparation concerned compared with other available treatments for the condition.

To date, the PBAC, taking into account the above factors, has not been provided with adequate evidence to enable a recommendation for PBS listing of modafinil to be made.

Health: Medicare Benefits Schedule
(Question No. 1178)

Ms George asked the Minister representing the Minister for Health and Ageing, upon notice, on 3 December 2002:

(1) Is it the case that the Medicare Benefits Schedule (MBS) only allows for CT spiral angiography once in a twelve month period; if so, are there any exceptions and what are they; if not, why not.

(2) Is the Minister aware of the cases of Mr William Harvey and Mr Neville Nichols who recently underwent CT spiral angiography and were denied a Medicare rebate for this procedure because it was their second such procedure in the past twelve months, despite this procedure being deemed to be an essential procedure by their vascular specialist.

(3) Is the Minister aware that Mr Nichols is an aged pensioner and does not have the capacity to pay for the procedure, and that Mr Harvey is a self-funded retiree on a limited income and is also experiencing difficulties in paying.

(4) Should people who have serious, often life-threatening, medical conditions be forced to carry the financial burden of procedures deemed essential by medical specialists because those procedures are non-refundable through Medicare; if so, why.

(5) Will the Minister amend the legislation so that people are not denied essential procedures because they cannot afford the cost once they are no longer entitled to Medicare; if not, why not.

(6) If not, will the Minister amend the MBS to allow those requiring essential procedures access to Medicare regardless of the number of procedures required in a twelve month period; if not, why not.

(7) If not, will the Minister amend the MBS to allow for discretion in cases where a specialist deems CT spiral angiography essential.

(8) On what basis were the Royal Australian and New Zealand College of Radiologists and the Australian Diagnostic Imaging Association engaged to advise the Minister’s Department in relation to limiting clinical conditions under the Medicare benefit.

(9) Given the cases of Mr Harvey and Mr Nichols, has the advice referred to in part (8) resulted in increased and unfair burdens being placed on patients who require CT spiral angiography; if not, why not.

Mr Andrews—The Minister for Health and Ageing has provided the following answer to the honourable member’s question:

(1) There is no rebate for a CT spiral angiography scan within twelve months of an initial scan where performed for the exclusion of asymptomatic vascular abnormalities. However, there is a separate MBS item allowing additional scans to be performed should a patient’s condition change within a twelve month period.

(2) Whilst the Department does not investigate individual cases, the Minister has received representations regarding the case of Mr William Harvey. The MBS item for the service provided by the vasc-
cular specialist to Mr Harvey is one where the twelve month restrictions are in place. It is possible this item number has been used inappropriately in this case and Mr Harvey could raise this with his specialist and the Health Insurance Commission.

3. As indicated in the answer to part (2), the Minister is aware of the case of Mr Harvey. The Minister has not received any correspondence related to the case of Mr Nichols.

4. The Government is committed to ensuring that all Australians have access to high quality, affordable health care. At the same time, the Government needs to ensure that such services are funded in a financially responsible manner and that funding for expensive and sophisticated procedures such as CT spiral angiography is restricted to clinically appropriate and cost effective situations.

5. There are no plans at this time to change the legislation. To consider changes in this area, scientific evidence would be required indicating that such a change would improve cost-effectiveness and patient outcomes.

6. As indicated in the answer to part (1), the MBS already allows for more than one procedure under appropriate clinical conditions.

7. As indicated in the answer to part (1), the MBS already allows for more than one procedure under appropriate clinical conditions.

8. The Government is currently in an agreement with the Royal Australian and New Zealand College of Radiologists and the Australian Diagnostic Imaging Association to manage the provision of diagnostic imaging services. Through the agreement management process, recommendations about diagnostic imaging services are made to Government. This includes recommendations about CT spiral angiography.

9. Given the restrictions have been developed based on the expert medical opinion of representatives of these professional bodies we are not aware of any problems with the current requirements which would result in additional burdens being placed on patients.

**Multicultural Affairs: Adult Migrant English Program**

*Question No. 1179*

Mr Laurie Ferguson asked the Minister for Citizenship and Multicultural Affairs, upon notice, on 3 December 2002:

1. How many adult settlers accessed the services of the Adult Migrant English Program (AMEP) in 1996 and each subsequent year.

2. What was the average number of hours that (a) refugee and humanitarian settlers, (b) family migrants and (c) skilled migrants stayed in the AMEP each year.

3. What was the average annual cost to his Department for each AMEP client each year.

Mr Hardgrave—The answer to the honourable member’s question is as follows:

(1) The answer to question 1 is as follows:

<table>
<thead>
<tr>
<th>Financial Year</th>
<th>AMEP Participants</th>
</tr>
</thead>
<tbody>
<tr>
<td>1996</td>
<td>40,366</td>
</tr>
<tr>
<td>1997</td>
<td>39,129</td>
</tr>
<tr>
<td>1998</td>
<td>34,089</td>
</tr>
<tr>
<td>1999</td>
<td>35,715</td>
</tr>
<tr>
<td>2000</td>
<td>33,352</td>
</tr>
<tr>
<td>2001</td>
<td>32,486</td>
</tr>
</tbody>
</table>

Notes:
The decline in numbers is attributable to two basic factors: (a) the diminishing impact of post-Tienannmen surge of family stream settlers from China; and (b) re-balancing of the migration program and resultant increase in skilled stream migrants.

(2) The answer to question 2 is as follows:

<table>
<thead>
<tr>
<th>Financial Year</th>
<th>Refugee &amp; Humanitarian</th>
<th>Family</th>
<th>Skilled</th>
</tr>
</thead>
<tbody>
<tr>
<td>1996</td>
<td>228</td>
<td>202</td>
<td>191</td>
</tr>
<tr>
<td>1997</td>
<td>219</td>
<td>186</td>
<td>190</td>
</tr>
<tr>
<td>1998</td>
<td>185</td>
<td>168</td>
<td>171</td>
</tr>
<tr>
<td>Financial Year</td>
<td>Refugee &amp; Humanitarian</td>
<td>Family</td>
<td>Skilled</td>
</tr>
<tr>
<td>---------------</td>
<td>------------------------</td>
<td>--------</td>
<td>---------</td>
</tr>
<tr>
<td>1999</td>
<td>211</td>
<td>164</td>
<td>164</td>
</tr>
<tr>
<td>2000</td>
<td>175</td>
<td>157</td>
<td>164</td>
</tr>
<tr>
<td>2001</td>
<td>192</td>
<td>154</td>
<td>162</td>
</tr>
</tbody>
</table>

Notes:
(a) Refugee and Humanitarian clients have had access to up to an additional 100 hours through the Special Preparatory Program (SPP) before joining mainstream AMEP classes since 1997. Over the period 1997 to 2001, SPP clients have utilised an average of 63 hours.
(b) Program data suggests that jobs growth in recent years has resulted in participants finding employment and exiting the AMEP earlier than would have otherwise been the case.

<table>
<thead>
<tr>
<th>Financial Year</th>
<th>Average Cost per Student</th>
</tr>
</thead>
<tbody>
<tr>
<td>1996-97</td>
<td>$1,498</td>
</tr>
<tr>
<td>1997-98</td>
<td>$2,033</td>
</tr>
<tr>
<td>1998-99</td>
<td>$2,099</td>
</tr>
<tr>
<td>1999-00</td>
<td>$2,190</td>
</tr>
<tr>
<td>2000-01</td>
<td>$2,536</td>
</tr>
<tr>
<td>2001-02</td>
<td>$2,720</td>
</tr>
</tbody>
</table>

Notes:
(a) The average cost per student for the financial years 1999-00 to 2001-02 is calculated using accrual based accounting methodology. From 1 July 1999 accrual based appropriations replaced cash based appropriations.
(b) The average cost per student for the financial years 1995-96 to 1998-99 has been calculated by estimating costs under accrual accounting methodology to enable like with like comparison. During this period, a cash-based methodology was used in government accounting.
(c) Costings are provided on a financial year basis.

**Immigration: Detention Centres**

(Question No. 1210)

Ms Plibersek asked the Minister for Immigration and Multicultural and Indigenous Affairs, upon notice, on 9 December 2002:

(1) How many children are being detained in each departmental immigration detention centre (IDC) in Australia, Manus Island and Nauru.

(2) How many children under the age of (a) 1 year, (b) 5 years and (c) 12 years are being detained in each departmental IDC.

(3) To date, what is the longest period of detention of children in a departmental IDC.

(4) What is the current average detention period for a detained child in an Australian IDC.

(5) How many children in each IDC are being detained with (a) both parents and (b) one parent only.

(6) How many children in each IDC are accompanied by a sibling or other family member or guardian, other than a parent.

(7) How many children in each IDC are unaccompanied.

(8) What proportion of children under the age of 18 years receive regular schooling.

(9) What educational facilities exist within each IDC.

(10) What monitoring, if any, is there of educational outcomes within each IDC.

(11) What support is provided to unaccompanied children within each IDC.

Mr Ruddock—The answer to the honourable member’s question is as follows:

(1) Manus Island and Nauru are not departmental detention centres and the people housed in them are not Immigration detainees.
As at 13/12/2002 there were:

<table>
<thead>
<tr>
<th>Location</th>
<th>Minors</th>
</tr>
</thead>
<tbody>
<tr>
<td>Baxter IRPC</td>
<td>37</td>
</tr>
<tr>
<td>Christmas Island IRPC</td>
<td>5</td>
</tr>
<tr>
<td>Maribyrnong IDC</td>
<td>3</td>
</tr>
<tr>
<td>Perth IDC</td>
<td>2</td>
</tr>
<tr>
<td>Port Hedland IRPC</td>
<td>20</td>
</tr>
<tr>
<td>Villawood IDC</td>
<td>37</td>
</tr>
<tr>
<td>Woomera Alternate Housing</td>
<td>2</td>
</tr>
<tr>
<td>Woomera IRPC</td>
<td>14</td>
</tr>
</tbody>
</table>

(2) There are 79 minors (54.9%) under the age of 12 years old currently (as at COB 13/12/2002) in immigration detention.

<table>
<thead>
<tr>
<th></th>
<th>a) &lt; 1 yr old</th>
<th>b) &lt; 5 yrs old</th>
<th>c) &lt; 12 yrs old</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Baxter IRPC</td>
<td>2</td>
<td>7</td>
<td>12</td>
<td>21</td>
</tr>
<tr>
<td>Christmas Island IRPC</td>
<td>1</td>
<td>1</td>
<td>3</td>
<td>5</td>
</tr>
<tr>
<td>Maribyrnong IDC</td>
<td>0</td>
<td>1</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>Perth IDC</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Port Hedland IRPC</td>
<td>0</td>
<td>1</td>
<td>10</td>
<td>11</td>
</tr>
<tr>
<td>Villawood IDC</td>
<td>2</td>
<td>17</td>
<td>8</td>
<td>27</td>
</tr>
<tr>
<td>Woomera Alternate Housing</td>
<td>0</td>
<td>2</td>
<td>0</td>
<td>2</td>
</tr>
<tr>
<td>Woomera IRPC</td>
<td>0</td>
<td>1</td>
<td>6</td>
<td>7</td>
</tr>
</tbody>
</table>

Note: There are 3 < 12 yr olds in other places of detention such as Private Apartments or Foster Care.

(3) The longest period a child has ever been detained is 5 yrs, 5 months and 20 days. The child was released with his mother from Port Hedland IRPC on 12 May 2000.

(4) 1 year, 3 months and 17 days.

(5)

(a) As at 17 December 2002:

<table>
<thead>
<tr>
<th>Centre</th>
<th>Both Parents</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maribyrnong IDC</td>
<td>3 children</td>
</tr>
<tr>
<td>Perth IDC</td>
<td>None</td>
</tr>
<tr>
<td>Villawood IDC</td>
<td>16 children</td>
</tr>
<tr>
<td>Christmas Island IRPC</td>
<td>5 children</td>
</tr>
<tr>
<td>Woomera IRPC</td>
<td>12 children*</td>
</tr>
<tr>
<td>Port Hedland IRPC</td>
<td>15 children</td>
</tr>
<tr>
<td>Baxter IRPC</td>
<td>33 children</td>
</tr>
</tbody>
</table>

*Includes 6 children in Woomera Residential Housing Project (RHP) and one child living at the centre with his father, whilst the mother is in RHP.

(b) As at 17 December 2002:

<table>
<thead>
<tr>
<th>Centre</th>
<th>One Parent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maribyrnong IDC</td>
<td>None</td>
</tr>
<tr>
<td>Perth IDC</td>
<td>None</td>
</tr>
<tr>
<td>Villawood IDC</td>
<td>12 children</td>
</tr>
<tr>
<td>Christmas Island IRPC</td>
<td>None</td>
</tr>
<tr>
<td>Woomera IRPC</td>
<td>6 children</td>
</tr>
<tr>
<td>Port Hedland IRPC</td>
<td>5 children</td>
</tr>
<tr>
<td>Baxter IRPC</td>
<td>8 children</td>
</tr>
</tbody>
</table>
Centre Other family member
Maribyrnong IDC None
Perth IDC None
Villawood IDC 1 child (Aunt is guardian)
Christmas Island IRPC None
Woomera IRPC None
Port Hedland IRPC None
Baxter IRPC None

There are 5 unaccompanied minors currently (as at COB 13/12/2002) in departmental detention centres.

<table>
<thead>
<tr>
<th>Location</th>
<th>UAMs</th>
</tr>
</thead>
<tbody>
<tr>
<td>Villawood IDC</td>
<td>4</td>
</tr>
<tr>
<td>Woomera IRPC</td>
<td>1</td>
</tr>
</tbody>
</table>

Note: There are 9 unaccompanied minors in other places of detention such as Private Apartments or Foster Care

As at 15 November 2002, over half of the children in immigration detention were attending external schools. The remainder had access to education within immigration detention facilities.

The IDS (Immigration Detention Standards) require that all detainees have access to education programs, and that social and education programs appropriate to the child’s age and abilities is available to all children in detention.

Within this framework, services for children include:
- Programs for pre-school, primary and secondary aged children;
- Provision of ‘after school’ activities such as sports, arts and crafts;
- Entertainment facilities, such as videos and computers;
- Playgrounds;
- Regular excursions; and
- Case management of unaccompanied minors and other children with special needs (such as learning difficulties).

Just as in the general community for non-English speaking children of newly arrived migrants and humanitarian entrants, adjustments to the educational needs of those children are made, with English language tuition being a priority.

As part of the normal Contract Monitoring process, DIMIA IDF Managers and their staff regularly visit the education facilities within the IDS to ensure that classes are being held. Whilst there has been no audit directly targeting education, Expert Panel and Detention Management Section (DMS) staff generally interview education staff, and obtain information and documentation regarding education and programs during monitoring exercises. Any concerns with the provision of education services are taken up with ACM by DIMIA.

It is envisaged that an audit of education services will be undertaken during the early stages of the new detention services contract.

Individual management plans for unaccompanied minors in immigration detention facilities are developed in consultation with relevant state child welfare authorities. Recreational and educational programs consistent with the children’s requirements are provided at each of the immigration detention facilities. This includes external schooling in the community in some cases. There is ongoing monitoring of unaccompanied minors both at the centre level and by way of fortnightly teleconferences with central office.

Legal Aid: Funding
(Question No. 1216)

Mr Murphy asked the Attorney-General, upon notice, on 10 December 2002:
Will the Government provide an increase in legal aid funding or special funding for persons who are charged with executor and trustee administrative duties of Australian citizens who are of limited financial means such as pensioners and who otherwise qualify for a grant of legal aid, who have administrative responsibilities in the administration of the deceased estates of Australians who have perished through terrorist attacks such as the Bali attack; if so, when; if not, why not.

Mr Williams—The answer to the honourable member’s question is as follows:

Legal aid funding for civil matters under state and territory laws such as the administration of deceased estates is the responsibility of state and territory governments. However, the Commonwealth Government has contributed $1 million to the Comprehensive Assistance Program, administered by the Red Cross, and developed to meet the needs of victims and their loved ones directly affected by the Bali attack. Assistance measures under the Program include funding for legal and financial planning advice to assist dependents and other loved ones in determining appropriate action around the administration of deceased estates, as well as assistance with funeral and memorial expenses of up to $5000.

Health: Meningococcal Disease
(Question No. 1232)

Mr Brendan O’Connor asked the Minister representing the Minister for Health and Ageing, upon notice, on 11 December 2002:
In light of recent deaths of Australians to meningococcal disease and given the Government’s commitment to vaccinate all Australian schoolchildren aged between 15 and 19 years of age against meningococcal C in 2003, will the Commonwealth reimburse the cost of this vaccination to those concerned parents who choose to vaccinate their children earlier than when the program commences.

Mr Andrews—The Minister for Health and Ageing has provided the following answer to the honourable member’s question:
Rollout of the National Meningococcal C Vaccination Program commences in 2003 with the actual commencement date in each jurisdiction negotiated with States and Territories.
The Government will not be funding retrospective payments for meningococcal vaccine given to children outside of the national program.
The Government has taken steps to ensure that there is an adequate supply of vaccine to cover the full cohort of eligible children in the first year of the program, namely 1-5 and 15-19 year old children.

Defence: Service Medals
(Question No. 1233)

Mr Brendan O’Connor asked the Minister Assisting the Minister for Defence, upon notice, on 11 December 2002:
Are Australian personnel who served as members of the Australian Defence Force in the Active War Zone of Vietnam (Southern Zone) between 12 January 1973 and 29 April 1975 entitled to the same medals, recognition and benefits as other Australians who served in Vietnam.

Mrs Vale—The answer to the honourable member’s question is as follows:
Members of the Australian Defence Force (ADF) who served in South Vietnam during March to April 1975 are entitled to the same benefits under the Veterans’ Entitlements Act 1986 (VEA) as those who served during the Vietnam War 1962 to 1973. They are not entitled to the same medals.
The Australian campaign medals awarded for service in South Vietnam between 1962 and 1973 are the Imperial General Service Medal with Clasp ‘South Vietnam’ (1962-64), the Vietnam Medal (1964-73) and the Vietnam Logistic and Support Medal (1964-73). These medals recognise Australia’s effort during the campaign of the Free World Military Forces to repel communist forces in what was termed ‘North Vietnam’s campaign to conquer South Vietnam’. This campaign, which involved active combat duties against an identified enemy, concluded with the signing of the Agreement to End the War and Restoring Peace in Vietnam (The Paris Agreement) on 27 January 1973.
On 28 March 1975, the Australian Government made available RAAF personnel and aircraft for use in a humanitarian role in Vietnam and other parts of South-East Asia with the United Nations. The task was to ferry supplies and materials intended to meet immediate critical human needs. They were also used in the transport of orphans from Vietnam to Australia. RAAF resources were also used in the evacuation of the Australian Embassy in April 1975 during the fall of Saigon. These short activities
were not a campaign, nor did they involve active combat duties against an identified enemy. They were
not related to the 1962-73 campaign, to which most ADF personnel were committed for 12 months at a
time. For this service, former RAAF personnel are awarded the Australian Active Service Medal with
Clasp ‘Vietnam 1975’.

On 23 December 1997, the then-Minister for Defence Science, Industry and Personnel, the Hon Bron-
ywn Bishop MP, signed a Determination of Warlike Service, allowing access by these RAAF personnel
to qualifying service under the provisions of the VEA. This followed a recommendation of a review
carried out by the Departments of Defence and Veterans’ Affairs in 1996. This recommendation was on
the basis that conditions in Vietnam at the time were no less hazardous than during the earlier campaign.
However, given that the 1962-73 and 1975 activities are not related and distinctly different by their na-
ture, the awarding of the same campaign medals for service in 1975 as those awarded during 1962-73
are not warranted.

**Workplace Relations: Unfair Dismissals**

*(Question No. 1235)*

Mrs Crosio asked the Minister for Employment and Workplace Relations, upon notice, on
11 December 2002:

How many applications to the Australian Industrial Relations Commission lodged pursuant to section
170CE of the Workplace Relations Act relating to unfair, harsh or unreasonable dismissals, have in-
volved as respondents, businesses that employ 20 or less employees in each State and Territory in (a)

Mr Abbott—The answer to the honourable member’s question is as follows:

There are no data available that would provide a precise answer to the honourable member’s question.
However, information collected by the Australian Industrial Registry (AIR) can be used as an indication
of the number of unfair dismissal applications that have involved small businesses as respondents.

The AIR asks employers who are nominated as respondents in federal termination of employment mat-
ters a question relating to the size of their businesses. From July 2000 to February 2002, the AIR asked
such employers whether or not they employed 15 or fewer employees. From March 2002 onward, the
AIR has asked such employers whether or not they employ fewer than 20 employees. Around one third
of such employers have responded to the AIR’s question. The information collected by the AIR does
not differentiate between employers who are involved as respondents in federal unfair dismissal matters
and employers who are involved as respondents in federal termination of employment matters more
generally.

The information in the following tables has been collated from the responses received to the AIR’s
question on business size. The numbers of applications recorded in the tables differ slightly from the
AIR’s published annual figures as they are based on records of monthly lodgements which may have
been slightly revised before annual figures were released.

Table 1. Responses to AIR question on business size for July 2000 to June 2001 identifying businesses
with 15 or fewer employees

<table>
<thead>
<tr>
<th>Registry</th>
<th>Total termination of employment applications lodged</th>
<th>Total employer responses received</th>
<th>Employers employing 15 or fewer employees</th>
<th>Employers employing 15 or fewer employees as % of total employer responses received</th>
</tr>
</thead>
<tbody>
<tr>
<td>ACT</td>
<td>250</td>
<td>90</td>
<td>35</td>
<td>38.9%</td>
</tr>
<tr>
<td>NSW</td>
<td>1651</td>
<td>359</td>
<td>97</td>
<td>27.0%</td>
</tr>
<tr>
<td>NT</td>
<td>262</td>
<td>145</td>
<td>50</td>
<td>34.5%</td>
</tr>
<tr>
<td>QLD</td>
<td>420</td>
<td>283</td>
<td>53</td>
<td>18.7%</td>
</tr>
<tr>
<td>SA</td>
<td>198</td>
<td>104</td>
<td>14</td>
<td>13.5%</td>
</tr>
<tr>
<td>TAS</td>
<td>138</td>
<td>84</td>
<td>23</td>
<td>27.4%</td>
</tr>
<tr>
<td>VIC</td>
<td>4781</td>
<td>1357</td>
<td>522</td>
<td>38.5%</td>
</tr>
<tr>
<td>WA</td>
<td>398</td>
<td>104</td>
<td>41</td>
<td>39.4%</td>
</tr>
<tr>
<td>Total</td>
<td>8098</td>
<td>2526</td>
<td>835</td>
<td>33.1%</td>
</tr>
</tbody>
</table>
Table 2. Responses to AIR question on business size for July 2001 to February 2002 identifying businesses with 15 or fewer employees

<table>
<thead>
<tr>
<th>Registry</th>
<th>Total termination of employment applications lodged</th>
<th>Total employer responses received</th>
<th>Employers employing 15 or fewer employees</th>
<th>Employers employing 15 or fewer employees as % of total employer responses received</th>
</tr>
</thead>
<tbody>
<tr>
<td>ACT</td>
<td>157</td>
<td>63</td>
<td>32</td>
<td>50.8%</td>
</tr>
<tr>
<td>NSW</td>
<td>1019</td>
<td>245</td>
<td>63</td>
<td>25.7%</td>
</tr>
<tr>
<td>NT</td>
<td>158</td>
<td>87</td>
<td>30</td>
<td>34.5%</td>
</tr>
<tr>
<td>QLD</td>
<td>290</td>
<td>161</td>
<td>34</td>
<td>21.1%</td>
</tr>
<tr>
<td>SA</td>
<td>115</td>
<td>55</td>
<td>6</td>
<td>10.9%</td>
</tr>
<tr>
<td>TAS</td>
<td>94</td>
<td>44</td>
<td>15</td>
<td>34.1%</td>
</tr>
<tr>
<td>VIC</td>
<td>3008</td>
<td>909</td>
<td>346</td>
<td>38.1%</td>
</tr>
<tr>
<td>WA</td>
<td>242</td>
<td>88</td>
<td>37</td>
<td>42.0%</td>
</tr>
<tr>
<td>TOTAL</td>
<td>5083</td>
<td>1652</td>
<td>563</td>
<td>34.1%</td>
</tr>
</tbody>
</table>

Table 3. Responses to AIR question on business size for March 2002 to June 2002 identifying businesses with fewer than 20 employees

<table>
<thead>
<tr>
<th>Registry</th>
<th>Total termination of employment applications lodged</th>
<th>Total employer responses received</th>
<th>Employers employing fewer than 20 employees</th>
<th>Employers employing fewer than 20 employees as % of total employer responses received</th>
</tr>
</thead>
<tbody>
<tr>
<td>ACT</td>
<td>67</td>
<td>17</td>
<td>6</td>
<td>35.3%</td>
</tr>
<tr>
<td>NSW</td>
<td>461</td>
<td>116</td>
<td>18</td>
<td>15.5%</td>
</tr>
<tr>
<td>NT</td>
<td>80</td>
<td>40</td>
<td>12</td>
<td>30.0%</td>
</tr>
<tr>
<td>QLD</td>
<td>150</td>
<td>78</td>
<td>17</td>
<td>21.8%</td>
</tr>
<tr>
<td>SA</td>
<td>67</td>
<td>27</td>
<td>5</td>
<td>18.5%</td>
</tr>
<tr>
<td>TAS</td>
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<td>8</td>
<td>28.6%</td>
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<tr>
<td>VIC</td>
<td>1414</td>
<td>482</td>
<td>202</td>
<td>41.9%</td>
</tr>
<tr>
<td>WA</td>
<td>98</td>
<td>28</td>
<td>8</td>
<td>28.6%</td>
</tr>
<tr>
<td>TOTAL</td>
<td>2371</td>
<td>816</td>
<td>276</td>
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Colston, Former Senator: Travel
(Question No. 1253)

Mr Murphy asked the Attorney-General, upon notice, on 12 December 2002:

(1) Further to the answer to question No. 1134 (Hansard 11 December 2002, page 10258), did he or the Director of Public Prosecutions (DPP) inquire whether any of the 27 taxpayer funded motor vehicle trips or 16 taxpayer-funded interstate aeroplane trips undertaken by former Senator Dr Malcolm Arthur Colston between 1 July 1999 and 6 May 2002 were for the purpose of Dr Colston being required to attend a medical appointment; if not, why not.

(2) Did he or the DPP ask Dr Colston whether any of the trips referred to in part (1) were for the purpose of Dr Colston being required to attend a medical appointment; if so, what did Dr Colston advise the DPP; if not, why not.

Mr Williams—The answer to the honourable member’s question is as follows:

(1) The DPP inquired of the Department of Finance and Administration about Dr Colston’s travel and was informed that Dr Colston was not required to provide information as to the specific purpose of individual trips.

(2) No. The DPP is aware that the travel in 2002 was not for the purpose of attending a medical appointment.
Centrelink: Video Production
(Question No. 1258)

Mr Martin Ferguson asked the Minister representing the Minister for Family and Community Services, upon notice, on 12 December 2002:

(1) What were the production costs of the “Centrelink Call—Celebrating Ten Years” video.
(2) How many videos were produced.
(3) To whom have the videos been distributed.
(4) What were the distribution costs of the video.
(5) How many hours of staff time were involved in the (a) production and (b) distribution of the video.
(6) What is the total budget for this video.
(7) What have been the total costs of the video.

Mr Anthony—The Minister for Family and Community Services has provided the following answer to the honourable member’s question:

(1) Total cost: $4,500.00.
(2) 309.
(3) Centrelink Call Centres and members of parliament.
(4) Nil – The videos were distributed to Call Centres through our regular internal mail service. Copies for members of parliament were distributed via the Minister’s Office.
(5) (a) A total of 40 hours were spent by the producer and editor; a total of 20 hours for the Project Manager.
(b) Distribution was negligible.
(6) See answer to question 7.
(7) Total cost to Centrelink was $4,500.00 (pre-production, production, edit); Duplication of tape and video covers: $1,532.40.

Health: Aboriginal and Torres Strait Islanders
(Question No. 1262)

Mr Jenkins asked the Minister representing the Minister for Health and Ageing, upon notice, on 12 December 2002:

In the Government’s response to the House of Representatives Standing Committee on Aboriginal and Torres Strait Islander Affairs inquiry into indigenous health titled “Health is Life”, did the Government indicate that the Minister would report to Parliament on the cost of providing adequate water, within three years, to all the communities where water supplies do not meet national standards; if so, is the Minister in a position now to provide that information to the House.

Mr Andrews—The Minister for Health and Ageing has provided the following answer to the honourable member’s question:

In the Government’s response to the House of Representatives Standing Committee on Aboriginal and Torres Strait Islander Affairs inquiry into Indigenous health titled “Health is Life”, the Commonwealth Government undertook to ask the Aboriginal and Torres Strait Islander Commission to provide advice to the then Minister for Reconciliation and Aboriginal and Torres Strait Islander Affairs, on the cost of providing adequate water, within three years, to all the communities where water supplies do not meet national standards, including those for which no testing has been undertaken. Therefore, this question should be addressed to the Minister for Immigration and Multicultural and Indigenous Affairs, as the Minister responsible for the Aboriginal and Torres Strait Islander Commission Act.

Health: Aboriginal and Torres Strait Islanders
(Question No. 1263)

Mr Jenkins asked the Minister representing the Minister for Health and Ageing, upon notice, on 12 December 2002:
In early 2001 was a set of National Aboriginal and Torres Strait Islander Health Performance Indicators and Targets agreed to by the Commonwealth Minister and State and Territory Health Ministers; if so, (a) what are the indicators and targets as agreed in 2001 and (b) how do the indicators and targets agreed in 2001 differ to the indicators agreed upon in 1997.

Mr Andrews—The Minister for Health and Ageing has provided the following answer to the honourable member’s question:

A set of National Performance Indicators for Aboriginal and Torres Strait Islander Health was endorsed by the Australian Ministers’ Health Advisory Council in October 2000. Targets were not identified for the indicators.

(a) The indicators agreed to in October 2000 are below.

List of Revised National Performance Indicators for Aboriginal and Torres Strait Islander Health (endorsed by AHMAC in October 2000):

Indicators primarily related to government inputs
1. Efforts to improve identification of Aboriginal and Torres Strait Islander people in data collections
2. Government expenditure on health services for Aboriginal and Torres Strait Islander people
3. Government expenditure on health services for Aboriginal and Torres Strait Islander people living in small homeland communities and outstations
4. Government expenditure on and description of selected health promotion programs

Indicators primarily related to social equity
5. Life expectancy at birth
6. Infant mortality rate
7. Income poverty
8. Completed secondary school education
9. Employment status
10. Housing with utilities
11. People in prison custody
12. The development of governance capacity in health
13. Aboriginal and Torres Strait Islander representation on health/hospital boards
14. Reporting of complaints in hospitals
14.1 Reporting of complaints and critical incidents in hospitals (to replace 14 when available)

Indicators primarily related to access to health services
15. Aboriginal and Torres Strait Islander community controlled health services
16. Distance to a primary health care centre
17. Distance to a hospital
18. Access to primary health care services - small homeland communities and outstations
19. Management of key conditions
20. Aboriginal and Torres Strait Islanders in the health workforce
21. Higher education and training in key health professions
22. Workforce availability in hospitals that provide services to Aboriginal and Torres Strait Islander people
23. Cross-cultural training for hospital staff

Indicators primarily related to risk markers
25. Pap smear screening
26. Childhood immunisation rates
27. Coverage of adult pneumococcal vaccine
28. Low birthweight infants
29 Smoking prevalence
30 Alcohol consumption
31 Overweight and obesity
32 Substantiated notifications of child abuse and neglect
33 Problem gambling
34 Community grief
35 Injuries presenting to hospital accident and emergency facilities

**Indicators primarily related to outcomes for people:**

36 Prevalence of anxiety and depression
37 Notification rates - selected vaccine preventable disease
38 Notification rates - meningococcal disease
39 Notification rates – sexually transmitted diseases
40 Ratios for all hospitalisations
40.1 Hospitalisation ratios by urgency of admission (to replace 40 when data available)
41 Hospitalisation ratios for circulatory diseases
42 Hospitalisation ratios for injury and poisoning
43 Hospitalisation ratios for respiratory diseases and lung cancer
44 Hospitalisation ratios for diabetes
45 Hospitalisation ratios for tympanoplasty associated with otitis media
46 Hospitalisations for mental health conditions
47 Children’s hearing loss
48 Stillbirths to Aboriginal and Torres Strait Islander mothers
49 Early adult death
50 Age-specific all-cause death rates and ratios
51 Standardised mortality ratio for all causes
52 Standardised mortality ratios for circulatory diseases
53 Standardised mortality ratios for injury and poisoning, including suicide
54 Standardised mortality ratios from respiratory diseases and lung cancer
55 Standardised mortality ratios from diabetes
56 Standardised mortality ratios from cervical cancer

(b) The indicators agreed upon in 1997, which are reported annually, underwent a technical refinement process to arrive at the revised set of indicators agreed to in 2000. The aim of this process was to improve the clarity, specificity and usefulness of the indicator set. Indicators for emotional and social well-being were included for the first time in the revised set of indicators. A conceptual framework was developed to group the revised indicators according to whether they are primarily related to government inputs, determinants of health (comprising three sub-categories of social equity, access to services and risk markers), and outcomes for people.

**Howard Government: Advertising**

(Question No. 1281)

Mr Laurie Ferguson asked the Minister representing the Special Minister of State, upon notice, on 12 December 2002:

1. Do the Guidelines adopted by the Ministerial Committee on Government Communications require that at least 7.5% of the budget for Commonwealth newspaper and radio advertising campaigns must be devoted to non-English newspapers and radio stations.

2. Does the Government Communications Unit monitor compliance with this requirement by individual portfolios; if so, how does this monitoring occur.
(3) What was the estimated amount of campaign advertising by the Commonwealth in 2001-2002 (a) in newspapers, (b) on radio and (c) on television.

(4) For the same period what was the estimated amount of campaign advertising by the Commonwealth (a) in non-English newspapers, (b) on non-English radio stations and (c) on non-English television stations.

(5) Does the Government have a policy of requiring non-English newspapers that carry paid advertising from the Commonwealth to verify their circulations; if so what form of verification is required from them; if not, has the Ministerial Committee given consideration to the need for such a requirement.

Mr Abbott—The Special Minister of State has provided the following answer to the honourable member’s question:

(1) Yes.

(2) Yes. The Government Communications Unit (GCU) monitors compliance by reviewing campaign media plans to ensure the requirements of the Guidelines are being met and reviews the performance of the Commonwealth Government’s master media planning and placement agency in achieving the appropriate levels of expenditure in non-English language newspapers and radio stations.

(3) Total campaign advertising expenditure in 2001-2002 through the Central Advertising System (excluding expenditure for Defence Force Recruiting and Commonwealth Authorities and Companies Act agencies not bound by the 7.5% requirement of the Guidelines) was:

(a) $10,005,784
(b) $2,752,556
(c) $26,866,876

(4) (a) $711,669
(b) $206,615
(c) Not applicable

In the 2001-2002 financial year, 7.1% of the campaign expenditure in newspapers was in non-English language newspapers. This amount was marginally below the 7.5% requirement due to timing differences in billing across financial years and because some advertising in non-English language newspapers was cancelled due to the announcement of the 2001 federal election.

(5) Circulation figures for non-English language newspapers have been provided to the GCU via independent circulation audits and statutory declarations by the publishers. Commencing in 2003 the GCU will undertake random circulation audits of newspapers which are not currently audited in addition to a requirement for publishers to attest to the circulation of their newspapers via statutory declarations and printers’ certificates.